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DOCTORAL THESIS

LEGAL BASIS FOR THE TRANSFORMATION OF THE LEGAL STATUS OF WOMEN IN ISLAMIC STATES

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Doctoral thesis for an academic degree of the Doctor of Philosophy

The doctoral thesis contains the results of my own research. Use of ideas, results, and texts of other authors has reference to the source _____A.V. Taylor

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АНОТАЦІЯ

Тейлор А. В. Правові засади трансформації правового положення жінок в ісламських державах. – Кваліфікаційна наукова праця на правах рукопису.

Дисертація на здобуття ступеня доктора філософії з галузі знань 29 – Міжнародні відносини за спеціальністю 293 – Міжнародне право. – Національний університет «Одеська юридична академія», Міністерство освіти і науки України, Одеса, 2026.

Дисертація є одним з перших в українській юридичній науці комплексним дослідженням міжнародно-правових засад захисту та розвитку прав жінок в ісламських державах. Встановлено, що існує розвинена система міжнародно-правових інструментів і механізмів, які закріплюють широкий каталог прав жінок, визнаних усіма або більшістю (залежно від конкретного інструменту) ісламських держав. Ці інструменти визначають обов'язок держав гарантувати рівні права жінок на законодавчому рівні, у тому числі шляхом імплементації їх положень з метою забезпечення рівних можливостей для чоловіків і жінок у політичній, економічній, культурній, правовій, соціальній та інших сферах на практиці.

Встановлено, що імплементація міжнародно-визнаних прав жінок в ісламських державах залишається невирішеним питанням. Незважаючи на помітний прогрес у деяких державах, правовий статус жінок у більшості з них продовжує відображати глибоко вкорінені розбіжності між релігійними нормами, традиційним тлумаченням шаріату та міжнародними стандартами у сфері прав людини. У деяких випадках ці розбіжності призвели до створення гібридних правових систем, в яких конституційна рівність співіснує з нормами персонального статусу, що посилює гендерну нерівність. В інших випадках права жінок безпосередньо порушуються через політичну нестабільність, консервативні тенденції та збройні конфлікти. Таким чином, трансформація правового статусу жінок в ісламських державах є не тільки питанням гендерної рівності, але й

ширшою проблемою узгодження релігійних правових традицій з універсальними принципами прав людини та міжнародного права.

На еволюцію прав жінок в ісламських державах впливають різноманітні правові, культурні та політичні фактори. Були виокремлені та проаналізовані основні історичні етапи розвитку прав жінок. Було досліджено походження та еволюцію прав жінок в ісламських державах, з урахуванням неоднорідності тлумачення ісламського права, що призводить до значних відмінностей у правовому статусі жінок.

Встановлено, що існують різні підходи до визначення поняття прав жінок. Було зроблено висновок, що права жінок можна визначити як юридичні, соціальні, економічні та культурні права, які сприяють гендерній рівності та забезпечують можливість жінок повноцінно брати участь у житті суспільства. Існує широкий спектр таких прав, який включає право на освіту, працевлаштування, володіння майном, участь у політичному житті, особисту автономію та ін.

Особливу увагу приділено розмежуванню термінів «ісламські країни» та «ісламські держави», оскільки вони мають різне значення в юридичній науці. Було встановлено, що термін «ісламські країни» в широкому сенсі означає країни з мусульманською більшістю населення, незалежно від того, чи відіграє ісламське право центральну роль в уряді чи правовій системі. До цієї категорії можуть належати світські або гібридні правові системи, в яких іслам має соціальний чи культурний вплив, але не обов’язково закріплений у законодавстві чи конституційних положеннях. «Ісламські держави» можна визначити як держави, які прямо визнають іслам державною релігією та включають ісламське право (шаріат) до своїх правових або конституційних систем як джерело або основне джерело законодавства. Ці держави можуть застосовувати шаріат у різних галузях права, включаючи сімейне, кримінальне та конституційне право і часто заявляють про таку орієнтацію у конституційних положеннях. Правильне визначення

терміну «ісламські держави» дозволило створити основу для нового підходу до класифікації ісламських держав за рівнем розвитку прав жінок.

Для того, щоб показати, як правові системи впливають на права жінок на практиці, було запропоновано класифікувати ісламські держави за рівнем розвитку прав жінок. Для забезпечення об'єктивності такої класифікації запропоновано використовувати систему відповідних індикаторів. На підставі визначення правових, інституційних та емпіричних індикаторів оцінювання рівня розвитку прав жінок в ісламських державах здійснено їх порівняльну класифікацію з урахуванням досягнутого рівня правового прогресу та практичної імплементації правових норм. Було запропоновано виділити такі групи: провідні, прогресивні, держави, що розвиваються, та держави з низьким рівнем розвитку. Зазначена класифікація сприяє розумінню ширших регіональних тенденцій і проблем, що виникають у процесі трансформації правового статусу жінок в ісламських державах.

Особливу увагу приділено визначенню засад, необхідних для трансформації правового статусу жінок, шляхом аналізу як міжнародних правових механізмів, так і внутрішньої правової практики в ісламських державах. Також підкреслюється, що така трансформація не може відбуватися ізольовано, а вимагає співпраці між міжнародними організаціями, урядами та суб'єктами громадянського суспільства.

Проаналізовано універсальні інструменти з прав людини, які становлять основу міжнародного права прав жінок, та їх застосування в ісламському правовому контексті. Конвенція про ліквідацію всіх форм дискримінації щодо жінок вважається основою прав жінок. Конвенція визначає що є дискримінацією жінок, і встановлює перелік заходів, які мають вживати країни для припинення такої дискримінації. Протягом останніх кількох десятиліть багато ісламських держав ратифікували ключові міжнародні конвенції. Однак їхнє виконання залишається непослідовним через численні застереження, конституційні посилання на шаріат та відсутність ефективних інститутів, які б забезпечували

дотримання цих конвенцій. Це свідчить про те, що сама по собі ратифікація не гарантує позитивних трансформацій; справжні зміни вимагають політичної волі, інституційної спроможності та соціальної готовності до реформ.

Проведено аналіз низки регіональних правових норм (таких як Арабська хартія прав людини, Каїрська декларація про права людини в ісламі, Протокол до Африканської хартії з прав людини і народів щодо прав жінок в Африці (Протокол Мапуту), Декларація прав людини Перської затоки, Декларація прав людини АСЕАН та інші документи) з точки зору їхнього значення для прав жінок в ісламських державах. Завдяки цьому були виявлені спільні правові тенденції та прогалини в захисті прав жінок в різних ісламських державах. Регіональні норми функціонують як міст між глобальними та національними правовими системами, тоді як міжнародні норми встановлюють універсальну основу для досягнення гендерної рівності. У контексті ісламського права, де шаріат має значний вплив на національне законодавство, регіональні правові норми можуть сприяти реформам, представляючи права жінок у формулюваннях та концепціях, що відповідають місцевим цінностям, тим самим підвищуючи їх легітимність та практичне застосування.

Встановлено, що просування прав жінок на міжнародному та регіональному рівнях досягається завдяки активній участі спеціалізованих організацій, які впливають на формування норм, контроль їх дотримання та сприяють реформам у національних правових системах. Ці організації можуть бути міжурядовими, неурядовими або регіональними.

Особливу увагу приділено аналізу механізмів, за допомогою яких ісламські держави імплементують міжнародні та регіональні правові норми щодо захисту прав жінок, перешкод, з якими вони стикаються, сучасного стану цього процесу, а також фактичних результатів реалізації відповідних зобов’язань. Було доведено, що саме імплементація міжнародних та регіональних нормативно-правових норм є вирішальним етапом у захисті прав жінок. З точки зору міжнародного права, договори та конвенції набувають реального значення лише тоді, коли їх

положення впроваджуються у внутрішнє законодавство та виконуються на практиці. Формальна ратифікація є важливим кроком, але сама по собі вона не забезпечує реальної рівності або доступу до прав. Розрив між міжнародними зобов'язаннями та їх виконанням на національному рівні можна спостерігати в багатьох сферах пов'язаних з правами жінок у різних державах. Водночас слід зазначити, що практичне впровадження гарантій прав жінок в ісламських державах не є уніфікованим процесом. Деякі держави запровадили значні реформи у сфері сімейного права, політичної участі та захисту від гендерного насильства, що відображає зусилля з приведення ісламських традицій у відповідність до міжнародних стандартів. Інші держави стикаються з серйозними структурними та політичними перешкодами, які обмежують навіть основні права.

У роботі підкреслюється, що існують конкретні перешкоди для розширення прав і можливостей жінок, і вони різняться в різних ісламських державах. До найпоширеніших перешкод належать: застереження до міжнародних договорів, які безпосередньо обмежують внутрішній вплив глобальних зобов'язань у сфері прав людини; слабка регіональна підзвітність; обмежений правовий захист; неоднозначність деяких конституційних положень, що стосуються прав жінок; широке розмаїття тлумачень релігійних текстів; опір правовим реформам через переконання, що такі реформи загрожують усталеним культурним, соціальним або релігійним традиціям; слабка інституційна спроможність; розбіжність між національним законодавством та його застосуванням на місцевому рівні; доступ до правосуддя та обмежені послуги з надання правової допомоги; вплив культурних та суспільних норм; контроль з боку сім'ї та громади; політичні та економічні перешкоди; соціально-політична нестабільність у деяких ісламських державах.

Проведено комплексне дослідження існуючих соціальних рухів та адвокації прав жінок в ісламських державах. Було виявлено, що адвокація та соціальні рухи балансують між універсальними стандартами прав жінок та місцевими релігійними та культурними традиціями. Такі рухи відіграють важливу роль,

оскільки сприяють реформам у політичних та правових системах шляхом колективної мобілізації, переговорів та впливу. Адвокація та громадський активізм виступають каталізаторами змін, формуючи громадську думку та вимагаючи відповідальності від влади в умовах, коли державні інституції часто стикаються з проблемами у впровадженні міжнародних конвенцій, пов'язаних із правами жінок.

У дисертації досліджується як реформи у сфері прав жінок обговорюються та впроваджуються в ісламських державах, з якими перешкодами вони стикаються та як вони будуть розвиватися у майбутньому. Показано, як міжнародні норми взаємодіють із внутрішніми процесами у державах та як права жінок можуть бути зміцнені за допомогою правових і соціальних реформ. На основі аналізу сучасного стану правового положення жінок, існуючих реформ у цій сфері та перспектив, запропонованих міжнародними та вітчизняними науковцями, сформульовано рекомендації, які можуть стати орієнтиром для майбутніх реформ у сфері захисту прав жінок в ісламських державах.

Ключові слова: міжнародне право, міжнародне право прав людини, права людини, права жінок, правовий статус жінок, гендерна рівність, дискримінація за ознакою статі, міжнародні організації, ісламське право, шаріат, Конвенція про ліквідацію всіх форм дискримінації щодо жінок, Організація Об'єднаних Націй, правова реформа, захист прав жінок, , міжнародні норми у сфері прав людини, регіональні норми у сфері прав людини, регіональний механізм захисту прав людини.

ABSTRACT

Taylor A. V. Legal basis for the transformation of the legal status of women in Islamic states. – Qualifying research work as a manuscript.

Doctoral thesis for the degree of Doctor of Philosophy in the field of study 29 – International Relations specialty 293 – International law. – National University «Odesa Law Academy», Ministry of Education and Science of Ukraine, Odesa, 2026.

The dissertation is one of the first comprehensive studies in Ukrainian legal science on the international legal foundations for the protection and development of women's rights in Islamic states. It has been established that there exists a developed system of international legal instruments and mechanisms that set forth a broad catalogue of women's rights recognized by all or most (depending on the specific instrument) Islamic states. These instruments define the obligation of states to guarantee equal rights for women at the legislative level, including through the implementation of their provisions with the aim of ensuring equal opportunities for men and women in political, economic, cultural, legal, social, and other spheres in practice.

It has been established that the implementation of internationally recognized women's rights in Islamic states remains an unresolved issue. Despite notable progress in some states, the legal status of women across much of Islamic states continues to reflect deep-rooted tensions between religious norms, traditional interpretations of Sharia, and international human rights standards. In some contexts, these tensions have produced hybrid legal systems where constitutional equality coexists with personal status frameworks, reinforcing gender inequality. In others, women's rights have been directly challenged by political instability, conservative resurgence, and armed conflicts. Thus, the transformation of women's legal status in Islamic states represents not only a matter of gender equality but also a broader issue of reconciling faith-based legal traditions with universal principles of human rights and international law.

The evolution of women's rights in Islamic states has been influenced by a variety of legal, cultural, and political factors. The main historical stages of the

development of women's rights have been identified, and each stage has been consistently considered. The origins and evolution of women's rights within Islamic states were explored, emphasizing the non-uniform interpretation of Sharia law, which leads to significant variations in women's legal status.

It has been found that various approaches to defining the concept of women's rights exist. It was concluded that women's rights could be defined as legal, social, economic, and cultural entitlements that promote gender equality and ensure women's ability to participate fully in society. These rights encompass a wide range of protections, including the right to education, employment, property ownership, political participation, personal autonomy, and more.

Special attention was given to distinguishing the difference between the terms «Islamic countries» and «Islamic states», as they carry distinct meanings in legal scholarship. It has been found that the term «Islamic countries» refers broadly to countries with Muslim-majority populations, irrespective of whether Islamic law plays a central role in the governance or legal system. This category may include secular or hybrid legal systems where Islam has an influential social or cultural presence but is not necessarily enshrined in legislation or constitutional provisions. «Islamic states» could be defined as states that explicitly recognize Islam as the state religion and incorporate Islamic law (Sharia) into their legal or constitutional systems, either as a source or the principal source of legislation. These states may implement Sharia in various areas of law, including family, criminal, or constitutional law, and often declare this orientation in their constitutional frameworks. A proper definition of the term «Islamic states» allowed to provide a base for a novel approach to the classification of Islamic states by the level of development of women's rights.

Classification of Islamic states based on the development level of women's rights has been proposed to illustrate the practical application of legal systems concerning women's rights. It was proposed to use specific indicators to ensure that the classification of Islamic states is objective. Having identified the legal, institutional, and empirical indicators used to assess the development of women's rights in Islamic states,

a comparative classification of states based on their demonstrated levels of legal progress and practical implementation of legal norms was conducted. It was proposed to distinguish the following groups: leading, progressing, emerging, and low-developing states. The classification helps in understanding broader regional patterns and the challenges faced in transforming the legal status of women across Islamic states.

Particular attention was given to identifying the foundations necessary for the transformation of women's legal status by analyzing the international legal mechanisms and domestic practices in Islamic states. It also emphasizes that such transformation cannot occur in isolation but requires cooperation among international organizations, governments, and civil society actors.

Universal human rights instruments, which form the basis of international women's rights law, and their application in the Islamic legal context have been analyzed. Convention on the Elimination of All Forms of Discrimination Against Women is considered the cornerstone of women's rights. It defines what constitutes discrimination against women and establishes an agenda for national action to eliminate such discrimination. Over the past several decades, many Islamic states have ratified key international conventions. However, their implementation remains inconsistent due to extensive reservations, constitutional references to Sharia, and the lack of effective enforcement institutions. It demonstrates that ratification alone does not guarantee transformation; instead, genuine change requires political will, institutional capacity, and social readiness for reform.

The analysis of the various regional legal frameworks (such as the Arab Charter on Human Rights, the Cairo Declaration on Human Rights in Islam, the Protocol to the African Charter on the Rights of Women in Africa (Maputo Protocol), Gulf Declaration of Human Rights, the ASEAN Human Rights Declaration, and other documents) were conducted from the perspective of their relevance to women's rights in Islamic states. As a result, common legal patterns, and gaps in the protection of women's rights across various Islamic states were identified. Regional norms function as a bridge between global and national legal systems, while international treaties establish a

universal framework for achieving gender equality. In the context of Islamic law, where Sharia significantly influences national legislation, regional legal norms can facilitate reform by presenting women's rights in language and concepts that resonate with local values, thereby enhancing both their legitimacy and practical application.

It is emphasized that the promotion of women's rights at the international and regional levels is achieved through the active engagement of specialized organizations that influence discourse, monitor compliance, and support reforms within national legal systems. These organizations could be intergovernmental, non-governmental, or regional.

It has been found that methods and approaches of the contribution towards women's rights promotion vary depending on the type of organization. The examples of various organizations and their activities have been analyzed. It has been shown that the effective implementation of women's rights norms in Islamic states requires a multi-dimensional approach that integrates legal, institutional, societal mechanisms, and other core components.

Special attention was given to the analysis of the mechanisms through which Islamic states implement international and regional norms for the protection of women's rights, the obstacles they face, the current state of this process, as well as actual results of compliance with the relevant obligations. It was substantiated that the implementation of international and regional norms represents the decisive stage in the protection of women's rights. From the perspective of international law, treaties and conventions only acquire real meaning when their provisions are incorporated into the domestic legal order and enforced in practice. Formal ratification is an essential step, but it does not in itself secure substantive equality or access to rights. The gap between international commitments and domestic enforcement can be observed across multiple areas of women's rights in diverse states. At the same time, the practical implementation of women's rights norms in Islamic states is not a uniform process. Some states have introduced significant reforms in family law, political participation,

and protection against gender-based violence, reflecting an effort to reconcile Islamic traditions with international standards. Some other states face severe structural and political obstacles that limit even the most basic realization of rights.

The dissertation emphasizes that there are specific barriers to women's legal empowerment that exist, and they vary in the different Islamic states. Some most common barriers include: reservations to international treaties, that directly limit the domestic effect of global human rights commitments; weak regional accountability; limited legal protections; ambiguity of some constitutional provisions related to women's rights; religious texts interpretation that widely varies; legal reform resistance due to the perception that such reforms threaten established cultural, social, or religious traditions; weak institutional capacity; gap between national legislation and its local application; access to justice and limited legal aid services; cultural and societal norms; family and community control; political and economic barriers; sociopolitical instability in some Islamic states.

A comprehensive study of existing social movements and advocacy on women's rights in Islamic states has been conducted. It was found that advocacy and social movements are navigating between universal standards of women's rights and locally accepted religious and cultural arguments. Such movements play an important role as they promote reforms within political and legal systems through collective mobilization, negotiation, and pressure. Advocacy and grassroots activism act as catalysts of change, shaping public opinion and demanding accountability from authorities, in contexts where state institutions often face challenges in implementing international conventions related to women's rights.

The dissertation examines how reforms in the sphere of women's rights are being discussed and implemented in Islamic states, what barriers they face, and how they will develop in the future. It was shown how international norms interact with domestic debates and how women's rights can be strengthened through legal and social reform. Recommendations that could guide future reforms in the field of women's rights protection in Islamic states were formulated based on the review of the current

state of legal norms for women's rights, existing reforms in this sphere, and the perspectives offered by international and national scholarship.

Key words: international law, international human rights law, human rights, women's rights, legal status of women, gender equality, gender discrimination, international organizations, Islamic law, Sharia, Convention on the Elimination of All Forms of Discrimination against Women, United Nations, legal reform, protection of women's rights, international human rights norms, regional human rights standards, regional human rights protection mechanism.

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ABBREVIATIONS

ASEAN – Association of Southeast Asian Nations

AU – African Union

CEDAW – Convention on the Elimination of All Forms of Discrimination Against Women

CPRW – The Convention on the Political Rights of Women

CRC – Convention on the Rights of the Child

CSW – Commission on the Status on Women

ECDHR – European Centre for Democracy and Human Rights

FGM – female genital mutilation

FIDH – International Federation for Human Rights

GBV – gender-based violence

GCC – Gulf Cooperation Council

GDHR – Gulf Declaration of Human Rights

GDI – gender development index

HRC – The Human Rights Council

ICCPR – The International Covenant on Civil and Political Rights

ICESCR – The International Covenant on Economic, Social, and Cultural Rights

ILO – International Labour Organization

INGO – International non-governmental organization

IPHRC – Independent Permanent Human Rights Commission

LAS – League of Arab States

NGO – Non-governmental organization

OECD – Organization for Economic Co-operation and Development

OIC – Organization of Islamic Cooperation

PSL – Personal Status Law

SIGI – Social Institutions and Gender Index

SIS – Sisters in Islam

UAE – United Arab Emirates

UN – United Nations

UN ESCWA – The United Nations Economic and Social Commission for Western Asia

UNDP – United Nations Development Programme

WEF – World Economic Forum

WHO – World Health Organization

WLUML – Women Living Under Muslim Laws

WPS Index – women, peace, and security index

INTRODUCTION

The substantiation of the choice of research topic. The question of women's rights in Islamic states remains one of the complex and significant subjects in contemporary international law. Despite visible progress in certain states, the legal status of women across the majority of Islamic states continues to reflect deep-rooted tensions between religious norms, traditional interpretations of Sharia, and international human rights standards. In certain contexts, these tensions have given rise to hybrid legal systems where constitutional equality coexists with personal status frameworks, thereby reinforcing gender inequality. In others, women's rights have been directly challenged by political instability, conservative resurgence, and armed conflicts. Thus, the transformation of women's legal status in Islamic states represents not only a matter of gender equality but also a broader issue of reconciling faith-based legal traditions with universal principles of human rights and international law.

It is widely argued that Muslim values are inherently patriarchal. Although intensely contested in recent years, they seem to retain considerable influence, varying depending on the degree of political, economic, and social development in the Muslim-majority states. In turn, this results in variations in the perception of women's rights, depending on local traditions, customs, and different interpretations of Quranic texts and doctrines developed to interpret them, reflecting a fundamental divergence between Islamic liberalism (including Islamic feminism), supporting egalitarian interpretations, and conservative views arguing for legislative differentiation.

The evolution of women's rights in Islamic states has been influenced by a variety of legal, cultural, and political factors. Over the past several decades, many Islamic states have ratified key international conventions, including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the International Covenant on Civil and Political Rights (ICCPR), and other international standards for women's rights. However, their implementation remains inconsistent due to extensive reservations, constitutional references to Sharia, and the lack of effective

enforcement institutions. It demonstrates that ratification alone does not guarantee transformation; instead, genuine change requires political will, institutional capacity, and social readiness for reform.

These differences get increasingly influenced by international law, however Islamic states are not uniform in their approaches. The divergences entail variations in approaches exercised by Islamic states in the implementation of their international obligations concerning women's rights, ranging from concrete steps to eliminate discrimination to recent outcrying regressions, including banning female education and employment, and thus wiping out years of progress. The coexistence of these contrasting trends clearly demonstrates that the implementation of international standards of women's rights in Islamic states is shaped by domestic political dynamics and legal and religious interpretations.

Women’s rights in some states are widely studied, the obstacles facing women in Islamic states and the efficacy of the various strategies to overcome them are less well understood. At the beginning of the 21st century, this issue is becoming increasingly pronounced in political and legal terms, both nationally and internationally. Thus, there appear to be significant uncertainties regarding the legal status of women in Islamic states, necessitating further study of the legal basis for their transformation. The relevance of the presented research is determined by the need to present a modern, comprehensive vision of the current state of women’s rights in Islamic states and the perspectives for its transformation at the level of fundamental scientific research. The choice of topic is determined by its global and regional relevance, its theoretical contribution to international legal scholarship, and its practical value for Ukraine as it seeks to expand cooperation with Islamic partners. The research contributes to identifying the foundations necessary for the transformation of women’s legal status by analyzing the international legal mechanisms and domestic practices in Islamic states. A fundamental assumption of the research is that change in ensuring women's rights cannot occur in isolation, and international standards must be combined with a global support of domestic efforts.

It is important to note that the relevance of this research extends beyond the boundaries of Islamic legal systems. Understanding the legal foundations of women's rights in these states contributes to the broader field of comparative international law. It supports global efforts to achieve the Sustainable Development Goals on gender equality. Examining how Islamic states reconcile religious and secular legal principles enriches international legal theory by offering models of legal pluralism that differ from Western legal traditions. Such comparative analysis helps to clarify how universal principles of equality can coexist with culturally specific legal systems. The study of women's rights in Islamic states carries particular significance for Ukraine as well. Ukraine's growing engagement with the Middle East and North Africa through diplomacy, economic relations, and education creates opportunities for mutual knowledge and experience exchange in the field of women's rights protection as well.

Connection of work with scientific programs, plans, and topics. The thesis was carried out within the framework of the planned research topics of the National University «Odesa Law Academy», namely, «Legal and social life of Ukraine in the human-centered dimension in the digital era» for 2021–2025 and "Social and political stability during periods of wartime and post-war transformation: legal, economic, humanitarian, and technological opportunities in the digital era" for 2026–2030; within the framework of the research work plans of the Department of International Law and European law of the National University «Odesa Law Academy», namely, «International law and protection of human rights in the digital era» for 2021–2025 and «International law and the protection of human rights in the context of innovative technologies: current status and directions for transformation» for 2026–2030.

The aim and objectives of the study. The *aim of the study* is to identify and analyze the legal foundations, mechanisms, and factors contributing to the transformation of the legal status of women in Islamic states within the framework of international law.

To achieve the aim, the following research objectives were set forth:

– to outline the genesis of women's rights in Islamic states;

– to establish theoretical framework, methodological foundations and current state of academic research on the legal status of women in Islamic states;

– to propose a classification of Islamic states by the level of development of women's rights based on a set of specific criteria;

– to map the international legal norms on the protection of women's rights and their impact on national legislation in Islamic states;

– to determine the role of regional norms in the field of women's rights in Islamic states;

– to ascertain the role of international and regional institutions in the promotion of women's rights in Islamic states;

– to explore the legal avenues for the implementation of women's rights in Islamic states;

– to substantiate the importance of women's legal empowerment as an instrument of implementation of international recognized women's rights in Islamic states;

– to trace the role of civil society in the implementation of women's rights in Islamic states;

– to examine how legal reforms concerning women's rights are implemented in Islamic states and to formulate recommendations to guide future reforms in this area.

The *object of the study* is the international relations that arise in the process of establishing, regulating, and transforming the legal status of women in Islamic states.

The subject of the study is the legal basis for the transformation of the legal status of women in Islamic states.

The research methods are determined by the aim and objectives of the study. In order to conduct comprehensive research and substantiate the scientific findings, the thesis employed a variety of philosophical, general scientific, and special legal methods.

The *dialectical method* became the basis for the scientific analysis of the study and supports the critical examination of contradictions and tensions within Islamic

jurisprudence itself, as well as between Islamic legal traditions and international human rights standards (chapters 1–3). The *historical legal method* enabled the study of the development and understanding of women's rights conceptions from their inception to the present day (1.1, 3.3). *Comparative legal analysis* serves as the principal instrument for examining the legal status of women's rights in Islamic states. It was applied in order to compare various approaches to understanding the essence of women's rights in Islamic states. It allows for a systematic evaluation of how different Islamic legal systems conceptualize and regulate women's rights, particularly in relation to family law, education, legal capacity, and political participation (1.3, 2.1, 2.3, 3.4). Among general scientific methods of cognition, the use of *formal logical methods* and techniques of information processing was of particular importance: analysis, synthesis, analogy, induction, deduction, extrapolation, modeling, and abstraction. The formal-logical method serves an essential role in structuring the normative analysis of legal texts and doctrinal sources in this study. It provides the tools necessary to ensure consistency and objectivity in interpreting Islamic primary sources and international legal documents (chapters 1–3). The use of a *formal legal method* made it possible to analyze international legal and regional acts that regulate the legal status of women in Islamic states, determine sanctions for violations of rights, and regulate procedural aspects of dispute resolution (chapters 1–3*). The structural-functional method* is used in this research to analyze the legal status of women in Islamic states by examining how legal institutions, religious norms, and social structures interact and function within society (2.1, 2.2, 2.3, 3.1, 3.2, 3.3). The *hermeneutic method* is indispensable for interpreting religious legal texts in their historical, linguistic, and cultural contexts (1.1, 2.2). The *doctrinal method* of research is focused on analyzing legal theories rather than real-world observations or practical applications. It seeks to understand the theoretical underpinnings of legal rules and doctrines. The study applies a doctrinal legal method to analyze primary sources of Islamic law, classical jurisprudential texts, and the legal codes and constitutions of selected Islamic states (1.2, 2.1, 2.2, 3.3). *The interdisciplinary research method* is employed in this study to ensure a coherent

integration of legal, theological, and socio-cultural perspectives in the analysis of women's rights in Islamic states (chapters 1–3). The *case study method* is used to provide detailed empirical illustrations of how women's rights are regulated and contested in specific Islamic states (chapters 1-3 *Methods of analysis and synthesis* were used in formulating the conclusions and proposals of the thesis, taking into account the requirements for certainty, consistency, coherence, and validity of judgments within the framework of general theoretical and international legal constructs, using the conceptual apparatus of the relevant fields of science (chapters 1–3). The use of these methods in combination was intended to provide the most objective and thorough study of the issue.

The theoretical basis of the research is the scientific provisions contained in the works of such scientists as: L. Ahmed, K. Ali, A. A. An-Na'im, N. Anishchuk, S. A. Azhary, M. A. Badran, A. Barlas, H. Behruz, O. Butkevych, A. Chaudhry, J. L. Esposito, K. A. Fadl, N. Feldman, W. B. Hallaq, V. P. Hlynyanyi, F. Hosken, D. Hrebeniuk, M. Islam, H. Jawad, V. Kachur, M. H. Kamali, J. M. Otto, A. Ahmad, T. Kirichenko, V. Knapp, C. Mallat, A. E. Mayer, O. Merezhko, Z. Mir-Hosseini, V. M. Moghadam, M. Sanaei, S. Sardar Ali, J. Schacht, F. Shaheed, L. B. Shaybani, O. Skakun, Z. Spahic-Siljak, D. A. Spellberg, L. Syukiyainen, J. E. Tucker, M. Voorhoeve, A. Wadud, O. Yara, M. Zawati Hilmi and others.

The normative and empirical basis of the study consists of treaties, conventions, declarations, resolutions, and other documents that establish universal and regional standards for the protection of women's rights. The empirical basis of the study also includes official reports and documents of the United Nations, its specialized agencies, and international non-governmental organizations. It also relies on the Global Gender Gap Reports of the World Economic Forum, data provided by the World Bank and UNDP, as well as national reports submitted by Islamic states to the CEDAW Committee and Universal Periodic Review.

The scientific novelty of the obtained results is that the thesis is one of the first comprehensive monographic studies in Ukrainian legal science, which discloses the international legal implications of women's rights protection in the Islamic states. The

conclusions and proposals made bear a theoretical and practical significance for the science of international law and meet the requirements of scientific novelty. The main theoretical and practical results are substantiated in the following provisions:

for the first time:

– a theoretical approach towards classification of Islamic states has been proposed, based on the level of development and implementation of women's rights, in which states are classified by the level of development into leading, progressing, emerging and low-developed groups. This classification is based on objective legal criteria that use legal, institutional, and empirical indicators such as treaties participation, constitutional guarantees, institutional enforcement, alignment with international obligations and gender equality indicators;

– a comprehensive legal framework was provided for analyzing the transformation of women's legal status in Islamic states through the interaction of international legal norms, regional norms, Sharia-based national legislation, and relevant institutions in terms of women's rights. For the first time, this interaction is examined in a unified system, showing how global norms influence internal legal reforms in states with predominantly Islamic legal traditions;

– the author's recommendations that could guide future reforms in the field of women's rights protection in Islamic states were formulated. Recommendations are based on the research presented and the perspectives offered by international and regional scholarship;

improved:

– the author's definition of the term «women's rights» is proposed, which are defined as legal, social, economic and cultural entitlements that promote gender equality and ensure women's ability to participate fully in society, encompassing a wide range of rights protections, including the right to education, employment, property ownership, political participation, personal autonomy, etc.;

– systematic understanding of regional legal frameworks of women's rights protection, including the Arab Charter of Human Rights, the Cairo Declaration of

Human Rights in Islam, the Maputo Protocol, the ASEAN Human Rights Declaration, that is proved to include an Islamic perspective of women's rights and be based on a cross-regional approach towards shared legal trends and gaps in women's rights protection across Islamic jurisdictions;

– the concept of «women's legal empowerment» in the context of Islamic states, to include institutional, procedural, and cultural dimension, emphasizing not only formal equality before law, but also effective access to justice, participation in decision-making, and protection against gender-based discrimination;

– the understanding of Sharia's role in the context of internationally recognized women's rights through tracing evolving interpretations among Islamic scholars and legal practitioners arguing for compatibility of Islamic jurisprudence with international human rights law, including women's rights law;

– analysis of international and regional organizations' roles in promoting women's rights in Islamic states has been systematized and expanded. Their legal instruments, monitoring mechanisms, and advocacy strategies are presented as components of a unified global protection system;

acquired further development:

– theoretical perceptions about interaction between social movements, advocacy networks and formal institutions as a mechanism for implementation of international legal standards of women's rights in Islamic states;

– theoretical understanding of the role of international and regional organizations in advancing women's rights has been further developed by analyzing not only intergovernmental agencies but also transnational advocacy networks and Islamic feminist movements;

– concept of women's rights empowerment with specific reference to Islamic states, including means of overcoming structural, institutional, socio-cultural, and political barriers for such empowerment through enforcement and implementation of international legal standards of women's rights.

The practical significance of the obtained results. The conclusions and proposals obtained as a result of the study can be used in the *research field:* as a basis for further scientific research on women's rights; *legislative process:* in the formation of state legal policies, the development of legislation on the legal status of women; *law enforcement practices:* for further implementation of international legal norms in the field of women's rights protection, improvement of international and domestic legislation and its application; *practical activities*: by governmental institutions, international organizations, and NGOs engaged in promoting gender equality; *educational process*: in applying the results of the research in the practice of teaching such disciplines as: «International Public Law», «International Human Rights Law», «Comparative Law», and «Islamic Law», as well as during the preparation of relevant sections of training programs, textbooks, manuals, teaching aids, and methodological guidelines.

The approbation of the thesis results. The conclusions and provisions of the thesis were discussed at the meetings of the Department of International Law and European Law of the National University «Odessa Academy of Law».

The main results of the thesis were presented at the following international scientific and practical conferences: International scientific and practical conference «European guidelines for Ukraine's development: scientific and practical dimensions in the context of war challenges» (Odessa, Ukraine, April 26, 2024); International scientific conference «Advances in law: the view of domestic and foreign scholars» (Riga, the Republic of Latvia, 3–4 October 2024); International scientific and practical conference dedicated to the 75th anniversary of the adoption of the 1949 Geneva Conventions on the Protection of Victims of War and International Human Rights Day, «Human rights in times of armed conflict» (Odessa, Ukraine, November 1, 2024); II Scientific and practical conference «Legislation of Ukraine: realities and prospects» (Kyiv, Ukraine, October 25–26, 2024); XVII International scientific and practical conference «Formation and development of the law-governed state: problems of theory and practice» (Mykolaiv, Ukraine, December 26, 2024); International scientific

conference «Theoretical foundations of law, public management and practice of their application» (Riga, the Republic of Latvia, December 25–26 2024 p.); International scientific and practical conference «European guidelines for Ukraine's development: new dimensions in wartime» (Odessa, Ukraine, May 16, 2025); International scientific and practical conference «Human rights in times of armed conflict» (Odessa, Ukraine, October 31, 2025).

The publications. The main provisions and conclusions of the study are reflected in 13 scientific publications, including 3 articles in scientific periodicals, recommended by the Ministry of Education and Science of Ukraine, 2 articles in periodical scientific publications of foreign journals, and 8 publications in the materials of scientific and practical conferences.

The work structure. The thesis consists of an introduction, three chapters including ten subsections, a conclusion, and a list of references. The total volume of work is 283 pages, of which the main text is 206 pages, the list of sources used is 481 items on 54 pages, and the appendix is presented on 4 pages.

CHAPTER 1. THEORETICAL AND HISTORICAL FOUNDATIONS OF WOMEN'S RIGHTS IN ISLAMIC STATES

1.1. The genesis of women's rights in Islamic states

The global advancement of women's rights appears to be progressing, but at an inconsistent rate. Identifying the factors that influence both the extent and speed of these developments is already complex, but this task becomes even more challenging when examining women's rights in Islamic states. In these states women's roles are regulated to varying extents by Sharia law. However, even among Islamic states and within different interpretations of Sharia law, there are significant differences in the legal status of women. These variations are clearly observable, and with sufficient data, it is possible to formulate a hypothesis regarding the underlying reasons for these disparities [169, p. 350]. While the legal framework governing women's rights in many Islamic states is influenced by Sharia law, its interpretation is not uniform across jurisdictions. It can be hypothesized that these differences stem from the historical processes that have shaped each state's cultural and social development, influencing the way Sharia law is understood and applied.

Addressing the question of the genesis of the women's rights in Islamic states, the term «genesis» originates from the Greek word *génesis*, meaning «origin» or «beginning». In a general sense, it denotes the formation, emergence, or creation of something [397]. Within the sphere of law, different scholars and legal theorists have conceptualized «genesis» in various ways depending on their area of focus. Legal historians often use the term «genesis» to describe the emergence of legal institutions, doctrines, or systems over time [404]. Natural law theorists interpret «genesis» in terms of the inherent moral principles that underpin legal systems. «In this context, the genesis of legal rights is often traced back to fundamental moral and ethical principles rather than mere historical development» [126]. Legal positivists such as J. Austin and H. Hart define the genesis of law as «stemming from authoritative sources such as sovereign

enactments or formal legal rules» [263]. Comparative and Islamic legal scholars apply the concept of genesis when tracing the evolution of specific legal norms within different legal traditions [184, p. 11].

In jurisprudence, genesis is interpreted differently depending on the theoretical framework applied. Historical and comparative scholars focus on gradual development, and positivists emphasize state authority. In the context of women's rights in Islamic law, the genesis of these rights involves a complex interplay between religious revelation, historical evolution, and contemporary legal interpretations.

The development of women's rights has been closely linked to broader movements for human rights and social justice. The emergence of feminist legal theory and human rights law has played a significant role in shaping the modern understanding of gender equality. Scholars argue that legal systems, particularly those derived from religious or customary traditions, must be critically examined to ensure they do not perpetuate gender biases [302, p. 72]. «In many Islamic societies, the interpretation of Sharia has had a profound impact on women's rights, leading to significant variations in legal status depending on the specific school of jurisprudence and the state's approach to legal reform» [150, p. 41]. As legal frameworks continue to evolve, international and regional organizations remain instrumental in advocating for legal reforms that align with human rights principles, ensuring that women receive equal protection and opportunities under the law.

Studies of women's rights jumped a quantum leap over the past three decades, reaching their peak in the globalization era. It has also become a top priority on the international human rights agenda, as well as an entry point for social change and sustainable development, especially in Islamic states. Over three decades, reaching the momentum of globalization, the international dimensions of women's rights have become the subject of debate between diverse perspectives and visions. They debate the causes of the current situation of women's rights in Islamic states, and the ways to change these conditions.

Understanding the situation of Islamic states in the international system, to change the future, is inseparable from understanding the evolution of this historic situation, on one side, and from understanding the factors, the challenges and threat forces on the other side, and from understanding the map of problems, constraints, opportunities, and possibilities of the current situation on the third side. It is worth noting here that after several developments over the past three decades, Islamic states are taking an active part in international cooperation in the sphere of women's rights [292].

Talking about the origins of women's rights in Islamic states, we should mention that the legal and social status of women in Islamic jurisprudence has been shaped by religious doctrines, cultural norms, and legal interpretations that have developed over centuries. Islamic law, or Sharia, is primarily derived from the Quran, the Hadith (sayings and actions of the Prophet Muhammad), and secondary sources such as Ijma (scholarly consensus) and Qiyas (analogical reasoning). These sources have influenced the evolution of women's rights, both in theory and in practice, across various Islamic societies.

Religious scholars largely agree that at the onset of Islam in the early 600s CE, the Prophet Muhammad expanded women's rights to include inheritance, property, and marriage rights. It was a revolutionary move at a moment when women held few, if any, rights. Throughout the centuries, however, Sunni scholars have taken divergent views on how to interpret the Quran and the Prophet Muhammad's sayings, culminating in the establishment of four schools of legal thought.

«The strictest of those is known as the Hanbali school and forms the basis of hardline currents in Islamic thought, including Saudi ultra-conservative Wahhabism and variants of Salafism. It is this current that has further isolated women in the eyes of the law in states where Islamic law is practiced or enshrined. However, that hasn't stopped activists, civil society actors, and even governments from trying to elevate the legal status of women» [145].

The subordination of women in the ancient Middle East appears to have become institutionalized with the rise of urban societies and the archaic state. Contrary to androcentric theories proposing that the inferior social status of women is based on biology and «nature» and thus has existed as long as human beings have, archaeological evidence suggests that women were held in esteem before the rise of urban societies and suffered a decline in legal status with the emergence of urban centers and city-states.

Male dominance had already gained ground before the rise of urban societies, or so some scholars, including feminist theorists, have speculated. Among the more compelling feminist theories of why it has happened is that put forward by G. Lerner, who suggests that «the importance of increasing the population and providing labor power in early societies led to the theft of women, whose sexuality and reproductive capacity became the first property that tribes competed for. Warrior cultures favoring male dominance consequently emerged» [160, p. 129-130].

The growth of complex urban societies and the increasing importance of military competitiveness further entrenched male dominance and gave rise to a class-based society in which the military and temple elites made up the propertied classes. The patriarchal family, designed to guarantee the paternity of property-heirs and vesting in men the control of female sexuality, became institutionalized, codified, and upheld by the state.

As different city-states successively dominated the Mesopotamian region, laws governing the patriarchal family changed, tending to become progressively harsher and more restrictive toward women. For example, the Code Hammurabi (circa 1752 B.C.E.) limited the time for which a man could pawn his wife or children to three years and expressly forbade beating or oppressing these debt-pawns. But later Assyrian law (circa 1200B.C.E.) omitted these protective measures and explicitly permitted beating debt-pawns, piercing their ears, and pulling them by the hair. Assyrian law also permitted a husband to «pull out (the hair of) his wife, mutilate (or) twist her ears, with no liability attaching to him» when punishing her. Again, in the Code Hammurabi, men could easily divorce their wives, particularly if they had not borne children, but were liable to

fines («divorce money») and were required to return the dowry. The later Assyrian law codex apparently allowed the husband to decide whether the wife received anything following the divorce.

Throughout the period of successive city-states, power and authority resided exclusively with the husband and father, to whom wife and children owed absolute obedience. Marriages were generally monogamous, except among royalty, although commoners might take second wives or concubines if their first wife was childless. Despite the unequivocal conceptual subordination of women codified in the laws governing the patriarchal family, upper-class women often had high status and legal rights and privileges. Indeed, women of all classes within the legal systems frequently had rights such as owning and managing property in their own name, entering contracts, and bearing witness.

Such women influenced events and had real power over men and women of lower ranks and could indeed even emerge as rulers, as did Queen Semiramis of Babylon, wife of Shamshi Adad (824–810 B.C.E.), and Nagi'a, wife of Sennacherib (704–681 B.C.E.). However, their power derived entirely from the male on whom they depended on or to whom they were related.

«In 539 B.C.E. the Achaemenid king Cyrus II conquered Babylon and much of Mesopotamia, Syria, and other regions of the Middle East. Between this date and the Muslim conquest in 640 C.E., the region was conquered by Alexander, then by the Parthians, and finally became part of the Iranian empire once again under the Sasanians, who reigned from 224 C.E. until the Muslim conquest. The cultural and social changes that followed these successive invasions were generally not abruptly imposed but occurred gradually as indigenous mores fused with those of the conquerors. Although little is known about women during the period of these successive invasions, the exchange of mores following from them appears to have led to a decline in the legal status of women and to the broader dissemination of the more negative attitudes toward women» [29, p. 15].

As we can observe, prior to the advent of Islam in the 7th century C.E., the Arabian Peninsula was a tribal society governed by deeply entrenched patriarchal customs. Women were largely viewed as dependents of male guardians (whether fathers, husbands, or brothers), who exercised authority over nearly all aspects of their lives. Marriage was primarily a tool for consolidating tribal alliances, with women not influencing their selection of a spouse. In many cases, they were treated as property, and their rights were secondary to those of men. Female infanticide, a practice driven by economic concerns and tribal honor, was widespread, as documented in historical sources. Women had no formal inheritance rights, and polygamous marriages were unrestricted, allowing men to take multiple wives without legal or moral obligations to ensure fairness.

«Beyond familial restrictions, women's roles in economic and public life were severely limited. Although a few exceptional women, such as Khadija bint Khuwaylid (later the first wife of Prophet Muhammad), engaged in trade, the majority had little economic independence. In most tribes, the concept of dowry functioned as a form of payment to the bride’s family rather than as a financial provision for the bride herself, further reinforcing her dependence on male relatives» [276, p. 24]. Divorce was also an exclusively male prerogative, leaving women with little legal recourse in the event of marital disputes. The tribal honor system imposed further constraints, as women were expected to uphold family honor through their conduct, and any perceived transgression could result in severe social repercussions, including honor killings.

Despite these restrictive conditions, some legal customs provided limited safeguards for women. Certain tribal codes recognized a form of maternal lineage, particularly in cases of noble or influential women, offering them a degree of respect within their communities. In some regions, women also played essential roles in poetry and oral traditions, serving as custodians of tribal history and culture. However, these isolated exceptions did not turn into broader legal protections. The arrival of Islam marked a significant shift, introducing reforms that redefined women’s rights within the framework of religious law. By addressing issues such as inheritance, marriage, and

personal autonomy, Islamic teachings challenged many of the established norms of pre-Islamic Arabia and laid the foundation for a more structured legal approach to gender relations.

The next step is to examine the Quranic foundations of women's rights. The Quran introduced fundamental reforms that reshaped the legal status of women in pre-Islamic Arabia, granting them rights that were previously denied. One of the most significant areas of reform was in inheritance law, where the Quran provided women with a legally protected share of property. Surah An-Nisa (4:7) states: «For men is a share of what the parents and close relatives leave, and for women is a share of what the parents and close relatives leave, be it little or much – an obligatory share». This verse marked a radical departure from the prevailing tribal customs, where inheritance was almost exclusively passed down through the male lineage. «Before Islam, women were considered part of the inheritance rather than heirs themselves, meaning they could be inherited as property rather than receiving a portion of their family's wealth» [281, p. 634]. «The Quranic mandate ensured that daughters, mothers, and wives had legally enforceable property rights, which not only improved their economic independence but also granted them financial security in cases of widowhood or divorce. Although the Quran prescribes different shares for male and female heirs (typically awarding women half the share of men), this structure was based on the socio-economic responsibilities assigned to each gender in early Islamic society, where men bore financial obligations for the household» [150, p. 47].

Marriage laws also underwent substantial reform with the introduction of Islamic teachings. In pre-Islamic Arabia, women almost did not have agency in marital arrangements, and men could marry an unlimited number of wives without legal constraints. Islam established a structured legal framework that sought to regulate and standardize marriage contracts, ensuring greater fairness and accountability. The Quran explicitly outlines the conditions for polygamy in Surah An-Nisa (4:3): «If you fear that you will not deal justly with the orphan girls, then marry those that please you of [other] women, two, three, or four. But if you fear that you will not be just, then [marry only]

one or those your right hand possesses. That is more suitable that you may not incline [to injustice] ». This verse not only restricted the practice of polygamy to a maximum of four wives but also imposed stringent conditions requiring equal treatment among spouses. «Islamic lawyers and scholars have debated the feasibility of fulfilling these conditions, with many arguing that the near-impossible standard of absolute justice between multiple wives renders polygamy highly restrictive in practice. The Prophet Muhammad himself demonstrated this principle by advising his followers that fairness between wives was a moral obligation and failing to uphold it carried serious consequences in the afterlife» [43, p. 98].

Beyond inheritance and marriage, the Quran also emphasized the spiritual and social equality of men and women, a principle that was revolutionary given the patriarchal structure of early Arabian society. Surah Al-Baqara (2:228) states: «And they [women] have rights similar to those of men equitably, but men have a degree [of responsibility] over them». This verse has been subject to extensive scholarly interpretation, with some viewing it as an affirmation of women's rights within the framework of social responsibility rather than an assertion of male superiority [72, p. 72]. The Quran further reinforces gender parity in Surah Al-Ahzab (33:35), where believing men and women are described as equally rewarded for their faith and good deeds: «Indeed, the Muslim men and Muslim women, the believing men and believing women, the obedient men and obedient women, the truthful men and truthful women, the patient men and patient women, for them Allah has prepared forgiveness and a great reward». These verses challenge the notion that women are spiritually inferior and instead emphasize their moral and religious agency. By granting women an independent spiritual status, Islam provided a theological foundation for gender equity, distinguishing it from pre-Islamic customs where women's religious participation was often limited [443, p. 45].

The Quran also introduced significant safeguards against the unjust treatment of women, particularly in matters of divorce and financial autonomy. Under pre-Islamic customs, men could unilaterally divorce their wives without accountability, often

leaving them destitute. Islam reformed this practice by establishing clear legal procedures for divorce, ensuring that women were granted financial provisions and rights to seek separation under specific circumstances. Surah At-Talaq (65:6) instructs: «Lodge them [divorced women] where you reside according to your means, and do not harm them in order to oppress them». This command emphasized that divorced women should not be left without support, setting an early precedent for financial security post-divorce. Additionally, Surah Al-Baqara (2:241) states, that «for divorced women is a provision according to what is acceptable – a duty upon the righteous». The introduction of these legal stipulations ensured that women were not arbitrarily abandoned, and that financial compensation was a legal obligation rather than an act of charity [182, p. 112]. «Moreover, Islam granted women the right to initiate divorce through *khulʿ*, a legal mechanism allowing them to seek separation from their husbands in exchange for returning their "dowry". This was a groundbreaking development, as it provided women with an avenue to exit marriages that were harmful or unjust» [415, p. 137].

Lastly, the Quran encouraged the intellectual and educational empowerment of women, promoting their right to knowledge and participation in societal affairs. The Prophet Muhammad himself emphasized the importance of education for both men and women, famously stating: «Seeking knowledge is an obligation upon every Muslim» (Ibn Majah, Hadith 224) [377]. This directive aligns with Quranic teachings that repeatedly stress the value of acquiring knowledge and wisdom. Surah Al-Mujadila (58:11) declares: «Allah will raise those who have believed among you and those who were given knowledge by degrees». This verse, among others, was foundational in shaping Islamic views on women's education. «Historical records indicate that during the early Islamic period, women actively participated in scholarly and religious discourse, with figures such as Aisha bint Abu Bakr becoming a key transmitter of Hadith and an authority on Islamic jurisprudence» [371, p. 125]. The legal recognition of women's right to education not only challenged the pre-Islamic norm that restricted knowledge to men but also paved the way for later movements advocating for women's literacy and scholarship in Islamic societies.

The Hadith literature plays a fundamental role in shaping the understanding and application of women's rights within Islamic legal and social frameworks. «Unlike the Quran, which establishes general principles, the Hadith provides specific examples of how these principles were implemented by the Prophet Muhammad in daily life. One of the most significant contributions of the Hadith tradition is the emphasis on women's education. Aisha bint Abu Bakr, one of the Prophet's wives, exemplified this principle by becoming one of the most renowned scholars in Islamic history. She is credited with transmitting over 2,200 Hadiths, many of which pertain to issues of family law, marriage, and religious obligations» [371, p. 125]. «Aisha also provided legal rulings and corrected male scholars on jurisprudential matters, demonstrating that women in early Islamic society were not only allowed but actively encouraged to engage in scholarly and religious discourse» [29, p. 72]. «This legacy of female scholarship was instrumental in legitimizing women's access to education in later Islamic states, influencing institutions such as Al-Qarawiyyin and Al-Azhar, where women historically contributed as scholars and teachers» [181, p. 84].

«Beyond education, the Hadith literature reinforced women's economic rights, particularly regarding property ownership, financial independence, and labor participation. The Prophet Muhammad's first wife, Khadija bint Khuwaylid, was a successful businesswoman who managed trade caravans and employed men, including Muhammad, before his prophethood» [10, p. 104].

Her independent financial status, recognized and respected by the Prophet, set a precedent for women's right to own and manage wealth. The Hadith further strengthens this right by affirming that women retain full control over their earnings. In one narration, the Prophet ruled in favor of a woman who sought to maintain her financial independence, stating: «A woman has more right to her wealth than her husband» (Ibn Hanbal, Musnad, Hadith 2469). The Prophet also encouraged fair labor practices, emphasizing that women should not be forced into economic dependence or servitude. In another well-documented Hadith, he admonished a man for overburdening his wife with labor, advising him to assist her with household tasks, thus challenging the rigid

gender roles prevalent in pre-Islamic Arabia [72, p. 43]. These Prophetic traditions laid the foundation for legal protections ensuring that women could inherit, own property, and engage in commerce without male guardianship.

Marriage laws and gender relations were also significantly influenced by the Hadith, particularly in limiting oppressive customs and reinforcing women's autonomy in marital decisions. The Prophet Muhammad explicitly forbade forced marriages, declaring: «A previously married woman has more right to decide about herself than her guardian, and a virgin should not be married off without her consent» (Sahih al-Bukhari, Hadith 5138). This ruling was revolutionary for its time, as pre-Islamic customs often treated women as property to be transferred between male relatives. Furthermore, the Prophet emphasized the importance of kindness and fairness in marriage, stating: «The best among you are those who are best to their wives» (Sunan al-Tirmidhi, Hadith 1162). His own marriages reflected a model of mutual respect, as he consulted his wives on political and religious matters, most notably during the Treaty of Hudaybiyyah, when he followed Umm Salama's advice in resolving a critical dispute [211, p. 504]. «These Hadiths formed the basis of later legal interpretations that granted women the right to negotiate their marriage contracts, establish conditions, and seek divorce if their rights were violated. Schools of Islamic jurisprudence such as the Hanafi and Maliki schools further expanded upon these principles, integrating them into legal codes that governed marriage and family law in various Islamic states» [415, p. 137].

Another significant contribution of the Hadith tradition to women's rights is its condemnation of harmful pre-Islamic practices, particularly female infanticide, domestic violence, and social exclusion. The Prophet strongly condemned the killing of female infants, a common practice in certain pre-Islamic Arabian tribes, stating: «Whoever has a daughter and does not bury her alive, does not insult her, and does not favor his son over her, Allah will enter him into Paradise» (Sunan Abu Dawood, Hadith 5146). This was a direct challenge to the prevailing tribal customs that viewed daughters as economic burdens rather than valued members of society [134, p. 111]. In addition to outlawing female infanticide, the Prophet issued clear warnings against mistreating

women, stating: «Do not beat the female servants of Allah» (Sunan Abu Dawood, Hadith 2146). Although interpretations of domestic discipline in Islamic jurisprudence have varied, early Hadith commentaries often emphasized the Prophet's disapproval of physical harm and his preference for resolving marital disputes through dialogue and reconciliation [43, p. 104]. «These Prophetic teachings later influenced legal reforms in various Islamic states, where scholars and jurists integrated protective measures against gender-based violence into local legal codes» [281, p. 635].

«Finally, the Hadith tradition provided a foundation for women's participation in public and political life, reinforcing their role as active members of society. Women in early Islamic history served as leaders, advisors, warriors, and jurists, inspired by the precedent set by the Prophet's interactions with women» [333]. «Notably, Umm Waraqah was appointed by the Prophet to lead prayers for her household, indicating that women could assume religious leadership roles. Another example is the political engagement of women such as Asma bint Abu Bakr and Nusaybah bint Ka'b, both of whom played active roles in the early Muslim community, the latter even fighting in the Battle of Uhud to defend the Prophet» [276, p. 45]. «The Prophet's recognition of women's contributions extended beyond warfare, as he regularly consulted female companions on governance and ethical matters, highlighting their intellectual and advisory capacities» [443, p. 67]. «These traditions laid the groundwork for later debates on women's political rights in Islamic legal thought, with scholars using Hadith evidence to justify women's participation in governance, education, and religious authority in various Islamic states» [182, p. 119].

«After the Prophet Muhammad's death, Islamic jurisprudence (*fiqh*) evolved through the works of lawyers who sought to interpret and apply Quranic injunctions and Hadith teachings to various social and legal contexts. This legal development led to the formation of the four major Sunni schools of law: Hanafi, Maliki, Shafi'i, and Hanbali; as well as the Ja'fari school in Shi'a Islam. Each of these schools developed distinctive positions on women's rights, particularly concerning financial autonomy, marriage, divorce, and legal testimony. The Hanafi school, the most widespread among Sunni

Muslims, granted women significant financial independence, holding that a woman had full control over her property and earnings without the need for male guardianship» [194, p. 318]. «This school also allowed women to contract marriages without a guardian (*wali*), though this was later restricted by some local customs» [414, p. 18]. The Maliki school, prominent in North and West Africa, placed greater emphasis on male guardianship but recognized women's right to stipulate conditions in marriage contracts to protect their interests [89]. The Shafi'i school maintained a middle ground, requiring a guardian for marriage while still affirming a woman's right to manage her financial affairs. The Hanbali school, generally considered the most conservative, imposed stricter interpretations, requiring male guardianship in both marriage and financial dealings, and often upheld male authority in family matters [209, p. 184]. Despite these legal variations, early Islamic jurisprudence still provided a framework that was considerably more protective of women's rights compared to many pre-Islamic traditions.

Over time, the application of these legal principles was influenced by cultural and political factors, sometimes leading to a divergence from the egalitarian principles originally introduced by Islam. «For instance, while early Islam granted women the right to divorce under specific circumstances, such as *khulʿ* (initiating divorce by returning the dowry), later legal interpretations in some regions placed additional restrictions on this right, making it more difficult for women to obtain a divorce without male consent» [67, p. 49]. «Similarly, while the Quranic principle of *qiwama* (male responsibility over women) was initially understood as a duty to provide financial and social protection, in some historical periods, it was reinterpreted in ways that reinforced patriarchal control over women's mobility and decision-making» [84, p. 27]. «Political changes, particularly under Abbasid rule, saw the increasing influence of Persian and Byzantine customs, which emphasized gender segregation and reduced women's roles in public life. As Islamic states expanded and interacted with non-Muslim societies, legal interpretations adapted to local customs, sometimes reinforcing existing patriarchal structures rather than preserving the more flexible and protective principles

of early Islamic jurisprudence» [479, p. 165]. The evolution of these legal norms highlights how women's rights in Islamic societies were shaped not only by religious texts but also by the socio-political contexts in which Islamic law developed.

Despite these historical shifts, modern legal reforms in various Islamic states have sought to restore or reinterpret aspects of classical *fiqh* to better align with contemporary understandings of gender equality and human rights. «In many Muslim-majority states, family laws have been revised to grant women greater rights in marriage, divorce, and inheritance» [351]. «Even in more conservative legal traditions, such as those in the Kingdom of Saudi Arabia, recent changes have allowed women to travel and conduct business without a male guardian, a shift reflecting contemporary pressures for reform» [38, p. 39]. These developments indicate that while Islamic jurisprudence has historically been shaped by diverse interpretations and political influences, it continues to evolve in ways that can support greater gender equality. The challenge remains in balancing religious tradition with the need for legal modernization, ensuring that the core principles of justice and fairness in Islamic law are upheld in contemporary societies.

The colonial era introduced significant legal transformations in many Islamic societies, reshaping the framework of women's rights through the imposition of European legal models. In states like Arabic Republic of Egypt and the Republic of India, British colonial rule led to the codification of personal status laws, which were based on selected interpretations of *fiqh* but incorporated elements of European civil law» [105, p. 157]. French colonial influence in North Africa similarly altered women's legal status, with reforms in People's Democratic Republic of Algeria and Republic of Tunisia reflecting Napoleonic legal traditions that sometimes conflicted with Islamic principles. These reforms were often framed as efforts to «modernize» Muslim societies, yet they were selective in their impact, sometimes reinforcing patriarchal structures rather than dismantling them. «For instance, while colonial administrations introduced secular legal codes that provided some protections for women, they also maintained discriminatory laws that upheld male authority in marriage and inheritance,

viewing these structures as essential to social stability under colonial rule» [286, p. 112]. The legacy of colonial legal interventions continues to shape contemporary debates on the role of Islamic jurisprudence in defining women's rights.

Post-colonial legal reforms in many Islamic states reflected both resistance to colonial influence and efforts to reconcile Islamic principles with modern governance. States such as the Republic of Tunisia and the Kingdom of Morocco undertook significant legal reforms, often inspired by nationalist movements that sought to assert local identity while addressing gender inequalities. «The Republic of Tunisia's Code du Statut Personnel (1956) abolished polygamy and granted women the right to divorce on equal terms with men, reflecting a reinterpretation of Islamic legal principles to fit modern social contexts» [102, p. 68]. «In the Kingdom of Morocco, legal reforms in the Moudawana (2004) granted women greater autonomy in marriage contracts and restricted the practice of forced marriages» [440, p. 217]. By contrast, «other postcolonial states, such as Islamic Republic of Pakistan and Islamic Republic of Iran, adopted a more conservative stance, implementing legal frameworks that reinforced male authority while making selective accommodations for women's rights» [354, p. 164]. These divergent legal trajectories illustrate the complex interplay between colonial legacies, nationalist ideologies, and Islamic legal traditions in shaping contemporary women's rights across the Muslim states.

«Reformist scholars, including Abdullahi An-Na'im and Asma Lamrabet, argue for reinterpretations of Islamic texts in line with modern human rights standards, emphasizing the ethical and justice-oriented aspects of *Sharia* rather than rigid adherence to past legal rulings» [53]. «Conversely, conservative jurists and religious authorities continue to advocate for the preservation of traditional jurisprudential interpretations, often citing concerns about Western influence and cultural erosion» [241, p. 128]. «International organizations, including the Organization of Islamic Cooperation (OIC), play an important role in advancing gender-based legal reforms while respecting Islamic traditions, as seen in initiatives aimed at addressing gender-based violence and promoting women's participation in economic and political spheres»

[280, p. 53]. These debates highlight the ongoing challenge of balancing religious identity with contemporary legal reforms, demonstrating that women's rights in Islamic jurisprudence remain a dynamic and evolving field of legal and social inquiry.

The genesis of women's rights in Islamic states reflects a dynamic interaction between religious doctrine, historical developments, and evolving legal interpretations. We can observe that Islam introduced significant reforms aimed at improving women's legal status, the application of these rights has varied across different legal schools and political contexts. The ongoing efforts to reconcile traditional Islamic principles with contemporary human rights continue to shape the discourse on women's rights in Islamic states.

1.2. Theoretical framework, methodological foundations, and current state of academic research on the legal status of women in Islamic states

The study of women's rights occupies a complex intersection between theology, legal theory, and international human rights law. As such, a nuanced theoretical framework is required – one that reconciles Islamic legal traditions with the universal standards developed under international law.

Oxford dictionary defines women's rights as the «rights that promote a position of legal and social equality of women with men». Women's rights are the ability to control every aspect of their own lives, from choices to fair chances, from domestic work to business ownership, from gender-oriented problems to everyday treatment. Women's rights are needed so that women can have the legal status of equal citizens. Moreover, so they can themselves decide how they want to live their life [478].

F. Hosken defines women's rights as the rights and entitlements claimed for women and girls worldwide. They formed the basis for the women's rights movement in the 19th century and the feminist movements during the 20th and 21st centuries. In some states, these rights are institutionalized or supported by law, local custom, and behavior, whereas in others, they are ignored and suppressed. They differ from broader

notions of human rights through claims of an inherent historical and traditional bias against the exercise of rights by women and girls, in favor of men and boys [197, p. 3].

Historically, women's rights have been influenced by cultural, religious, and legal frameworks that either reinforced gender disparities or contributed to progress toward equality. Despite international commitments, disparities persist in many regions, influenced by legal traditions and socio-political structures that either facilitate or hinder the realization of women's rights [88].

Based on the conducted research and analysis of existing doctrinal approaches, as well as relevant international legal instruments and policy documents, we can define women's rights as legal, social, economic, and cultural entitlements that promote gender equality and ensure women's full participation in society. These rights encompass a wide range of protections, including the right to education, employment, property ownership, political participation, and personal autonomy.

Such definition introduces an integrated approach to the content and structure of women's rights in modern international law. Its novelty lies in combining these dimensions within a single normative construct while explicitly linking them to a functional objective, rather than merely enumerating rights or focusing on non-discrimination. Particular emphasis is placed on «full participation» as a structural benchmark and on «personal autonomy» as a cross-cutting element that underpins the realization of all listed rights, thereby clarifying their interdependence and practical implementation.

According to H. Doma and A. Oyedokun, «women's rights in international law emerge today as an intellectually exciting, rapidly developing sub-field of international human rights law. Like other branches of international law, international human rights law relies primarily on national mechanisms for its enforcement. Regional and international mechanisms would only be applied where a state is unwilling and unable to enforce them. Therefore, the application and enforcement of international human rights law are often circumscribed by the various cultural views of the diverse peoples of the world» [135].

Speaking about the understanding of the term «Islamic law» in general, it would be worth mentioning a quote of J. Auda: «The term "Islamic law" is somewhat ambiguous as it gives the connotation that it is a mere legal norm. However, the term includes more than law in the strict western sense, which in modern legislations is produced by legislative or parliamentary assemblies. In Islamic legal tradition, the "law" includes not only the sources, which are regarded as divine, but also the methods of interpreting the sources» [66, p. 57].

The term «Sharia» has been defined in various styles by different authors and researchers. In general terms it is understood as a set of Islamic religious laws that govern aspects of day-to-day life for Muslims in addition to religious rituals. Sharia law also provides religious followers with a set of principles and guidelines to help them make important decisions in their lives [185]. Sharia means «the correct path» in Arabic. It is commonly described as a form of divine guidance directing believers toward moral conduct and spiritual development [339].

In doctrinal formulations, including that of M. Kamali, it is further articulated as encompassing prescribed obligations, limits, commands, and prohibitions established by divine authority, thereby structuring permissible and impermissible behavior [243]. At the same time, contemporary scholarship consistently distinguishes between Sharia as an ideal, divinely ordained system of values, and Islamic law as its human interpretation, developed through juristic reasoning and therefore subject to variation and evolution [339].

«Out of the 46 states in the world with majority Muslim populations, 23 declare Islam to be the state religion in their constitutions. The rest either proclaim the state to be secular or make no pronouncement concerning an official religion. The 23 states where Islam is declared the state religion are: Afghanistan, Algeria, Bahrain, Bangladesh, Brunei, Egypt, Iran, Iraq, Jordan, Kuwait, Libya, Malaysia, Maldives, the Islamic Republic of Mauritania, Morocco, Oman, Pakistan, Qatar, Saudi Arabia, Somalia, Tunisia, the United Arab Emirates, and Yemen» [429].

The classification of states as «Islamic» within international legal scholarship necessitates precise analytical criteria. Even though political declarations and religious self-identification are significant, they do not offer by themselves a legal foundation that would be enough for scientific generalization. Instead, three primary indicators provide a workable framework for identifying Islamic states in legal research: constitutional declarations identifying the state as Islamic; formal recognition of Islam as the state religion; and the legal dominance of Sharia, either through its codification or its authority as a source of law. These indicators would be used for this research in order to classify Islamic states in terms of the level of development of women's rights.

The first criterion, constitutional declarations, can be identified in states where the constitution explicitly defines the state as Islamic. This formulation is particularly evident in the constitutional texts of states such as Islamic Republic of Iran, Islamic Republic of Pakistan, and Islamic Emirate of Afghanistan. Article 1 of the Constitution of the Islamic Republic of Iran (1979, amended 1989) [114] declares that the state is an Islamic Republic based on faith in Allah and the Qur'an. Similarly, the 1973 Constitution of the Islamic Republic of Pakistan, Article 1(1), affirms the nation as the «Islamic Republic of Pakistan», embedding Islamic identity at the highest level of normative hierarchy [115]. Scholars such as N. Brown emphasize that «such declarations are not merely symbolic but carry substantial interpretative weight for legal institutions and the judiciary» [94, p. 51].

The second criterion is the constitutional establishment of Islam as the state religion. While this may occur regardless of declaring the state to be Islamic, its legal consequences vary depending on the scope and its interaction with other constitutional provisions. «Arab Republic of Egypt's Constitution (2014) serves as a notable example: Article 2 recognizes Islam as the religion of the state and the principles of Islamic Sharia as the main source of legislation» [140]. According to K. Bälz, this provision has had significant effects on judicial decisions, especially concerning personal status laws, despite the ostensibly secular character of many administrative structures [78], [79].

A third and arguably more consequential marker is the dominance of Sharia as a source or foundation of legal norms. This legal dominance can be explicit, where Sharia is codified into the legal system, or implicit, where it operates through judicial reference [314]. Kingdom of Saudi Arabia and the Islamic Republic of Iran represent the former category. In the Kingdom of Saudi Arabia, the Basic Law of Governance affirms in Article 1 that the Qur'an and the Sunnah are the constitution of the state, and Article 7 entrusts all governance to the Sharia [348]. F. Vogel states that «the Kingdom of Saudi Arabia's legal system is unique among modern states in its comprehensive application of Hanbali jurisprudence without formal codification, representing a purist form of Islamic governance» [439, p. 646-648]. According to J. Otto, these states are examples of classical Sharia systems. He mentioned that: «National law in those states is formally equated with classical Sharia, and in substance, the national law is to a great extent based on Sharia. Such systems often lack a constitution and a large-scale codification of laws. Orthodox religious scholars (ulama) play an important role in the interpretation and application of Sharia as national law. Therefore, change and modernization are difficult to achieve. The state has a leader who promulgates laws, directs the executive, and functions as the highest judiciary. The leader can make some legal changes and affect some aspects of modernization, but his space is limited by Sharia as it is interpreted by orthodox ulama. The Kingdom of Saudi Arabia is a clear example of this category, as are some other Gulf states. The Islamic Republic of Iran shares many of the same features, but in other respects (parliament, codifications) it belongs more to the mixed systems» [307, p. 8].

Also, hybrid models exist in states where Sharia serves as a source of legislation among others. In such jurisdictions, for example in the Hashemite Kingdom of Jordan or the Kingdom of Morocco, Islamic legal norms may coexist with civil codes of European origin. This pluralistic structure, while technically giving Sharia subordinate or complementary status, still permits it to influence vast areas of personal law, particularly family and inheritance law.

According to J. Otto, this legal pluralism often results in a dynamic interaction in which religious and secular norms compete or align depending on the political climate and judicial activism. J. Otto says that this category could be called a mixed system. He says: «Most Muslim states have mixed systems in the sense that these systems postulate the hegemony of the national constitution and the Rule of Law, while at the same time allowing the rules of Islam to play a dominant role and influence certain areas of national law. These states not only have constitutions but also large codifications of civil and criminal law, modelled after European or Indian codes. These systems acknowledge concepts like the separation of powers and democratic elections, even though they are at times overshadowed by authoritarian regimes. In these mixed systems, politicians and jurists play central roles in the law-making process rather than religious scholars. Islamic Republic of Pakistan, Islamic Emirate of Afghanistan, Arab Republic of Egypt, Kingdom of Morocco, Malaysia, Federal Republic of Nigeria, Republic of the Sudan, and Republic of Indonesia could be classified in this category. These national legal systems can be changed and modernized, and most of them have actually undergone many major changes when compared to the rules of classical Sharia» [307, p. 8].

Another question is how to classify secular states, but where most of the population is Muslim. In secular systems, religious interference in state affairs, politics, and law is not permitted. State recognition and application of Sharia within national law is considered to be irreconcilable with the democratic and secular constitutional state. Republic of Turkey is the prime example, although recently it has come under severe pressure. Several states in West Africa (i.e., Republic of Mali) and in Central Asia (i.e., Republic of Kazakhstan) have also declared themselves to be secular [307, p. 8].

It should be noted that the classification of a state as Islamic does not necessarily indicate the existence of a theocratic system or a uniform constitutional model. Some states with predominantly Muslim populations, including Malaysia and the Republic of Indonesia, demonstrate pluralistic legal frameworks in which Islamic law operates alongside civil law rather than constituting the sole legal foundation. In Malaysia,

Islamic law is primarily applied in personal status matters within the jurisdiction of state Sharia courts, while federal civil legislation maintains general authority. Likewise, the Republic of Indonesia, constitutionally grounded in the Pancasila ideology, allows the application of Islamic legal norms in specific regions, particularly in the Province of Aceh under special autonomy arrangements. From a comparative international law perspective, these examples illustrate that the incorporation of Islamic legal elements varies significantly across jurisdictions and requires contextual analysis of constitutional structure and the interaction between religious and civil legal systems [93].

There are some debates among scholars on whether mere constitutional references suffice to qualify a state as Islamic. W. Hallaq warns against overreliance on textual identification, emphasizing the divergence between state law and the classical Islamic legal tradition [183, p. 227-229]. From this perspective, states that use Islamic symbols without implementing Sharia substantively may not warrant inclusion in the same analytical category as those where Sharia holds juridical primacy.

International legal scholars, particularly those engaged in comparative constitutional law, caution against applying a binary (Islamic or non-Islamic) categorization. The Arab Charter on Human Rights (2004) [28] and the Cairo Declaration on Human Rights in Islam (1990) [97] both illustrate the challenge of reconciling Islamic legal heritage with international legal norms.

It would be right to use a spectrum-based approach that considers legal content, institutional behavior, and religious discourse, rather than relying solely on constitutional texts or political rhetoric. Therefore, a functional and scientifically valid identification of Islamic states should be based on the convergence of all three elements – constitutional self-identification, establishment of a state religion, and formal integration of Sharia into the legal system. Only such a triangulated method allows for a reliable comparative analysis, particularly in the field of international human rights law. «By comparing legal systems and practices across diverse countries, researchers can better understand what drives or obstructs legal reform efforts» [384, p. 265].

Therefore, it is necessary to distinguish between «Islamic states», «Islamic countries», and «Muslim-majority states», as these terms reflect different relationships between religion and the organization of public authority. An Islamic state is generally understood as a polity in which Islam is constitutionally entrenched as the foundation of the legal and political system, and where norms derived from Sharia are formally recognized as a primary or exclusive source of legislation. The term Islamic country is broader and less precise. It may refer to a state that identifies with Islamic traditions in its constitutional language, cultural orientation, or symbolic framework, without necessarily implementing religious law as the central basis of governance. A Muslim-majority state, in turn, is defined primarily by demographic criteria, indicating that the majority of the population adheres to Islam, while the legal system itself may remain secular or pluralistic in character. This distinction is analytically significant, as it allows for a more accurate assessment of how religious norms interact with constitutional structures and international legal obligations across different jurisdictions.

As A. Ahmad mentioned in his article, «academic debate about human rights, women and Islam that has developed in recent times reveals a plethora of voices, opinions and proposed legal solutions to what has become a highly controversial and emotive politico-legal issue in the Muslim states. The controversial nature of the debate is particularly heightened in the field of international law, where the compatibility of Islamic law with UN-inspired legal regimes is contested and debated amid a backdrop of recent colonialism, poverty of some states, and an academic history of orientalism» [25].

Opinions on understanding gender equality vary among researchers [320, p. 26-27], [25], [361]. According to D. Alhaa, «gender equality in women's *fiqh* refers to an equal condition and equal treatment between men and women in the fulfillment of rights and obligations referring to the Qur'an and hadith. The life of human society is moving toward demands for democratization, justice, and upholding human rights. All of these themes necessitate human equality, and all of these are values that are still desired by human culture in all places and times. God also certainly wants all of this to manifest in

human culture. Therefore, these values should be the basis for all interests in cultural, economic, legal, and political discourse» [41].

M. Islam says about the concept of gender equality in Islam: «The legal status of women in society is neither a new nor a fully settled issue. Islam gives women equal rights of religious independence. Legal status and spiritual development compared to men. The implication of the term equality may differ in different societies and cultures» [227].

Global movement for equality and justice Musawah, in their knowledge building briefs states that there are two main approaches to gender equality in contemporary Muslim thought: «The "protectionist" approach aims to «protect» women from harm or wrongdoing. In doing so, it treats women as perpetual minors, undermining their human dignity and preventing them from fulfilling their potential in both spiritual and social spheres. The "egalitarian" approach challenges classical understandings of gender and argues for equality for women on all fronts, demanding that law and practice reflect the egalitarian principles and values of Islam» [226]. We can observe that the relationship between Islamic law and gender is a complex and at times contradictory system.

When discussing this topic, it is important to elaborate on the issue of understanding the concept of «women's rights empowerment».

According to M. Hoque and Y. Itohara, «women are considered empowered in their rights when they have the same access to resources, for example, education as men do, when institutional discrimination based on gender is eliminated, when women are able to organize and negotiate with their husbands, and when they receive higher levels of social assistance» [196, p. 245].

According to S. Garikipati, «giving women the ability to financially support themselves through self-employment is one of the ways of women's rights empowerment» [161, p. 720].

According to N. Kabeer, «the empowerment of women has been attributed to a wide range of outcomes, both positive and negative, including an improvement in their

living standards, a reduction in the amount of violence perpetrated against them, the ability to acquire independent assets, and the inability to do so» [238, p. 65].

H. Haile defines empowerment from an institutional perspective as spending, borrowing, using social networks, and having domestic conflicts [179, p. 258]. According to M. Pitt, S. Khandker, and J. Cartwright, «empowerment is defined as the acquisition of economic power. Women who have achieved economic empowerment are more likely to make decisions in their education, job, and other future plans» [316]. «Empowerment refers to gaining solely economic power», as said by A. Goetz and G. Sen too [175, p. 45-46].

The United Nations Economic and Social Commission for Western Asia (UN ESCWA) defines women's empowerment as «the process by which women become aware of gender-based unequal power relationships and acquire a greater voice in which to speak out against the inequality found at home, workplace, and community. It involves women taking control over their lives: setting their own agendas, gaining skills, solving problems, and developing self-reliance» [427]. «The core theoretical challenge lies in the pluralistic nature of Islamic jurisprudence (*fiqh*), which is not a monolithic system, but a collection of interpretative traditions developed by jurists from various legal schools. The four Sunni schools (Hanafi, Maliki, Shafi'i, and Hanbali) and the Ja'fari school in Shi'a jurisprudence differ in their treatment of family law, inheritance, legal autonomy, and gender roles. Consequently, the legal status of women varies significantly across Islamic states depending on which tradition informs the state's personal status codes and constitutional arrangements» [315, p. 60].

Islamic legal theory (*usul al-fiqh*) plays a critical role in determining how women's rights are interpreted within the broader legal framework. The methodologies of legal reasoning, such as *qiyas* (analogical reasoning), *ijma* (consensus), and *istihsan* (legal preference), offer the space for reinterpretation in response to changing social contexts. Scholars such as M. Kamali M. argue that «*maqasid al-sharia* (the objectives of Islamic law) provide a normative basis for enhancing women's rights, as they prioritize justice, welfare, and human dignity» [241, p. 68].

The theoretical framework for this research rests primarily on the concept of legal pluralism. In many Islamic states, religious law exists alongside or within the national legal system, creating multiple sources of authority regarding women's rights. Legal pluralism acknowledges that Sharia-based norms and international human rights standards often interact, sometimes reinforcing and at other times contradicting each other. This perspective allows the research to avoid a simplistic binary between «Islamic law» and «international law», and instead to focus on the spaces where different normative orders coexist and influence the legal status of women. W. Menski, who emphasizes the layered nature of legal orders in Muslim societies, provides a useful conceptual structure for this analysis [274].

A second theoretical foundation of the study draws from feminist legal theory, particularly the branch that engages with non-Western legal traditions. Feminist scholars like Z. Mir-Hosseini and A. Wadud argue that gender inequalities within Islamic legal systems are not inherent to Islamic theology but result from historical patriarchal interpretations. By applying feminist reinterpretations to Sharia, this research framework supports the idea that Islamic law contains within itself principles that can be reinterpreted to promote greater gender equality. Thus, rather than treating Islamic jurisprudence as inherently opposed to women's rights, feminist legal theory opens space for examining how internal reform and reinterpretation efforts can align Islamic law with evolving international human rights standards.

Within the broader theoretical framework of this research, the classification of human rights into four generations offers a useful analytical lens for understanding the evolving content of women's legal status in Islamic states. The first generation, focused on civil and political guarantees, provides the foundation for examining formal equality before the law, access to justice, and political participation of women. The second generation extends this analysis to socio-economic entitlements, which is particularly relevant for assessing women's access to education, labour markets, property, and social protection within different Islamic jurisdictions. The third generation introduces collective and solidarity-based dimensions, including development, peace, and cultural

identity, which are especially significant in contexts where women's rights are framed within broader societal and religious values. Finally, emerging discussions on a fourth generation of rights, associated with technological, informational, and bioethical developments, indicate new regulatory challenges that may also affect women's autonomy and legal protection in rapidly transforming legal environments [6, p. 251]. Taken together, this classification enables a more structured assessment of how women's rights are articulated and progressively expanded within both international law and domestic legal systems of Islamic states.

The tension between universalism and cultural relativism constitutes another key theoretical perspective for analysing the legal position of women in Islamic states. From a universalist perspective, women's rights are regarded as inherent to all human beings and grounded in internationally recognised standards, particularly those developed within the framework of the United Nations human rights system, including the CEDAW. In contrast, cultural relativist approaches emphasise the contextual specificity of legal and moral norms, arguing that the interpretation and implementation of women's legal status must reflect religious, historical, and cultural particularities of each society, including Islamic legal traditions. In the context of this dissertation, these two approaches are not treated as mutually exclusive but as competing interpretative paradigms that directly shape legislative reforms and judicial practice in Islamic states. The interaction between these perspectives becomes particularly evident in areas such as family law, personal status regulation, and public participation, where international standards often intersect with religiously grounded legal norms, generating both convergence and tension in the transformation of women's legal status.

This research adopts a normative human rights framework rooted in international law, which views the protection and promotion of women's rights as a legal obligation derived from universally recognized instruments such as the Universal Declaration of Human Rights and the CEDAW. From this perspective, the study assesses Islamic legal traditions not in isolation but in relation to globally accepted human rights norms. However, the research acknowledges that the application of these norms must consider

the specific cultural, religious, and social contexts of Islamic states. Therefore, the theoretical framework insists on a balance between the universality of human rights and respect for cultural specificity, following the approach suggested by scholars like M. Baderin, who advocate for an inclusive, dialogue-based model rather than an externally imposed legal transformation [70].

In order to ensure the scientific validity and depth of the present study, it is necessary to outline and justify the specific research methods employed [273]. The analysis of the legal status of women's rights in Islamic jurisprudence requires a combination of traditional legal research techniques and interdisciplinary approaches.

The methodological foundation of this research is grounded in the tradition of comparative legal analysis, which serves as the principal instrument for examining the legal status of women's rights in Islamic states [210]. Comparative law allows for a systematic evaluation of how different Islamic legal systems conceptualize and regulate women's rights, particularly in relation to family law, education, legal capacity, and political participation.

The case study method is used to provide detailed empirical illustrations of how women's rights are regulated and contested in specific Islamic states. The thesis analyzes selected jurisdictions to show how Islamic legal principles are implemented differently across socio-political contexts. By applying case study analysis, the research captures both the diversity and specificity of legal practices regarding women's rights. Case studies also reveal how constitutional references to Sharia, statutory reforms, and judicial decisions shape the practical legal status of women in these states. This method enriches the comparative component of the research by providing real-world evidence of successes, challenges, and reform trajectories.

The doctrinal method of research is focused on analyzing legal theories rather than real-world observations or practical applications. It seeks to understand the theoretical underpinnings of legal rules and doctrines. The study applies a doctrinal legal method to analyze primary sources of Islamic law, including the Qur'an, Hadith, and classical jurisprudential texts (*fiqh*), as well as the legal codes and constitutions of

selected Islamic states. These are examined alongside international treaties such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and relevant General Comments and concluding observations of the UN Committee on the Elimination of Discrimination Against Women. The research method includes not only the interpretation of binding norms but also the study of soft law instruments and reports issued by specialized UN bodies, the Organization of Islamic Cooperation (OIC), and regional human rights mechanisms. The application of doctrinal methodology enables the identification of legal obligations, reservations, and enforcement mechanisms concerning women's rights in both domestic and international frameworks.

The hermeneutic method is indispensable for interpreting religious legal texts in their historical, linguistic, and cultural contexts. In studying the Qur'an, Hadith, and classical *fiqh* literature, the research uses hermeneutic analysis to uncover meanings that are often obscured by later doctrinal rigidities. Hermeneutics enables the study to engage with reformist and feminist interpretations of Islamic texts, which argue that original Islamic teachings support principles of justice and gender equality. By employing this method, the thesis critically evaluates different interpretative traditions and highlights how reinterpretation (*ijtihad*) remains a legitimate and necessary tool for adapting Islamic law to contemporary human rights standards.

According to I. Bhat: «History unravels the growth of legal concepts, ideas, conscience of the community underlying the law, political and social movements which produced the law, and international relations, which shaped the law at the national and international levels» [87]. It would be necessary to apply historical and contextual analysis to assess how legal systems in Islamic states have evolved in response to colonial interventions, modernization processes, and transnational human rights movements. According to A. Willems: «It is useful for identifying trends and topics within unstructured data (contexts). In a sense, contextual analysis helps create order out of chaos. The main aim of contextual analysis is to assess when and how contexts shape a social phenomenon and vice versa» [453]. «A contextual approach involves treating

legal subjects broadly, using materials from other humanities and social sciences, and from any other discipline that helps to explain the operation in practice of the particular legal field or legal phenomena under investigation» [62].

In terms of the current research, it is important to trace the codification of personal status laws during the late Ottoman Empire and subsequent reforms in the post-independence era. Understanding these legal transformations is vital for situating contemporary debates within their proper historical framework and for assessing whether current legal reforms constitute substantive progress or symbolic change. In this sense, methodology in this research does not only serve descriptive functions but is analytical and normative, aimed at contributing to the advancement of women's legal status in accordance with both Islamic legal principles and international legal standards.

The structural-functional method is used in this research to analyze the legal status of women in Islamic states by examining how legal institutions, religious norms, and social structures interact and function within society. Through this approach, the research identifies the roles that Islamic jurisprudence and state legal systems play in maintaining or transforming women's rights. It helps in understanding how Sharia-based rules concerning marriage, inheritance, and legal capacity contribute to broader societal functions, such as maintaining family structures or regulating property relations. This method allows the research to highlight how women's rights are not isolated provisions but integral elements of larger legal and social orders, revealing both the sources of resilience and the possibilities for reform within Islamic legal frameworks.

The formal logical method serves an essential role in structuring the normative analysis of legal texts and doctrinal sources in this study. It provides the tools necessary for ensuring consistency and objectivity in interpreting Islamic primary sources (Qur'an, Hadith, etc.) as well as international legal documents (CEDAW, the International Covenant on Civil and Political Rights (ICCPR), etc.). Using this method, the research systematically categorizes rights granted or restricted to women and evaluates the internal coherence of legal arguments made both within Islamic law and under international human rights law. Formal-logical analysis helps prevent subjective

bias by applying principles of legal reasoning and formal consistency, thus growing the credibility of comparative conclusions drawn between different legal systems [312, p. 200-203].

The dialectical method supports the critical examination of contradictions and tensions within Islamic jurisprudence itself, as well as between Islamic legal traditions and international human rights standards. Through the dialectical approach, the research explores how competing interpretations of Sharia generate ongoing debates about women's legal empowerment. It is also used to analyze how historical developments such as colonial encounters, modernization movements, and international legal pressures have influenced contemporary legal positions. The dialectical method reveals not only the conflicts but also the potential for synthesis and legal evolution, allowing this research to present a dynamic rather than a static view of women's rights under Islamic law.

The dissertation employs an interdisciplinary research method as an autonomous instrument, which reflects the complex nature of the subject matter under examination. Given that the research integrates elements of legal theory, international law, theology, and sociology, interdisciplinarity is conceptualised not merely as a combination of perspectives but as a structured method that enables the synthesis of normative, doctrinal, and socio-cultural analyses. Such an approach allows for a more nuanced interpretation of women's rights in Muslim-majority states by situating legal norms within their broader religious and social contexts.

Another essential component of the methodology is the use of critical legal theory, particularly feminist legal approaches, which assist in analyzing how gender hierarchies are constructed and maintained within Islamic legal discourse. According to the Legal Information Institute of the Cornell Law School, critical legal studies is a theory that states that the law is necessarily intertwined with social issues, particularly stating that the law has inherent social biases. «Proponents of critical legal studies believe that the law supports the interests of those who create the law. As such, critical legal studies state that the law supports a power dynamic that favors the historically

privileged and disadvantages the historically underprivileged. Critical legal studies find that the wealthy and the powerful use the law as an instrument for oppression to maintain their place in the hierarchy» [127]. This theoretical perspective is instrumental in evaluating the role of interpretation (*ijtihad*), legal reasoning (*qiyas*), and consensus (*ijma*) in the development or restriction of women's rights. Scholars such as Z. Mir-Hosseini and A. Chaudhry have contributed significantly to this area, emphasizing the necessity of internal reform within Islamic law that reflects the normative values of justice and equality. By integrating this lens into the analysis, the research critically examines not only the text of the law but also the socio-political structures that influence its application.

The Islamic science of international law is in the process of development, in which its representatives are seeking to combine traditional Islamic values with the basic principles of modern international law.

Analyzing research of scientists in this area, we can observe that, while the topic has been the subject of substantial scholarly engagement, there remain certain gaps in the literature that become more noticeable upon close examination, particularly in works authored by scholars with diverse legal, religious, and academic backgrounds. These variations are often influenced by broader contextual factors such as the role of the nation-state, post-colonial developments, and the underlying methodological approaches used in the study of human rights. Divergent academic training, especially in the interpretation of both religious and secular legal texts, has contributed to differing analytical frameworks. As a result, the field sometimes exhibits conceptual inconsistency, particularly when examining attempts to reconcile Islamic legal norms with international human rights standards. Some comparative works have presented issues in ways that highlight certain contrasts while potentially overlooking areas of convergence. Consequently, it could be perceived as harmonizing Islamic law with instruments such as the Universal Declaration of Human Rights necessarily entails choosing between secular and religious legal traditions, rather than seeking interpretive or jurisprudential common ground.

Scholars researching Islamic law in the context of human rights can generally be grouped into two distinct approaches, each employing its own methodology. On one side are Muslim scholars who examine Islamic legal traditions through the lens of classical jurisprudence, often grounded in religious epistemology and internal hermeneutics. On the other side are Western scholars who analyze human rights from the standpoint of international legal theory, frequently applying secular methodologies and focusing on the evolution of international human rights instruments. However, examining human rights through an Islamic legal framework presents a methodological orientation distinct from both approaches. It neither adheres strictly to the classical juristic exegesis without contemporary contextualization, nor does it rely solely on Western liberal legal paradigms detached from Islamic legal sources and values.

One of the most influential Muslim scholars in the field of Islamic jurisprudence is M. Kamali, whose extensive work on Islamic legal theory and human rights has been pivotal. In his book «Principles of Islamic Jurisprudence», M. Kamali delves into the methodologies of Islamic law, emphasizing the importance of *maqasid al-shariah* (objectives of Islamic law) in interpreting legal texts. His approach advocates a dynamic understanding of Sharia that accounts for changing societal circumstances, which is particularly relevant when addressing women's rights within Islamic frameworks. He also dedicated a significant number of his articles to women's rights [240]. He attempted to expound Sharia positions on women's right to work and her freedom to choose the work she undertakes, and then also to own its proceeds regardless of her marital status in one of his articles. According to M. Kamali, «women's conditions vary widely among Muslim states and regions which tend to have cultural characteristics of their own and face similar but also different challenges. Yet perceptions and attitudes prejudicial to gender equality still persist to the effect that women should stay at home, and those who try to secure outside employment should obtain their husband or guardian's permission first» [242, p. 311].

Z. Mir-Hosseini's research focuses on the intersection of Islamic law, gender, and modernity [255]. In her book «Islam and gender: The religious debate in contemporary

Iran», she examines how Islamic legal discourses are constructed and contested, particularly in relation to women's rights [225].

Z. Mir-Hosseini explores the issue of gender with Islamic jurisprudence and examines how clerics today perpetuate and modify these notions. Following the Islamic Revolution of 1979 and the introduction of religious Sharia law relating to gender and the family, women's rights in Iran suffered a major setback. However, as the Islamic Republic of Iran's leaders have faced the social realities of women's lives and aspirations, positive changes have gradually emerged, especially in the context of the state's recent liberalization. According to Z. Mir-Hosseini, «women are central to the political and moral imagination in Muslim majority societies. Because of this centrality, the contest over women's roles in society and family legislation has often become a matter of high politics. In many states, demands for Islamization have focused on such matters as women's rights in divorce, inheritance, and legal testimony» [279],

Z. Mir-Hosseini is also the author of «Men in charge? Rethinking authority in Muslim legal tradition» [282], and «Islam and democracy in Iran» [283]. Z. Mir-Hosseini's work highlights the diversity of interpretations within Islamic jurisprudence and the potential for reformist approaches that align with human rights principles.

Z. Spahic-Siljak is a ground-breaking professor of gender studies in Bosnia and Herzegovina. Her academic work focuses on human rights, women's rights, religion and feminism in Islam [369]. Z. Spahic-Siljak founded her local organization, TPO Foundation, in 2006 to focus on gender equality and peacebuilding, including religion as one of its components. «We are not a faith-based organization. We are not a religious organization», she says. «We are a regular non-governmental organization that uses religion as one of many arguments for the promotion of women and human rights». Z. Spahic-Siljak says that men in politics generally find it difficult to accept women as equal partners and allies in building a better society in her state. «As long as we have women, but also men, who believe that there is no social justice without gender justice, we have hope that something can be changed. Education is the key to future equality and, if we continue to educate young people through formal and informal education, we

can do something», says Z. Spahic-Siljak. She believes that «it's important to start with that from the early stages of life, to integrate it into education and then hope for a more gender-equal society in the future» [368].

A. Wadud, a prominent Islamic feminist scholar, has contributed significantly to the discourse on women's rights in Islam. A. Wadud's scientific production is part of the development of the second wave of feminism, which demanded the suppression of discriminatory practices against women in their daily lives and, from an academic perspective, contributed to the introduction of the question of gender into social studies. «From this perspective, the development of Islamic feminism, which gained momentum from the 1970s onwards, contributed to questioning the promotion of a Western hegemonic view of feminism from within feminism, and with it, the so-called secularist feminism, which associated women's emancipation with Western secularist social values, and was criticized for reflecting a tendency towards a Western notion of progress, closer to white middle and upper-middle class women» [232].

In her seminal work «Qur'an and woman: rereading the sacred text from a women's perspective», A. Wadud offers a gender-inclusive interpretation of the Qur'an, challenging patriarchal readings and advocating for gender equality rooted in Islamic principles. Her hermeneutical approach has inspired a wave of scholarship that seeks to reconcile feminist perspectives with Islamic teachings [443]. While in Malaysia she and a collective of 7 other women organized the first major pro-faith pro-feminist organization «Sister in Islam» (SIS). SIS would inspire the network Musawah, a global movement for reform in Muslim Personal Status Law. Her second book «Inside the Gender Jihad: Women's Reform in Islam» was published in 2006 [442].

K. Abou El Fadl, a distinguished Islamic legal scholar, has extensively explored the ethical dimensions of Islamic law. In his work «Speaking in God's name: Islamic law, authority and women», K. Abou El Fadl critiques authoritarian interpretations of Sharia and advocates for a moral and inclusive understanding of Islamic jurisprudence that upholds justice and human dignity, especially concerning women's rights. His critique is rooted in the belief that abuse of interpretative authority within traditional

Islamic jurisprudence has enabled the marginalization of women. He asserts that reclaiming ethical integrity in legal interpretation is not only possible but necessary for Islamic law to evolve in a just manner.

In addition to his foundational critique of interpretative authoritarianism, K. Abou El Fadl introduces the concept of «moral authority» in the interpretative process. He argues that lawyers should be accountable for upholding ethical standards when drafting legal norms, particularly in matters related to gender justice. His writings challenge the monopoly of patriarchal readings and call for inclusive hermeneutics grounded in reason (*'aql*), compassion (*rahma*), and justice (*'adl*), which he regards as central to the Qur'anic message. K. Abou El Fadl's scholarship is influential in contemporary Islamic feminist thought, as it creates space for reinterpretation (*ijtihad*) that aligns with universal human rights principles without rejecting Islamic tradition. His work has also been influential beyond academia, shaping discussions among reformist scholars, legal practitioners, and activists in the Muslim world. Notably, his approach has informed legal reform debates in states such as the Arab Republic of Egypt and Malaysia, where calls for more gender-equitable family laws have increasingly referenced ethical interpretations of Sharia. In integrating moral philosophy with traditional jurisprudential analysis, K. Abou El Fadl significantly contributes to reconciling Islamic law with modern standards of gender equality [151].

A. Barlas is widely recognized as a leading scholar in the field of Islamic feminist thought, particularly for her contributions to reinterpreting the Qur'an in ways that affirm gender equality. In her work «Believing Women in Islam: Unreading Patriarchal Interpretations of the Qur'an», A. Barlas critiques centuries of male-dominated exegesis that, she argues, have distorted the egalitarian potential of Islamic scripture. Her approach is rooted in the claim that the Qur'an itself does not endorse gender hierarchy but has been historically read through the lens of patriarchal cultures and legal institutions. A. Barlas makes a distinction between the divine text and the corpus of classical jurisprudence (*fiqh*), asserting that many discriminatory rulings in Islamic law stem from interpretations rather than the original message of the Qur'an. This position

aligns with reformist understandings of Islamic jurisprudence that call for revisiting foundational sources with attention to both context and ethical intent.

A. Barlas's scholarship is especially significant for the study of women's legal status in Islamic states because it provides a hermeneutical foundation for legal reinterpretation (*ijtihad*) that remains faithful to Islamic tradition. She emphasizes that the Qur'an's principles of justice (*'adl*) and moral accountability can serve as the basis for gender-equitable legal reforms within Islamic jurisprudence. Her work is frequently cited by contemporary legal scholars and activists advocating for reforms in areas such as personal status law, inheritance, and guardianship. Importantly A. Barlas insists that «rethinking Islamic legal norms concerning women does not necessitate a departure from Islam, but rather a deeper engagement with its textual and ethical core» [81].

Speaking of Western scholars who influenced international legal theory, J. Schacht, a British-German orientalist, and legal historian, is widely regarded as one of the foundational figures in the Western academic study of Islamic law. His most influential work, «The Origins of Muhammadan jurisprudence», presents a critical historical analysis of the development of Islamic legal thought. J. Schacht argued that a significant portion of Islamic jurisprudence emerged after the Prophet Muhammad's lifetime, particularly during the second and third Islamic centuries, through processes of retrospective attribution of hadiths. According to J. Schacht, many legal traditions claiming prophetic origin were in fact constructed by later jurists to legitimize emerging legal norms. His theory of «back-projection» has had a profound influence on Western approaches to Islamic legal historiography and has sparked significant debate among Muslim and non-Muslim scholars alike [349].

Although J. Schacht's conclusions have been challenged by contemporary Islamic scholars, especially those emphasizing the authenticity and continuity of early Islamic legal tradition, his methodology has influenced critical legal studies on gender norms in Islamic law. For the purpose of this thesis, J. Schacht's work is significant not because it directly addresses women's rights, but because it problematizes the authority of traditional jurisprudence, much of which governs the legal status of women in

Islamic states. His analysis supports the argument that Islamic legal doctrines, including those regulating personal status, were not immutable divine laws but historically contingent constructs. This opens the door for scholarly re-evaluation of gendered legal norms and supports the case for reformist readings of Islamic jurisprudence that align more closely with contemporary human rights frameworks [365].

A. Mayer has extensively explored the compatibility of Islamic law with international human rights standards. In her book «Islam and Human Rights: Tradition and Politics», A. Mayer analyzes how Islamic legal systems interact with global human rights norms, particularly concerning women's rights. She emphasizes the political and cultural factors that influence the interpretation and implementation of Sharia in various contexts. It is a probing examination of how Islamic tradition has been exploited for political ends by regimes and institutions seeking to legitimize policies inimical to human rights. A. Mayer critically appraises Islamic human rights schemes that dilute the human rights afforded by international law, comparing them with the complex Islamic legal heritage and international human rights law. Challenging stereotypes about a supposedly monolithic Islam inherently incompatible with human rights, A. Mayer dissects the political motives behind the selective deployment of elements of Islamic tradition by conservative forces seeking to delegitimize demands for democracy and human rights [271].

A. An-Na'im, a Sudanese-American legal scholar and former student of Mahmoud Mohamed Taha, is one of the most prominent voices calling for a human rights-based reformation of Islamic law from within Islamic tradition itself. In his influential book «Toward an Islamic reformation: civil liberties, human rights, and international law», A. An-Na'im contends that Islamic legal frameworks must evolve through internal reinterpretation rather than external imposition. He challenges static and literalist readings of Sharia, asserting that Muslim societies can develop legal systems consistent with both Islamic values and universal human rights. His approach does not reject Islamic jurisprudence; rather, it emphasizes the need for a historically

conscious and ethically driven methodology rooted in the Qur'an and Sunnah but responsive to the demands of justice in the modern world [53].

A. An-Na'im's work is particularly relevant for the study of women's legal status in Islamic states, as it lays the theoretical groundwork for reconciling gender equality with Islamic norms. He argues that many discriminatory laws affecting women, such as those governing inheritance, testimony, or marital guardianship, are not inherent to Islam, but are the result of patriarchal interpretations developed in pre-modern contexts. For A. An-Na'im, reform is not only possible but necessary for Islamic legal systems to maintain legitimacy in societies that are increasingly engaged with international legal standards, including those articulated in the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). His proposals for *ijtihad* (independent legal reasoning) and moral accountability in jurisprudence provide a normative and methodological bridge between Islamic legal traditions and modern frameworks for the protection of women's rights.

C. Mallat, a distinguished Lebanese legal scholar and practitioner, has made a significant contribution to the comparative study of Islamic law and its interaction with modern legal systems, particularly through his seminal work «Introduction to Middle Eastern law» [265]. In this comprehensive study, C. Mallat examines the structural and philosophical foundations of law in the Middle East, where Islamic jurisprudence, colonial legacies, and contemporary state laws coexist in complex legal pluralism. A key aspect of his research is the analysis of how Islamic law, particularly in the domains of personal status and family law, operates within modern constitutional frameworks. He emphasizes that while Islamic legal traditions continue to shape core legal institutions, the region's legal systems are in flux, increasingly influenced by transnational human rights discourse and the pressures of globalization.

N. Feldman, in his book «The fall and rise of Islamic state», examines the historical development of Islamic governance and its implications for modern legal systems. N. Feldman's analysis provides insights into how Islamic legal principles can

be integrated into contemporary state structures while respecting human rights and democratic values [155].

In Ukraine, N. Anishchuk has dedicated her scholarly efforts to studying women's rights and gender equality within legal frameworks. Her research includes analyses of gender-legal reforms, examining them in the context of ensuring equal rights and opportunities for women and men across all spheres of society. N. Anishchuk's work provides valuable insights into the legal mechanisms that can promote gender equality, offering comparative perspectives that are beneficial for understanding women's rights in various legal systems [1].

H. Behruz has focused on the impact of religions on law-making and the classification of legal systems, with a particular emphasis on Islamic law. In his works H. Behruz explores how religious principles influence legal structures and the methodology of comparative law. His research contributes to a deeper understanding of the interplay between religion and law, which is crucial for analyzing women's rights in Islamic contexts [3, p. 124].

V. Hlynyanyi made a notable contribution to the study of women's legal status by linking historical legal analysis with later developments in international and comparative law. Particular attention in his works was paid to the interaction between private law institutions, moral philosophy, and public legal regulation. His scholarship contributed to the doctrinal foundations used in contemporary international legal discussions on gender equality and the legal status of women [5].

O. Butkevych has explored aspects of Muslim international law, contributing to the broader understanding of how Islamic legal principles intersect with international legal norms. Her research offers insights into the ways Islamic law can engage with global human rights frameworks, particularly concerning women's rights [4].

Among the scholars who have made a significant contribution to the study of the Islamic concept of international law, its historical development, and current condition are L. Syukiyainen, L. Shaybani, V. Knapp, M. Sanaei, S. Sardar Ali, M. Zawati Hilmi, O. Merezhko, and others.

The study of Islamic legal doctrine has also been the subject of works by Ukrainian and international scholars such as O. Bibikova, M. Burhanuddin, V. Dontsov, M. Zhdanov, O. Ignatenko, N. Coulson, O. Lvova, A. Masse, O. Skakun, M. Hadduri, V. Hallak, J. Shaht, Y. Kolomiets, M. Levchuk, and others. Certain aspects of Islamic international law are covered in the studies of J. Rehman, A. Saidov, L. Sukiyainen, M. Hamidullah, R. Charles and others.

We can summarize that studying the legal status of women's rights in Islamic jurisprudence requires a comprehensive and interdisciplinary approach. It is not enough to rely solely on classical legal theory or international law; instead, a combination of both is needed to fully understand the structure and function of legal norms concerning women in Islamic contexts. The interaction between Islamic jurisprudence and international human rights standards raises important legal and theoretical questions, particularly in the area of gender equality. Addressing these questions requires looking beyond formal legal texts and considering the wider legal, cultural, and historical influences that identify the way women's rights are interpreted and implemented.

The use of various legal methods in this research has made it possible to examine the subject from multiple angles. For example, structural and functional analysis helped to understand how legal systems operate, hermeneutic and dialectical approaches were necessary to evaluate religious texts and their modern interpretations. Case studies supported the theoretical findings by offering practical examples from different Islamic states. These methods together allowed for a deeper analysis of how legal norms are applied in practice and how they can change over time, especially when influenced by both internal and external legal developments.

After analyzing the current state of academic research, we can make a conclusion that this field is developing and open to reinterpretation. Scholars from various legal systems are actively engaged in rethinking traditional norms and finding ways to align them with broader legal and human rights principles. This growing interest in the subject supports the need for further research focused on the transformation of women's legal status in Islamic states. The results here lay the foundation for future analysis of

legal norms, international obligations, and the practical implementation of women's rights within different legal systems shaped by Islamic jurisprudence.

1.3. Classification of Islamic states by the level of development of women's rights

Many factors, including religious rules, national laws, political priorities, cultural traditions, etc., influence the state of women's rights in Islamic states. These differences make it difficult to compare states without a clear structure. This subchapter proposes an approach to classifying Islamic states based on how far they have developed laws and institutions that protect women's rights. It uses a range of criteria to show how legal systems work in practice. The goal is not only to describe the laws but also to explain how they are applied and whether women can truly benefit from them. By using this approach, we can better understand the different paths that Islamic states follow and how legal reforms in the field of women's rights are progressing or, in some cases, even reversing.

We should agree with H. Behrouz, who points out that the strengthening of Islam's position and its influence on events in the world indicate that in modern conditions, we are talking about the recognition of Islam as one of the most important factors in the transformation of the political and legal map of the world [2, p. 54]. «At the same time, given the specifics of the social and spiritual life of Islamic states, the impact of globalization on the development of the state, law, and its consequences in these societies differs from similar processes elsewhere. In this sense, human rights are the cornerstone of criticism of Islamic legal systems. The democratization of the Arab East has determined the need to enshrine human rights in legislation. Despite this, the topic is constantly at the center of complex problems and conflicts that lead to the establishment of a negative view of the essence of the Islamic legal system as a whole, allowing critics to conclude about its archaic nature and inconsistency with modern realities» [9, p. 56].

«One of the features that determines the functioning of human rights institution in Islamic states is the dualism of the Islamic legal system, which consists in the simultaneous coexistence of legal norms that are different in content and specificity – the norms of classical Islamic law and norms borrowed from other legal systems» [3, p. 124]. This characteristic feature of Islamic law determines its plasticity and ability to adapt to economic and socio-political changes taking place in the world, and the ability to regulate various spheres of social relations more effectively, especially those that are new to Muslim societies.

Dualism in Islamic law has further strengthened it and expanded the scope by borrowing legal provisions and norms from other legal systems. For example, in the Kingdom of Saudi Arabia, which is an absolute monarchy and professes Wahhabism, the most radical Islamic Sunni doctrine, in 2018 the following was abolished the ban on driving for women was lifted [386]. In addition, the Kingdom of Saudi Arabia's Vision 2030 strategy, proposed by Crown Prince Mohammed bin Salman, envisages the popularization and reform of education, the development of small businesses, and limiting the influence of Wahhabi clergy on secular life.

It is important to look more closely at how women's rights are developed and protected in practice. This identification helps us understand which states fall within the scope of the study, but it does not show how developed their legal systems are in terms of supporting gender equality. To better assess this, we need to apply specific criteria that reflect the legal and social situation of women in each state. The first aspect to be examined is the right to education, since access to education is a basic human right and a key condition for improving the legal status of women in Islamic states.

«Education is a basic requirement for all people in all nations, regardless of their social class, race, gender, or religious affiliation. This is the case for both children and adults, men and women» [50, p. 622]. «The right to education is a foundational element in assessing the legal status of women's rights within Islamic states. Islam places great emphasis on education in general, and the education of the youth and children in particular» [54, p. 23]. «The right to education in Islam, therefore, does not only refer to

adults, but includes children and adolescents. This right, thus, falls on the shoulders of parents and state authorities, where Islamic principles are taken as references for national legal documents. Parents and state authorities are obliged to provide conducive conditions for proper elementary and secondary education of children and adolescents» [245, p. 26-27].

National constitutions, education laws, and human rights commitments often serve as the basis for determining whether women and girls are guaranteed equal access to all levels of education [406]. This criterion is particularly significant because the right to education is not only a stand-alone right but also a key enabler of other rights, including political participation, economic independence, and access to justice. «When a state explicitly guarantees gender-equal access to education in its legal system and enforces that right in practice, it reflects a broader institutional commitment to gender equality and human development» [167].

In Islamic states, legal norms for girls' education vary considerably. For example, «Malaysia, have introduced comprehensive legislation, such as Education Act 1996, and policies to ensure equal educational opportunities and have invested in female literacy and higher education access» [165]. There are some states that have either failed to adopt such legal protections or have allowed customary, religious, or regional restrictions to limit educational access for girls. In states where girls face barriers to education due to a lack of legal protection or discriminatory practices, it becomes difficult for women to access professional opportunities or participate in public life. Therefore, the existence and enforceability of laws on education for women serve as an important indicator of a state's legal and institutional development in the area of gender equality.

This criterion plays an important role in assigning Islamic states to the groups outlined in this research. Leading states typically have strong constitutional and legislative frameworks guaranteeing the right to education, together with high female enrollment rates and low gender gaps in educational attainment. Progressing states may have legal protections in place but continue to struggle with enforcement or regional

disparities. Emerging and low-developing states are generally characterized by either vague legal provisions or systemic restrictions rooted in guardianship laws, conservative interpretations of Sharia, or a lack of infrastructure. As such, the legal right to education offers a measurable and comparative basis for understanding broader trends in the legal transformation of women's rights across Islamic states.

The right of women to participate freely in employment and economic life represents one of the most significant indicators of gender equality in any legal system, including those influenced by Islamic jurisprudence. In many Islamic states, constitutional frameworks provide general guarantees of equality, yet labor laws and customary practices frequently impose limitations either explicitly through formal restrictions or implicitly through structural and socio-cultural barriers. The disparity between formal legal rights and real-world access to employment opportunities reflects deep-rooted interpretations of gender roles, often justified under religious or traditional norms [310].

In the analysis of Sharia and contemporary perspectives on women in the workplace, M. Kamali argues that Islamic jurisprudence, particularly when guided by the maqasid al-sharia (objectives of the law), supports women's financial autonomy and economic participation. He asserts that the Qur'anic principle of individual responsibility in earning, and spending is consistent with granting women full access to employment, ownership, and contractual independence regardless of their marital status. Nonetheless, cultural conservatism, patriarchal norms, and male-dominated labor markets continue to suppress these theoretical rights in many Islamic jurisdictions. For example, the legal framework in states like the United Arab Emirates permits women to work, but certain sectors remain informally off-limits or unwelcoming to female professionals, particularly in managerial or legal professions.

According to M. Kamali, while Islamic texts do not prohibit women from working, many societies continue to apply restrictive interpretations, often requiring spousal or guardian approval for employment outside the home. He states that: «Women's right for work is a part of the general challenge of gender equality and

justice. It is important that the more particular issues of women's empowerment in the workplace are contextualized into the larger matrix of equality. New solutions to issues should also be related to aspects of equality in matrimonial law, as well as in the economic and social conditions of women in their particular settings» [242, p. 311].

Empirical studies show substantial variance among Islamic states in terms of workplace inclusion. For example, «the Republic of Tunisia have implemented legal reforms that promote women's labor rights and actively encourage female participation in both public and private sectors. The Republic of Tunisia's progressive labor code guarantees equal pay for equal work and prohibits gender-based discrimination in hiring practices» [108]. On the other hand, «in the Kingdom of Saudi Arabia, until recent reforms under Vision 2030, women's employment was strictly regulated, and guardianship requirements often prevented women from entering the labor force» [42].

It is also important to note that economic participation is closely linked to other legal dimensions such as access to finance, entrepreneurial rights, and property ownership. Analyzing World Bank's Women, Business and the Law 2024 report notes we can conclude that in some states, women still face institutional and bureaucratic barriers to starting businesses, accessing credit etc. In contrast, some other Islamic states have made significant strides in promoting women's entrepreneurship, including through government-funded support systems and inclusive business law reforms [461]. These disparities demonstrate that economic inclusion is not solely a matter of religious doctrine but involves a broader intersection of law, policy, and social attitudes.

The dimension of employment and economic participation becomes an important criterion in categorizing Islamic states. States where women have constitutionally enshrined rights to work, reinforced by anti-discrimination laws and institutional mechanisms that promote workplace equity, fall within the leading category in the current research. Those implementing transitional reforms but lacking full enforcement or societal acceptance may be classified as progressing. States where legal or informal restrictions persist, particularly where male guardianship systems still influence employment decisions, are more accurately described as emerging or low-developing.

A comparative historical perspective on the women's right to vote demonstrates a gradual and uneven trajectory of legal reform. In several states, women's suffrage was introduced relatively early in the twentieth century as part of broader processes of constitutional transformation. In Turkey, women obtained the right to vote in municipal elections in 1930 and in national elections in 1934. Pakistan recognised women's suffrage upon independence in 1947. In the Arab Republic of Egypt, full voting rights were enshrined in the 1956 Constitution, with women participating in national elections from 1957. In the Islamic Republic of Iran, women were granted electoral rights in 1963 in the context of constitutional reforms. In Morocco, women participated in parliamentary elections from 1963. Afghanistan's 1964 Constitution recognised women's suffrage, exercised in the 1965 elections; however, under current conditions following the political changes of 2021, women's effective participation in electoral processes has been de facto revoked. Bangladesh reaffirmed universal suffrage, including for women, in its 1972 Constitution. In Jordan suffrage was formally granted in 1974, with broader political participation developing progressively thereafter. In Oman, women acquired the right to vote and stand for election to the Consultative Assembly in 1994. In Bahrain, electoral rights were introduced in 2002 as part of constitutional reforms, whereas in Kuwait women obtained full parliamentary voting rights in 2005. In the United Arab Emirates, limited electoral participation was introduced in 2006 through an electoral college mechanism. In Saudi Arabia, women were granted the right to vote and to stand as candidates in municipal elections following the 2011 decision of the authorities, first exercised in the 2015 elections. This chronology demonstrates that the development of women's electoral rights in Muslim-majority states follows diverse legal and political pathways, shaped by constitutional change, institutional design, and broader socio-legal transformations [123].

Political representation remains one of the most visible indicators of women's legal and societal status in Islamic states. The extent to which women can participate in legislative, executive, and local governance structures varies significantly across jurisdictions. Some Islamic states have taken deliberate steps to promote women's

political empowerment through constitutional quotas, affirmative action, or gender-balanced electoral laws [424].

The Republic of Tunisia is an example of a pioneer state that introduced its first gender quota at a time when many African nations were still going through political instability and gender parity was not a priority [422]. «As of December 2018, 35.6% of parliamentary seats in the Republic of Tunisia were occupied by women, a rate higher than that of most nations in Africa and worldwide. The Republic of Tunisia was also considered one of the most progressive states in the region regarding gender policies» [476]. Yet, «the Republic of Tunisia was not able to keep pace with the new expectations and is even going backward when it comes to gender parity. Unfortunately, in September 2022, all temporary measures supporting women's access to parliament were eliminated by Decree No. 55. This shift resulted in a significant drop in female representation in the Assembly of People's Representatives, falling from 26.3% in 2019 to 16.2% after the January 2023 elections» [418]. A similar situation happened in the People's Democratic Republic of Algeria as well. We can see that women's participation in politics cannot be improved through laws alone. It will require a substantial political process, and ongoing societal work to change negative stereotypes about women. «This can be achieved by establishing opportunities for women to be politically active in party structures, including in the interior regions of the state, and to take on leadership roles within these structures» [268].

In contrast, other Islamic states maintain significant legal or de facto barriers to women's political participation. «In the Kingdom of Saudi Arabia, while women have gained the right to vote and run for office in municipal elections since 2015, their overall participation in national political structures remains minimal» [346]. «The Global Gender Gap Report (2021) rates Saudi women's participation and leadership in the workforce at 2.23, while Saudi men's rate is 11.78. Political empowerment for Saudi women ranks 138th out of 157 states, with only 19.9% of parliamentary seats held by women, and no female heads of state or ministerial positions in the last 50 years. These gaps contribute to structural barriers for Saudi women» [311].

«In the Islamic Republic of Iran, although women can serve in parliament, they are still barred from holding high-level judicial and presidential positions, a restriction rooted in narrow interpretations of Islamic jurisprudence» [382].

Even where legal rights exist, cultural constraints, lack of institutional support, and male-dominated political environments often prevent women from exercising these rights effectively. As a result, political representation serves as an important criterion for classification of Islamic states: leading states ensure legal guarantees and practical inclusion; progressing states adopt supportive laws but struggle with implementation; emerging and low-developing states either lack the legal basis for political participation or maintain discriminatory eligibility restrictions.

Anti-discrimination protections serve as a crucial criterion in categorizing Islamic states. However, the impact of it varies in different states. Many states in the Middle East and North Africa (MENA region) have undergone constitutional and legal changes following the 2011 uprisings. The constitutions of the People's Democratic Republic of Algeria (2016, Article 32), the Arab Republic of Egypt (2014, Article 53), the Kingdom of Morocco (2011, Preamble), the Republic of Tunisia (2022, Article 23) and the State of Libya (2011, Article 6), but also the Islamic Republic of Iran (1979, Article 19) and the Republic of Iraq (2005, Article 14) all include provisions on nondiscrimination and legal principles of equality. Turkish anti-discrimination laws can be found in five areas of its legislation: the Turkish Constitution (1982), the Law on Disabled Peoples and Amendments to Various Acts and Decrees (2005), the Labour Code (2003), the Criminal Code (2004), and the Law on Human Rights and Equality Institutions of the Republic of Turkey (2016).

A relevant illustration of anti-discrimination protection in practice is found in the practice of the European Court of Human Rights, in particular Opuz v. Turkey (2009). The case concerned persistent domestic violence against the applicant and the failure of national authorities to provide effective protection, which the Court assessed not only as a violation of the right to life and prohibition of inhuman treatment, but also as a form of gender-based discrimination under Article 14 of the European Convention on Human

Rights. The Court's reasoning is significant for Muslim-majority contexts such as Turkey, as it established that state inaction in cases of domestic violence may amount to discriminatory treatment when it disproportionately affects women. This judgment has had broader interpretative influence, reinforcing the understanding that anti-discrimination obligations require proactive state measures, including effective prevention and enforcement mechanisms. In comparative perspective, it also serves as a reference point for Islamic and Muslim-majority states in assessing how equality guarantees can be operationalised within national legal frameworks dealing with violence against women and unequal protection in private and public spheres [306].

For example, «Article 9 of the Arab Republic of Egypt's Constitution ensures equal opportunity for all citizens without discrimination of women. Article 11 commits to the protection of women against all forms of violence. It further commits to achieving equality between women and men in all civil, political, economic, social, and cultural rights. Article 53 states that citizens are equal before the law, possess equal rights and public duties, and may not be discriminated against based on religion, belief, sex, origin, race, color, language, disability, social class, political or geographical affiliation, or for any other reason. It adds that discrimination and incitement to hate are crimes punishable by law» [27]. However, it appears that these commitments are stronger on paper than in their practical application. There is significant violence against women, particularly against women from minorities.

The guardianship system, as it exists in several Islamic states, remains one of the most significant legal barriers to women's autonomy. In this system, a male guardian, typically a father, husband, or closest male relative, has legal authority to make decisions on behalf of an adult woman in matters such as marriage, travel, employment, and even access to healthcare. The practice is rooted in traditional interpretations of Islamic jurisprudence, which regard male guardianship (wilaya) as a protective mechanism. However, contemporary scholars and legal reform advocates argue that this system undermines women's capacity to exercise full legal personhood and contradicts

both international human rights norms and progressive Islamic legal principles that support women's agency.

For example, according to Human Rights Watch, «the Kingdom of Saudi Arabia's first codified law on personal status, issued on International Women's Day in 2022, formally enshrines male guardianship over women. The Personal Status Law, issued on March 8, 2022, came into effect on June 18, with Crown Prince Mohammed bin Salman and other Saudi government officials touting the law as "comprehensive" and "progressive". However, the law codifies discriminatory practices and includes provisions that facilitate domestic violence and sexual abuse in marriage. The law also uses vague language that gives judges broad discretion when adjudicating cases, increasing the likelihood of inconsistent interpretations. Saudi women's rights activists long campaigned for a codified Personal Status Law that would end discrimination against women. However, the authorities provided them with no opportunity to offer input on this law, as the bill was not made public before it was adopted. In recent years, Saudi women's rights activists have faced arbitrary arrest and detention, torture, and travel bans» [347].

In some other Islamic states, the guardianship system is partially codified through personal status laws or left to the discretion of religious courts. «In the Islamic Republic of Iran, the Civil Code still requires the consent of a male guardian for the marriage of a virgin woman, regardless of age» [110]. Similarly, in the Republic of Yemen and the Republic of Sudan, women's access to courts and legal recourse may be hindered by procedural rules tied to male guardianship. Even in the states with relatively progressive legal systems, such as the Hashemite Kingdom of Jordan or the Arab Republic of Egypt, social customs and unofficial administrative practices continue to require guardian consent for acts that should fall under individual legal capacity. So, the persistence of the guardianship framework plays a defining role in categorizing Islamic states.

Marital and family rights represent one of the most contested areas of women's legal status in Islamic states, as these rights are often governed by religiously inspired personal status laws rather than civil law. In many Islamic jurisdictions, women face

legal disadvantages in matters of marriage, divorce, child custody, and inheritance. «Marriage contracts frequently involve unequal terms, with men typically granted unilateral divorce rights (ṭalāq), while women are required to seek court approval and provide justification for separation (khulʿ or tafrīq). Inheritance laws, based on traditional interpretations of Qur'anic injunctions (for example, Surah An-Nisa 4:11–12), often allocate women smaller shares compared to their male relatives. According to L. Welchman, such provisions continue to dominate family law systems in the states like the Hashemite Kingdom of Jordan, the Syrian Arab Republic, and the Republic of Sudan, despite growing public demand for gender equality in family relations. In many of these systems, male guardianship over women persists even within marriage, limiting a woman's legal autonomy over property, children, and residence» [447, p. 90-93].

Some Islamic states have adopted reforms that seek to harmonize traditional principles with modern understandings of gender equality. The Kingdom of Morocco's 2004 Family Code (Moudawana) is often cited as a progressive example. «It redefined marriage as a partnership between spouses, raised the minimum age of marriage for girls to 18, and granted women expanded rights in divorce and child custody» [480]. «The Republic of Tunisia, long seen as a leader in family law reform among Arab states, abolished polygamy as early as 1956 and continues to promote judicial protections for women in domestic matters» [109].

In the categorization framework used in this research, states with equal rights for men and women in marriage, fair divorce procedures, and strong legal protections in custody matters are classified as leading**.** States that have introduced some reforms, such as laws that support women's rights but are not always applied in practice or are limited by court interpretations, fall into the progressing group. Emerging states have only taken initial steps toward reform. In these states, legal protections may exist on paper but are weakly enforced, and traditional practices still heavily influence court decisions. Finally, low-developing states maintain outdated personal status laws that clearly favor men and restrict women's rights in marriage, divorce, and family life. In some of these states, the situation is even worsening – for example, there have been moves to lower

the legal age for marriage or to expand the powers of male guardians, which further limit women's legal autonomy and personal freedoms.

It would also be reasonable to consider such indicators as women's access to health care, reproductive rights, maternal mortality, and gender health indicators.

Reproductive rights and access to healthcare represent a core dimension of women's legal and social empowerment [373]. In international law, these rights are linked to the right to health, privacy, and bodily autonomy, as affirmed in instruments such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) [118, p. 13] and the International Covenant on Economic, Social and Cultural Rights (ICESCR) [216]. In Islamic states, however, reproductive rights are often regulated under personal status and medical laws that may reflect conservative religious interpretations. Access to family planning services, contraception, safe pregnancy care, and information about sexual and reproductive health is uneven and frequently restricted by legal, social, or institutional barriers. In some states, women require the consent of a husband or male guardian to access reproductive health services, especially in cases involving abortion, sterilization, or even routine gynecological care.

«While some Islamic states have made notable progress, such as the Republic of Tunisia, which liberalized its abortion laws as early as the 1970s, some other states continue to criminalize or heavily restrict reproductive healthcare. In the Islamic Republic of Iran and the Hashemite Kingdom of Jordan, for example, contraception is widely available, but abortion remains legally restricted except in cases where the mother's life is at risk. The Kingdom of Saudi Arabia has recently improved maternal health infrastructure and permits therapeutic abortion under specific circumstances, yet social stigma and medical gatekeeping remain significant obstacles» [189]. The situation is more restrictive in states like the Republic of Sudan and the Republic of Yemen, where reproductive services are limited and often governed by customary law, which can further restrict access for unmarried women or those lacking male consent.

Maternal mortality is a critical indicator of women's access to quality healthcare and reproductive rights. According to the World Health Organization (WHO), «maternal mortality ratios remain highest in Islamic states affected by conflict, poverty, and weak health systems, such as the Federal Republic of Somalia and the Islamic Emirate of Afghanistan. The maternal mortality ratio in low-income states in 2023 was 346 per 100 000 live births versus 10 per 100 000 live births in high income states. The State of Qatar and the United Arab Emirates report low maternal mortality rates due to well-funded healthcare systems and targeted policies for maternal and child health» [270]. However, disparities persist even within more developed states, especially in rural or marginalized communities where access to services may be limited by geography, cost, or discriminatory practices. These differences illustrate that legal rights alone are insufficient – effective implementation and equitable access are equally necessary to achieve gender equality in health outcomes.

In categorizing Islamic states, reproductive rights and gender-related health indicators provide critical insight into the broader legal and institutional environment. Leading states have codified legal norms for reproductive healthcare, offer state-supported services without discriminatory restrictions, and report low maternal mortality rates. Progressing states may provide basic services but limit access through legal requirements such as spousal consent or administrative barriers. Emerging and low-developing states often lack comprehensive legal protections for reproductive rights, face high maternal mortality rates, and impose religious or customary restrictions that significantly hinder women's access to healthcare. These conditions reflect not only legal inadequacies but also broader social inequities and gender-based exclusion from fundamental rights.

Access to justice and legal remedies should also be taken into consideration when classifying Islamic states. Access to justice is one of the most important ways to make sure women can use the rights that are written in law. In Islamic states, women's ability to go to court or solve legal problems depends on many things, such as the structure of the legal system, the role of Sharia law, and whether legal aid or fair procedures are

available. «In some states, like the Arab Republic of Egypt and the Kingdom of Morocco, the court systems are more unified and allow women to handle family issues in court, sometimes with support from legal aid or special family courts. These systems can help women better protect their rights, but problems still exist – such as a lack of information, expensive procedures, and social pressure to avoid legal action» [201].

In some other Islamic states, especially those with weak institutions or ongoing conflict, it is even harder for women to access justice. In states like the Islamic Emirate of Afghanistan, the Federal Republic of Somalia, and parts of the Federal Republic of Nigeria, local or traditional courts are used more often than official courts. These courts often focus on community traditions, which may not treat women equally. In some places, women need a male relative to represent them in court, or they cannot easily find a female judge or lawyer. Many women also do not know their legal rights. As a result, even if the law allows women to go to court, they often cannot do so in practice.

The legal right to property and inheritance is one of the areas where this cultural bias is most clearly reflected in law. «Under classical interpretations of Islamic inheritance law (ʿilm al-farāʾiḍ), male heirs typically receive twice the share of female heirs, as prescribed in Surah An-Nisa (4:11). While these rules were considered progressive at the time of their revelation, modern legal scholars and reform advocates argue that such provisions can no longer be viewed in isolation from contemporary principles of gender equality. Some states, like the Republic of Tunisia, have proposed reforms to inheritance law aimed at equalizing shares between men and women, though these efforts have sparked considerable debate and resistance» [191]. Some states like the Islamic Republic of Pakistan, the Kingdom of Saudi Arabia, and the Republic of the Sudan continue to apply traditional inheritance rules strictly, often without mechanisms to challenge discriminatory outcomes.

It is worth mentioning here that women's property rights in Islamic and Muslim-majority states have progressively developed into a distinct field of legal reform, particularly in relation to proprietary entitlements, succession regimes, and independent administration of assets. While classical Islamic legal doctrine recognises the legal

personality of women and their capacity to acquire, hold, and alienate property, the practical realisation of these entitlements has frequently been conditioned by statutory regulation, procedural limitations, and broader socio-legal constraints affecting the effective exercise of rights.

The jurisprudence of the European Court of Human Rights in Loizidou v. Turkey (1996) constitutes a relevant interpretative authority for delineating the scope of state obligations in respect of proprietary interests under international human rights law. The case concerned the applicant's continuing exclusion from access to immovable property situated in Northern Cyprus, as a consequence of restrictions attributable to state authorities. The Court held that such interference amounted to a breach of Article 1 of Protocol No. 1 to the European Convention on Human Rights which guarantees the peaceful use of possessions [262].

Attention should also be paid to the situation with gender-based violence (GBV). It remains one of the most widespread and persistent forms of discrimination against women in many Islamic states. It includes physical, sexual, psychological, and economic harm directed at women because of their gender. Many Islamic states have signed international agreements like the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), but their national laws often lack clear definitions of GBV or fail to criminalize key forms of violence such as marital rape or domestic abuse. In some states, laws related to «honor crimes» still allow reduced sentences or legal justification for violence committed by male family members. This legal gap is further compounded by social stigma, limited protection mechanisms, and lack of trust in law enforcement, which prevent many women from reporting abuse or seeking legal remedies [446, p. 20].

To objectively evaluate gender equality across states, global institutions such as the United Nations Development Programme (UNDP) and the World Economic Forum (WEF) have developed standardized indices that measure disparities in critical areas of human development.

«The Gender Inequality Index (GII), introduced by UNDP in 2010, is one of the most widely recognized tools for assessing gender-based disparities. It captures inequalities in three key dimensions: reproductive health (measured by maternal mortality and adolescent birth rates), empowerment (measured by the share of parliamentary seats and education levels), and economic participation (measured by labor market participation) » [164].

«The Global Gender Gap Index (GGGI), published annually by the World Economic Forum, offers a broader and more detailed assessment of gender disparities across four dimensions: economic participation and opportunity, educational attainment, health and survival, and political empowerment. Unlike the GII, the GGGI focuses on gender gaps rather than absolute levels of development, aiming to capture the relative disadvantage of women compared to men regardless of a state's overall income level. This index is particularly useful for cross-comparative studies, as it shows not only where women are disadvantaged, but also in which dimensions progress is being made or reversed over time» [472].

The World Bank's Gender Data Portal offers an extensive repository of quantitative indicators on gender equality across more than 200 countries. These indicators cover education, labor force participation, earnings, legal rights, and health outcomes – many of which directly align with the thematic criteria used in this research. Particularly valuable is the World Bank's Women, Business, and the Law (WBL) dataset, which evaluates the legal environment for women in areas such as mobility, workplace rights, pay, marriage, parenthood, and access to assets. This data complements the GII and GGGI by focusing specifically on the existence and effectiveness of legal frameworks affecting women's rights. For Islamic states, the WBL data highlights stark contrasts between states that have adopted legal reforms aligned with international standards and those that retain restrictions rooted in patriarchal or religious norms [462].

The Gender Inequality Index (GII), the Global Gender Gap Index (GGGI), and the World Bank's gender statistics collectively serve as essential empirical tools to

complement legal analysis for this research. These indices help identify which Islamic states demonstrate meaningful progress toward gender equality not only in legislation but also in actual outcomes. For example, states such as the United Arab Emirates, the Republic of Tunisia, and the Republic of Indonesia tend to perform more favorably across these metrics, particularly in areas like educational access, healthcare, and legal protection. In contrast, states such as the Republic of Yemen, the Islamic Emirate of Afghanistan, and the Republic of Sudan continue to score poorly, reflecting persistent legal and structural inequalities. The correlation between more favorable index scores and states with modernized gender legislation strengthens the categorization framework used in this thesis.

By incorporating the GII, GGGI, and World Bank datasets, this research develops a multidimensional view of gender inequality in Islamic states – one that reflects not just the presence of legal rights but their application, accessibility, and impact.

Having identified the legal, institutional, and empirical indicators used to assess the state of women's rights in Islamic states, this section proceeds with a comparative classification of states based on their demonstrated levels of legal progress and practical implementation. This classification relies on a combined analysis of legislative reforms, judicial practices, gender equality indices, and social outcomes discussed previously. By dividing states into four groups, this research aims to provide a structured framework for understanding legal variation across Islamic states. The first group includes states that have adopted comprehensive reforms aligned with international human rights norms, where women benefit from institutionalized legal rights across multiple dimensions.

Leading Islamic states are those that have created and put into practice laws that support equal rights for women in important areas such as education, work, marriage and family life, healthcare, and protection from violence. In these states, women can make legal decisions on their own, mostly without needing permission from a male guardian. They also have access to courts, legal help, and fair treatment when defending

their rights. Laws clearly ban discrimination, and more women are involved in political life through voting, holding office, or being part of decision-making processes. These states usually have high rankings in international gender equality reports such as the Gender Inequality Index (GII), Global Gender Gap Index (GGGI), and Women, Business and the Law (WBL), indicating that legal reforms are supported by measurable improvements in health, education, and economic opportunity. Importantly, these states exhibit not only progressive legislation but also political commitment and institutional capacity to implement and monitor women's rights protections in line with international human rights standards.

It is not possible within the scope of this research to provide a detailed analysis of every Islamic state that falls into the leading category (as well as other categories). However, several illustrative examples help to demonstrate the common characteristics shared by jurisdictions in this group.

The Republic of Tunisia is often recognized as one of the most progressive in the Arab world in terms of women's rights, particularly due to its Code of Personal Status (1956), which abolished polygamy, introduced judicial divorce, and strengthened women's rights in marriage and child custody. More recently, «the Republic of Tunisia passed Law No. 2017-58 on the Elimination of Violence Against Women, which includes broad definitions of violence, victim protection mechanisms, and prevention strategies. The state also proposed inheritance law reform aimed at equalizing shares between men and women, reflecting an active legal debate on aligning Islamic norms with constitutional equality provisions» [441].

In the United Arab Emirates (UAE), reforms since 2019 have marked significant progress, particularly in the removal of the requirement for male guardian approval for women's travel and marriage, equal pay legislation, and the introduction of anti-discrimination provisions in labor law. «The UAE has established a Gender Balance Council and adopted national strategies to increase women's participation in the workforce and government leadership» [420]. These efforts have been supported by

investments in female education and healthcare access, placing the state among the top performers in the Women, Business and the Law index among Islamic states.

It is important to mention the Republic of Indonesia as it is the world's most populous Muslim-majority state. It operates under a plural legal system in which Islamic law applies primarily in family matters. Despite this complexity, «the Republic of Indonesia has made steady progress in implementing gender-sensitive policies, including legal protections against domestic violence (Law No. 23/2004), a national action plan for maternal health, and a constitutional court that has ruled on gender-related legal disputes» [107]. Challenges remain in some provinces that apply regional Sharia bylaws, but the national framework continues to expand women's access to education, healthcare, and political office.

The Republic of Albania is a secular state with no official religion, but Islam is the most practiced religion, with a majority of the population identifying as Muslim. «The Republic of Albania's fully secular legal system strongly aligns with European Union legal norms. Its constitution guarantees gender equality, and it has passed laws addressing domestic violence (Law No. 9669/2006), employment discrimination, and political participation» [322]. Albania is also a signatory to the Istanbul Convention and has implemented gender budgeting strategies at the national level. Despite some implementation gaps, the Republic of Albania serves as an example of how a Muslim-majority context does not necessarily entail Islamic legal governance and that women's rights can be protected through comprehensive civil law systems [389].

From the above information, we can see that the leading group demonstrates what is legally and institutionally achievable in aligning women's rights with both Islamic values and international human rights standards.

A broader range of Islamic states can be identified as progressing. These jurisdictions have made notable efforts toward reform, often adopting legislation that improves women's access to education, employment, and healthcare; there are some efforts to address sensitive issues such as gender-based violence as well. However, their legal frameworks frequently remain incomplete, inconsistently enforced, or constrained

by entrenched cultural practices and partial religious interpretations. In this category, the direction of reform is generally positive, though implementation gaps and resistance from conservative sectors of society continue to slow full realization of women's rights.

The Kingdom of Morocco is a prominent example of a progressing Islamic state. «Landmark reform of the Moudawana (family code) in 2004 significantly improved women's rights in marriage, divorce, and child custody, including the introduction of mutual consent in divorce and raising the minimum marriage age for girls. The state has also adopted laws against gender-based violence (Law 103-13 of 2018) and improved access to education and healthcare. However, enforcement of these reforms remains uneven, particularly in rural areas where customary practices often override statutory law. The Kingdom of Morocco continues to maintain reservations to certain articles of CEDAW, and debates persist around inheritance equality and the practical independence of women in legal procedures» [269].

The Kingdom of Saudi Arabia has introduced a series of high-profile legal reforms in recent years, most notably lifting the driving ban for women, allowing women to travel abroad and obtain passports without male guardian permission, and increasing their participation in the labor market through national programs such as Vision 2030. New regulations also allow women to register births and marriages and access certain legal procedures independently, but the male guardianship system still influences judicial decisions, and recent personal status reforms continue to favor male authority in matters of divorce, custody, and inheritance. «The Kingdom of Saudi Arabia retains significant reservations to CEDAW, and enforcement of protective laws, particularly those related to domestic violence, remains inconsistent» [8]. These mixed outcomes place the Kingdom of Saudi Arabia within the progressing category: actively reforming but still constrained by structural and legal inequalities.

The State of Qatar likewise demonstrates progress in women's rights in education, healthcare, and public employment. «Women in the State of Qatar have access to higher education at impressive rates, and gender parity in public-sector employment has improved. The state also provides high-quality maternal healthcare and

some social support systems for working women. However, the State of Qatar's personal status laws still reflect gender imbalances, and the male guardianship system restricts women's autonomy in travel, marriage, and family decisions» [388, p. 204]. Qatar ratified CEDAW, but it entered broad reservations to provisions concerning family and inheritance. Legal protections against gender-based violence remain limited and enforcement mechanisms are still underdeveloped.

The Hashemite Kingdom of Jordan has also taken substantial steps toward legal reform, including amendments to laws concerning honor killings, domestic violence, and workplace protections. «The state repealed Article 308 of the Penal Code, which previously allowed rapists to escape punishment by marrying their victims. Additionally, the Hashemite Kingdom of Jordan has introduced political quotas for women and made progress in female literacy and education access. However, legal guardianship rules and patriarchal interpretations of personal status law still restrict women's autonomy in family matters and hinder their access to justice in cases of domestic violence» [398].

Malaysia offers another example of a mixed system where progressive developments in women's rights coexist with conservative pressures. «Women in Malaysia have access to education, employment, and representation in politics, but the state's dual legal system (secular – law alongside Sharia courts) creates some inconsistencies in the application of family law and inheritance. The government has enacted national gender policies and ratified CEDAW, but enforcement of protective legislation remains inconsistent across different regions, particularly in matters of child marriage and marital rape, which is still not explicitly criminalized under Malaysian law» [399].

As we can see from the above-mentioned examples, these states demonstrate that legal progress in Islamic contexts is not necessarily linear or uniform. Instead, it reflects the dynamic interplay between domestic reform agendas, religious interpretations, international obligations, and socio-political resistance. The progressing group reflects

transitional legal systems: those that are actively reforming, but still face measurable deficits in implementation, enforcement, or coherence in legal protections for women.

The emerging group includes Islamic states where legal reforms related to women's rights have been introduced but remain incomplete, inconsistently applied, or under significant political and cultural pressure. These states generally demonstrate intentional but fragmented progress – they may have ratified core international conventions such as CEDAW, but implementation of these norms is inhibited by structural, legal, and religious constraints. Often, the emerging group is marked by dual-track legal systems, where civil law reforms coexist with traditional Sharia-based regulations, particularly in family and personal status law.

The Arab Republic of Egypt offers a clear example of a state falling within the emerging category. The state has adopted some laws to address gender-based violence, such as criminalizing sexual harassment, and has incorporated women's rights into certain national development plans. «Women's participation in education and public employment is significant in urban areas, and there are quotas for women in parliament. However, personal status laws continue to reflect patriarchal norms, particularly in areas such as divorce, guardianship, and inheritance. The lack of a unified family code and the limited scope of protection for survivors of domestic violence hinder the effectiveness of legal reform. In practice, women still encounter structural discrimination and barriers to justice, particularly in rural communities» [287].

The Islamic Republic of Pakistan also fits within this group. «Although it has a constitutional guarantee of gender equality and has enacted legislation such as the Protection Against Harassment of Women at the Workplace Act (2010), women's rights remain constrained by plural legal frameworks, including religious and customary laws. Personal status matters such as marriage, divorce, and inheritance are governed by Islamic law, often interpreted conservatively by local courts. The application of Hudood Ordinances, weak enforcement of protective laws, and the prevalence of child marriage and honor-based violence all contribute to systemic legal challenges. Additionally, while the Islamic Republic of Pakistan has established gender equality commissions and

national plans, these institutions often lack authority and funding to effect meaningful change» [101, p. 148-149].

The People's Republic of Bangladesh is often cited for its success in female education and economic empowerment, but still exhibits significant weaknesses in legal protections. The state has ratified CEDAW but maintains reservations to key provisions related to family and inheritance law. Women face discrimination in marriage, divorce, and guardianship under Muslim personal law. Although laws exist to combat domestic violence and child marriage, enforcement is sporadic, and local customs continue to undermine women's access to justice. Moreover, the legal pluralism in the People's Republic of Bangladesh often leads to contradictory interpretations that limit the effectiveness of statutory reforms.

This is not an exhaustive list of examples of states in this category, but we can conclude that emerging Islamic states have begun to engage in reform processes but are far from achieving systemic legal transformation. Legal reforms tend to be reactive, limited in scope, or poorly implemented. The reliance on dual or plural legal systems, the lack of gender-sensitive judicial training, and minimal institutional oversight contribute to persistent gaps between legal norms and social realities. As such, these states fall into an intermediate zone – demonstrating the beginnings of legal evolution in women's rights, yet lacking the depth, consistency, and institutional support observed in the progressing group.

The low-developing group includes Islamic states where legal systems provide minimal or severely restricted protection for women's rights, and in some cases, the situation has deteriorated in recent years. In these jurisdictions, discriminatory norms are either codified into law or remain embedded in customary and religious practice. Legal protections mechanisms for women are weakly enforced, and the influence of militancy, political collapse, or authoritarianism has led to either stagnation or regression in the legal status of women. Many of these states have not ratified key international treaties, or they maintain sweeping reservations that undermine their obligations. In some cases, even previously initiated reforms have been reversed.

The Islamic Emirate of Afghanistan represents one of the examples of degradation in women's rights. Following the Taliban's return to power in 2021, nearly all legal gains made in the previous two decades have been erased. The Islamic Emirate of Afghanistan is currently grappling with multiple overlapping crises, all of which are exacerbated by escalating gender inequalities. «The Taliban has issued at least 70 decrees and directives that directly target the autonomy, rights, and daily lives of women and girls. This oppressive environment has resulted in a marked deterioration in the quality of life for Afghan women, as reported by various data sources and firsthand accounts from Afghan women themselves» [153].

«Women and girls have been banned from secondary and tertiary education, barred from most public sector employment, and prohibited from traveling without a male guardian. The Ministry of Women's Affairs has been dissolved, and there is no legal framework protecting against domestic violence or forced marriage. Afghan women are systematically excluded from public life, and international observers classify the situation as one of the most severe gender apartheid regimes globally» [394].

The Republic of Iraq, facing a combination of legal stagnation and growing influence of conservative religious actors, exhibits persistent structural barriers to women's legal empowerment. There is no national domestic violence law, and the family code remains biased in favor of male guardianship and unequal divorce rights. Moreover, «conflict-affected regions have seen the rise of non-state legal regimes where women's rights are disregarded entirely. Civil society organizations report increasing cases of forced marriage, honor-based crimes, and restricted female access to education and employment» [224].

The Federal Republic of Somalia also remains in a state of severe underdevelopment concerning legal protection for women. «Women and girls in the Federal Republic of Somalia face a multitude of challenges, leaving the state as fourth-to-last on the UN's GDI and 169 out of 177 on the WPS Index. Early marriage rates have risen for women ages 20–24 in recent years, exceeding 45% in 2024. The United Nations Population Fund (UNFPA) also estimates that over 99% of Somalian women

and girls ages 15–49 have undergone female genital mutilation (FGM) – one of several forms of GBV that are statistical norms in the state. Parliamentary representation has also decreased, from 24% in 2016 to just over 19% in 2024» [401]. Draft legislation on sexual offenses has been introduced, but strong resistance from religious authorities and political instability have prevented its passage. Justice for survivors of GBV is extremely rare, and there is a widespread culture of impunity.

The Republic of Yemen ranks as 176 out of 177 on the WPS Index and, with a score of 0.456, last on the GDI. With a civil conflict in the state, Yemeni women and girls are bearing a disproportionate amount of the impact, including compounded forms of GBV and restricted rights and activities. Just 6% of women in the Republic of Yemen have either formal or informal work. The state also has the lowest average girls' education rates in the Middle East and North Africa – just 2.9 years. Women also hold less than half a percent of seats in Yemeni parliament [401]. «In territories controlled by armed groups, women's legal status is often governed by conservative religious interpretations that curtail basic freedom» [40].

As we can observe from the examples of this group, legal reform here is either nonexistent or actively regressing, due to political violence, religious extremism, or state failure. Women face both de jure and de facto exclusion from legal protection, and institutional remedies are either inaccessible or entirely absent. In contrast to the emerging and progressing groups, low-developing states lack not only the political will but often the basic governance structures necessary to support reform.

This categorization of Islamic states into four groups based on the current state of women's rights provides a useful tool for analyzing both legal systems and real-life conditions. It shows how different states apply legal standards to promote or restrict gender equality. Some states have built strong legal foundations that support women's rights in many areas of life, at the same time others are still in the early stages of reform or have weak systems that do not offer effective protection. This structure helps to highlight differences not only in written legislation, but also in their enforcement and accessibility.

By looking at legal rights in areas such as education, employment, political participation, and family life, the classification helps reveal progress and gaps. It draws attention to where legal reform is taking place, where it is delayed, and where there are signs of regression. In some states, conditions for women have even worsened, especially where conflict, instability, or extreme interpretations of religious law dominate legal and social life.

CHAPTER 2. NORMATIVE AND INSTITUTIONAL MECHANISMS FOR THE PROTECTION OF WOMEN'S RIGHTS IN ISLAMIC STATES

2.1. International legal norms for the protection of women's rights and their impact on national legislation in Islamic states

The international legal framework for the protection of women's rights has evolved significantly over the past century, reflecting a growing consensus on the need to eliminate discrimination and promote gender equality across all spheres of life. These norms are primarily enshrined in the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Universal Declaration of Human Rights, and other core international instruments. While such instruments are universal in character, their reception and implementation vary widely across jurisdictions, particularly in states with legal systems influenced by Islamic jurisprudence. Islamic states present a unique field of study in this regard, as many maintain constitutions or legislation that reference Sharia as a source of law, creating both opportunities and tensions in the interpretation of women's rights obligations under international law.

There are a great number of instruments dealing with women's rights. The instruments having binding force on states shall be distinguished from those which have no such force. Some treaties are a formal source of international law that are binding on states parties, and some of them are non-binding declarations, expressions of intent, etc [187].

A treaty as a source of international law is characterized by the relative clarity of the norms and provisions that apply to each state. There is also, as a rule, no doubt as to whether one or another state is bound by a particular rule incorporated into the treaty. In contrast, the disadvantage of a treaty as a source is that only states that expressly consented to be bound by the provisions of the treaty are obliged to comply with the rules formulated in that treaty. In most cases, states opposed to the principles and purposes of one or another treaty will remain outside of its regime. From the point of

view of international law there will be very few, if any, means or possibilities to intervene in order to improve the situation in these states [254, p. 20-22].

The United Nations has played a significant role in shaping the global legal framework for the protection and promotion of women's rights. UN actions for the advancement of women began with the signing of the UN's founding Charter. In its Preamble, the members of the UN declared their faith «in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small» and Article 55 required Member States to promote «universal respect for, and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion». Since then, a number of international instruments on women's rights have been adopted by the UN. Among these treaties are: The Convention on the Political Rights of Women (1952), The Convention on the Nationality of Married Women (1957), The Convention on Recovery Abroad of Maintenance (1956), The Convention on the Consent to Marriage (1962), The Convention on the Elimination of all forms of Discrimination Against Women (1979) (CEDAW).

CEDAW is considered the cornerstone of women's rights. It defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination. According to the Convention, discrimination against women is «any distinction, exclusion or restriction made based on sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field». This includes discrimination that exists formally in the laws (de jure discrimination) as well as discrimination that originates from practices and customs (de facto). CEDAW is the only human rights treaty that targets culture and tradition as influential forces shaping gender roles and family relations.

The Convention came into force on 3 September 1981 and has been ratified by 189 countries – all the UN member states except the Islamic Republic of Iran, the

Republic of Palau, the Federal Republic of Somalia, the Republic of the Sudan, the Kingdom of Tonga, and the United States of America [118, p. 13]. Once a country ratifies CEDAW, it is obligated to work towards implementation of CEDAW's provisions in its constitution, laws, policies, and practices to ensure that discrimination against women is redressed [259, p. 2]. A number of states have made general reservations upon ratification that are contrary to the Vienna Convention on treaty provisions, since they contradict the objective and the purpose of such a convention. One example of a widely drawn reservation is the following: contradiction between substance and Sharia. Therefore, the CEDAW committee reminds states parties that have made such reservations that they should withdraw them.

CEDAW is the result of women's activism through the regional, interregional, international, and transnational women's rights networking during the 1970s and 1980s. This activism nourished and was facilitated by different UN initiatives, and more specifically the work of the Commission on the Status on Women (CSW), such as the Vienna and the Beijing conferences. In 1993, the World Conference on Human Rights in Vienna reaffirmed that women's rights are also human rights and declared their rights inalienable, integral, and indivisible [400]. It also put forward the concept of Gender mainstreaming, stating that «equal legal status of women and the human rights of women should be integrated into the mainstream of United Nations system-wide activity».

Another outcome of the Conference was the appointment of a Special Rapporteur on Violence Against Women. The Rapporteur seeks and receives information on violence against women, its causes and consequences, and recommends means and ways to eliminate it. Until 2006, the Rapporteur informed the UN Commission on Human Rights, and since then, has reported to the Human Rights Council. The Fourth World Conference on Women was held in Beijing in September 1995. During this conference, the countries of the world reviewed women's advancement in light of these guidelines and adopted a Platform for Action, addressing the challenges and demands of the next century [471].

Reservations to international treaties are legally permissible under Article 19 of the Vienna Convention on the Law of Treaties (1969), provided they are not incompatible with the object and purpose of the treaty [433]. In the context of CEDAW, several Islamic states have entered broad or unspecified reservations, often citing conflict with Islamic law (Sharia) or constitutional provisions. These reservations pose significant legal and practical challenges to the full implementation of the Convention and undermine the universality of women's rights protection.

Out of more than forty States of the world with legislation which incorporates or at least reflects to some extent Islamic laws and customs, thirty-six are parties to the CEDAW. Not all of them entered reservations and not all reservations were made because of the willingness to preserve Islamic laws and practices [254, p. 115].

To better understand the legal and practical implications of reservations to CEDAW in the context of women's rights, we will provide specific examples of states and the particular articles to which they have submitted reservations. These cases illustrate how certain provisions, especially those concerning family law, nationality, and legal equality, are often contested in Islamic states and how such reservations affect the implementation of international obligations.

Many states have submitted reservations, particularly to Articles 2 and 16, which concern equality before the law and rights in marriage and family relations. Article 16 of CEDAW is one of the articles that has received the greatest number of reservations from OIC governments. States parties often argue that they cannot implement the Convention for specific issues related to marriage and families because the issue relates to Muslim laws or Sharia, or because they do not want to interfere with the cultural rights of Muslim-minority communities [259, p. 4].

For example, the Kingdom of Saudi Arabia ratified CEDAW in 2000 with a general reservation stating that it is not bound by any provision that conflicts with Islamic law. This blanket reservation lacks specificity and is considered problematic under international legal standards because it potentially affects the state's entire compliance with the CEDAW.

Despite its importance, the Kingdom of Saudi Arabia has placed reservations on Article 9(2) of CEDAW, which guarantees women the equal right to pass their nationality to their children [147]. This reservation significantly impacts the rights of women and the well-being of their children in the state.

Article 9(2) of CEDAW stipulates that women should have the same rights as men to transfer their nationality to their offspring. However, Saudi Arabia's nationality laws prioritize paternal lineage, often resulting in statelessness and denial of basic rights for children of Saudi women married to non-Saudi men. This practice limits access to education, healthcare, and other essential services, perpetuating gender inequality. In such situations, children face numerous challenges, including difficulties in obtaining legal documentation, barriers to social services, and a general sense of marginalization [147].

The Vienna Convention on the Law of Treaties 1969 states that reservations to treaties should not defeat the object and purpose of the treaty [433, p. 331]. The core objective of CEDAW is to eliminate discrimination against women, making Saudi Arabia's reservation incompatible with this goal. Despite acknowledging the importance of international treaties, the reservation indicates a reluctance to fully commit to gender equality [338]. This stance reflects broader societal and legal norms in Saudi Arabia, where male guardianship laws and other discriminatory practices continue to hinder women's rights and autonomy.

The international community, including many CEDAW member states, has expressed strong objections to these reservations, emphasizing their role in perpetuating discrimination. Various human rights organizations and advocacy groups have continuously called for the lifting of these reservations. They argue that ensuring gender equality in nationality laws is not only a legal obligation but also essential for the state's development and social cohesion. It is imperative for the Kingdom of Saudi Arabia to review and amend its nationality laws to align with CEDAW's principles. Removing this reservation is a crucial step towards upholding women's rights and fostering a more inclusive and equal society [147].

The State of Qatar's reservations to CEDAW reflect a cautious approach to aligning international legal obligations with domestic legislation and Islamic legal principles. The State of Qatar ratified it in 2009, but with several substantive reservations. These provisions pertain to the commitment to eliminate discrimination through policy measures (Art. 2), equal rights to nationality (Art. 9), legal capacity and equality before the law (Art. 15), and equality in matters of marriage and family relations (Art. 16). The Qatari government justified these reservations by invoking compliance with Islamic law and national legal frameworks, a position consistent with constitutional provisions that recognize Sharia as a principal source of legislation (Art. 1, Constitution of the State of Qatar). The general reservation made by the State of Qatar stating that it would implement CEDAW provisions «to the extent that they are not in conflict with Islamic law» raises concerns under Article 28 of the Convention, which prohibits reservations incompatible with the object and purpose of the treaty. Scholars and UN bodies have argued that such open-ended reservations reduce the normative force of Qatar's ratification and make compliance difficult to monitor [37, p. 2416-2417]. At the same time, the State of Qatar has taken steps to enhance women's rights institutionally, such as through the Qatar Foundation for Women and Children and policy reforms in education and employment. However, the persistence of these reservations continues to signal limitations in translating international commitments into enforceable domestic protections, particularly in areas governed by personal status law and guardianship rules.

The Sultanate of Oman acceded to CEDAW in 2005. However, the Sultanate of Oman has reservations, similar to the State of Qatar, about a few articles of the said Convention because some of its provisions conflict with Islamic Sharia or Oman's national laws, including Article 16 of CEDAW the Sultanate of Oman entered reservations to Articles 9(2) (equality in the right to transmit nationality to children), 15(4) (equality in freedom of movement and choice of residence), and 16 (equality in marriage and family relations). These provisions are often considered core to the object and purpose of CEDAW. These reservations reflect the continued influence of Islamic

personal status law in Omani legislation, particularly regarding marriage, divorce, guardianship, and inheritance. Although the Sultanate of Oman has taken some steps toward legal reform, such as promoting women's education and supporting women's labor market participation, its reservations limit international oversight and weaken protections in key areas of family law and citizenship rights. The CEDAW Committee, in its concluding observations, has repeatedly called on the Sultanate of Oman to consider withdrawing or narrowing these reservations, noting that they hinder progress toward gender equality and undermine the effectiveness of the Convention [23]. Oman's case underscores the broader pattern among Islamic states, where commitments to international treaties coexist with constitutional or religious constraints, producing selective or incomplete domestic implementation [309].

The Arab Republic of Egypt was the first Arab state to ratify CEDAW in 1981. However, the Arab Republic of Egypt put several reservations on article 2 on policy measures, articles 9 and 16 regarding marriage and family life, in addition to a general reservation to the whole convention stating that the Arab Republic of Egypt will only follow CEDAW in so far as it does not conflict with Sharia or culture. The reservation on article 9 concerning women's right to nationality and the right to pass their nationality to their children was lifted in 2008. The Arab Republic of Egypt has neither signed nor ratified the optional protocol of CEDAW [360, p. 3]. Though the Arab Republic of Egypt has made progress in enacting laws on violence against women and criminalizing FGM, the constitutional entrenchment of Sharia as a source of legislation continues to affect interpretation and application of international obligations.

Several Islamic states have not ratified the CEDAW. These include the Islamic Republic of Iran, the Federal Republic of Somalia, and the Republic of the Sudan. Speaking about the Islamic Republic of Iran, despite internal debates and advocacy from women's rights groups and reformist political figures, opposition from conservative institutions, such as the Guardian Council, has prevented accession. The primary concern has been that CEDAW contradicts the Islamic Republic of Iran's constitutional framework and its interpretation of Islamic legal principles, especially in

areas like inheritance, family law, and legal guardianship. Iran's absence from the treaty system limits international oversight of its legal treatment of women [469].

For the Republic of the Sudan, the main reasons given for non-ratification have historically been concerns about certain provisions of the Convention. This concerns particularly those relating to personal status law, family relations, and inheritance due to conflict with Islamic legal principles and Sudan's constitutional values. Despite this, the Republic of the Sudan has made some legislative and policy changes in recent years, including the criminalization of female genital mutilation (FGM) in 2020 and the repeal of public order laws that had disproportionately targeted women [375]. However, the absence of CEDAW ratification continues to hinder the full institutionalization of gender equality in Sudanese law and limits international scrutiny of the state's progress on women's rights. Civil society organizations and international human rights bodies have consistently urged the Republic of the Sudan to accede to the Convention without reservations, emphasizing that doing so would represent a key step toward aligning Sudanese law with global human rights standards [376].

The Federal Republic of Somalia has signed but not yet ratified the CEDAW. The delay in ratification has been attributed to internal political instability, the absence of a unified legal system, and concerns about certain CEDAW provisions: those related to family law, inheritance, and equality before the law may conflict with prevailing interpretations of Sharia. Despite its formal commitment to international human rights through other instruments, Somalia's dual legal structure, which includes customary law (Xeer), Islamic law, and statutory law, has contributed to persistent legal and institutional discrimination against women. Issues such as forced and early marriage, gender-based violence, and restricted access to justice remain widespread. Human rights organizations and UN bodies have repeatedly urged the Federal Republic of Somalia to ratify CEDAW, noting that doing so would not only enhance the country's legal obligations toward gender equality but also support domestic efforts to improve women's rights protection in accordance with international standards [366, p. 8-11].

On the other hand, «several Muslim-majority states and states with Muslim-minority communities have reformed part or all of their Muslim family laws in ways that are more in harmony with the Convention. Several have also lifted reservations on selected articles. This demonstrates that it is possible to reform laws that are based on Muslim legal tradition, and that such laws and policies can evolve over time. In 2011, Musawah published «CEDAW and Muslim Family Laws: In Search of Common Ground» [56]. This publication documents the ways governments use Islam to justify non-compliance with CEDAW provisions, offers responses based on Islamic teachings, human rights standards, and lived realities, and provides examples of rights-based laws and policies in Muslim-majority states. Musawah believes that Islamic teachings and universal human rights standards, including CEDAW, are fully compatible, and that both are dynamic and constantly evolving» [259, p. 4].

Based on the above-mentioned information, we can see that CEDAW holds significant legal importance for Islamic states, offering a universal framework for advancing gender equality and reforming discriminatory practices. Many Islamic states have ratified the Convention, but the presence of broad or article-specific reservations, particularly concerning family law, nationality rights, and legal autonomy, illustrates the ongoing tension between international obligations and domestic legal systems rooted in Sharia [71]. Nonetheless, CEDAW has served as a catalyst for gradual legal reform in several states, prompting changes in areas such as personal status codes, violence protection, and access to education and employment. Even in contexts where full implementation remains limited, the Convention provides civil society actors, legal reformers, and international institutions with a normative foundation for advocacy, monitoring, and dialogue. Its influence, therefore, extends beyond legal codification to improve public discourse and institutional practice concerning women’s rights in diverse Islamic contexts.

«One of the most important legal instruments in the mechanism for protecting human rights is the Universal Declaration of Human Rights, which was adopted by the UN General Assembly in 1948. This declaration contains a list of fundamental human

rights, including the right to life, freedom of thought, conscience, and religion, and freedom from violence and discrimination. It serves as the basis for the creation of national and international laws that protect human rights» [7, p. 408]. It lays out fundamental rights and freedoms that every person is entitled to, regardless of nationality, gender, ethnicity, or religion [430].

Although the Universal Declaration of Human Rights is not legally binding, its principles have been codified in numerous binding treaties and have attained the status of customary international law. For Islamic states, the Universal Declaration of Human Rights presents both an opportunity and a challenge: its universality aims to include all human beings, including women; some of its provisions, particularly those on equality before the law, freedom of religion, and non-discrimination, have generated debate regarding their compatibility with Islamic legal traditions. In the context of women's rights in Islamic states, the Universal Declaration of Human Rights has played a formative role as a normative reference point for legislative and institutional reform. Its equality-based provisions have been progressively reflected in constitutional texts, national strategies, and judicial reasoning in a number of Islamic jurisdictions, particularly in areas concerning access to education, participation in public life, and protection against discrimination. At the same time, its influence has not been uniform, as domestic legal systems often interpret its principles through the prism of religiously grounded legal doctrines and local socio-cultural frameworks. This dual reception has contributed to an ongoing process of legal adaptation, where international standards and internal normative orders interact, producing varying degrees of harmonisation.

Parallel to this, Islamic teachings also encompass a rich tradition of human rights principles. Rooted in the Quran and Hadith, these teachings emphasize justice, equality, and the sanctity of human life. However, the interplay between these two frameworks often sparks debate, especially in the context of contemporary conflicts and governance in Islamic and Arab states [34].

Many Islamic states, including the Islamic Republic of Iran, the Kingdom of Saudi Arabia, and the Islamic Republic of Mauritania, have expressed concerns that

some principles of the Universal Declaration of Human Rights may conflict with the foundational norms of Sharia. This tension led to the creation of alternative declarations, such as the Cairo Declaration on Human Rights in Islam (1990), adopted by the Organization of Islamic Cooperation (OIC), which explicitly conditions the rights it outlines on Islamic law. This reflects an ongoing debate within Islamic legal discourse about whether international human rights norms can be reconciled with traditional jurisprudence. In contrast, other states such as the Republic of Tunisia, the Kingdom of Morocco, and the Hashemite Kingdom of Jordan have embraced aspects of the Universal Declaration of Human Rights as guiding principles in their legal reforms and have referenced it in their constitutional or statutory provisions on human rights and gender equality [445].

One of the most influential voices in addressing this debate is Abdullahi Ahmed An-Na'im, a Sudanese-born legal scholar who has argued for an internal reformation of Islamic thought to align it more closely with international human rights standards. In his seminal work «Toward an Islamic reformation: civil liberties, human rights, and international law (1990), An-Na'im contends that human rights norms such as those contained in the Universal Declaration of Human Rights must be embraced from within the Islamic tradition itself, rather than imposed externally [53]. He emphasizes the necessity of reinterpreting Islamic sources in ways that uphold the dignity and equality of all individuals, including women, while respecting cultural and religious authenticity. An-Na'im's theory of reform relies on a dynamic and contextual reading of Sharia, which he contrasts with rigid, formalist interpretations that often underpin legal restrictions in many Islamic states [52, p. 179].

Although the Universal Declaration of Human Rights has not always been uniformly accepted or implemented in Islamic contexts, it continues to serve as a normative benchmark and a point of reference for both international advocacy and domestic reform. Many women's rights activists and legal scholars in Islamic states use the UDHR as a tool for promoting legal change, challenging discriminatory laws, and engaging in policy debates. For example, references to Universal Declaration of Human

Rights principles have appeared in court rulings, shadow reports to UN committees, and national human rights strategies across the MENA region. The Declaration's enduring influence lies in its ability to spark dialogue, even in settings where direct legal transplantation may be contested. In this way, it plays a foundational role in shaping the broader international legal environment within which Islamic states articulate and negotiate women's rights.

The Convention on the Rights of the Child (CRC), adopted by the United Nations General Assembly in 1989, is one of the most widely ratified human rights treaties in history, with all Islamic states among its parties [122]. Some Islamic states have also expressed reservations or declarations regarding specific articles, particularly those related to religious freedom and family law. These reservations often stem from interpretations of Islamic law (Sharia) that differ from the CRC's provisions [190, p. 199-200]. For example, the Kingdom of Saudi Arabia acceded to the Convention in 1996 but entered a general reservation «with respect to all such articles as are in conflict with the provisions of Islamic law». The reservation is particularly relevant in cases where Saudi law does not recognize persons under 18 years of age to be children [205].

Islam pays special attention to the rights of the child and considers them part of the basic humanitarian principles that regulate relations in society. Islamic law includes provisions aimed at protecting the child and ensuring his healthy development by providing a safe and supportive environment that provides him with full care [39]. While the CRC primarily focuses on the rights of individuals under the age of 18, its relevance to women's rights arises in multiple dimensions, particularly in areas such as child marriage, maternal health, education, and family life. Provisions of the Convention, especially Articles 2 (non-discrimination), 3 (best interests of the child), 19 (protection from abuse), 24 (right to health), and 28 (right to education), intersect significantly with women's roles as mothers, guardians, and central figures in child-rearing within Islamic societies. Therefore, the CRC indirectly strengthens women's rights by establishing international standards that protect girls from early marriage, guarantee maternal healthcare, and mandate equal access to education.

In Islamic states, the implementation of the CRC has highlighted areas of legal and cultural tension, particularly regarding the legal age of marriage and the role of parental or male guardianship. For instance, states such as the Republic of Yemen and the Islamic Republic of Iran have been criticized for permitting marriage at ages below 18, often for girls, despite the CRC's clear stance that childhood extends until that age. These practices are typically justified by religious or cultural interpretations but are challenged by international bodies that monitor CRC compliance. The Committee on the Rights of the Child has repeatedly issued recommendations to Islamic states urging them to raise the legal marriage age and adopt protective measures for girls, recognizing that child marriage perpetuates cycles of gender inequality, health risks, and educational deprivation for women and girls [112].

Beyond the issue of early marriage, the CRC also reinforces women's rights by emphasizing the shared responsibilities of both parents in the upbringing of children (Article 18), thereby challenging legal systems that privilege paternal authority or restrict women's decision-making in family matters. In states such as the Kingdom of Morocco and the Republic of Tunisia, legal reforms influenced by both the CRC and CEDAW have contributed to greater recognition of women's legal authority in matters related to child custody, guardianship, and family planning. These developments demonstrate that while the CRC is not a women-specific treaty, its practical application in Islamic contexts often contributes to the advancement of women's rights by promoting gender-sensitive interpretations of children's best interests and family law.

The International Covenant on Civil and Political Rights (ICCPR), adopted in 1966 and entered into force in 1976, is one of the core international human rights treaties, guaranteeing a wide range of civil and political freedoms [214]. Its provisions have clear implications for women's rights, particularly Articles 2 and 3, which establish the principles of non-discrimination and equal rights for men and women in the enjoyment of all civil and political freedoms. Articles 23 and 26 further affirm the equality of spouses in marriage and before the law. Most Islamic states are parties to the ICCPR, although several have made reservations to specific provisions based on

incompatibility with Sharia or national legal systems, especially regarding family law, guardianship, and personal status matters [75]. The ICCPR thus serves as an important legal benchmark for evaluating whether Islamic states meet international obligations concerning women's civil and political rights, including equality before courts, freedom of movement, participation in public life, and the right to privacy [74].

The International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted in 1966 and in force since 1976, ensures a broad spectrum of rights essential for women's well-being and empowerment. Articles 2(2) and 3 guarantee that states must ensure the equal enjoyment of all Covenant rights «without discrimination of any kind» and explicitly extend that guarantee to both men and women. Article 10 calls upon states to protect the family, including «special protection» for mothers and children, and to ensure maternal and child health. Article 11 recognizes the right to an adequate standard of living, including food, clothing, and housing; Article 12 protects the right to «the highest attainable standard of physical and mental health» [215]. In the context of many Islamic states, these provisions intersect directly with women's access to education (Article 13), health services (including reproductive health), and social security. Ratification of the ICESCR by Islamic states provides a normative basis for legal reforms aimed at expanding women's economic opportunities, safeguarding maternal health, and removing legal barriers that impede women's full participation in economic life.

Implementation of the ICESCR's standards in Islamic states has been uneven, owing in part to reservations or interpretive declarations that some states have entered regarding Article 10's family-protection clauses and Article 12's health provisions. For example, several Gulf Cooperation Council members have recognized the covenant but maintained that its provisions must be interpreted «in conformity with Islamic law» [353, p. 5]. Nevertheless, the Committee on Economic, Social and Cultural Rights has repeatedly urged these states to eliminate legal requirements that subordinate women (for instance, male guardian consent for medical treatment or employment), to invest in

women's health services (including prenatal and maternal care), and to ensure equal pay for equal work.

The Convention on the Political Rights of Women (CPRW), adopted by the United Nations General Assembly on 20 December 1952 and entering into force on 7 July 1954, was the first international treaty to guarantee women's electoral rights at the global level [120]. Its key provisions secure for women the right to vote in all elections on the same basis as men, and Articles 3 and 4 affirm women's eligibility to hold public office and to serve in all branches of the public service. Among Islamic states, early ratifications included Egypt (1956) and the Hashemite Kingdom of Jordan (1974), signaling a formal commitment to political equality even when domestic laws still imposed gendered restrictions elsewhere.

CPRW has continued to influence legal reform in Islamic states. Tunisia's post-independence constitution of 1959 extended full political rights to women, in part reflecting the state's early ratification of the Convention [300]. More recently, several Gulf states have introduced municipal voting and candidacy rights for women following their accession to, or renewed emphasis on, the CPRW's standards. Although some states entered reservations limiting the Convention's application «to the extent that such application is not inconsistent with Islamic law», the CPRW nonetheless remains a touchstone for civil society advocacy and UN review mechanisms that press Islamic states to remove remaining statutory barriers to women's political empowerment.

The Convention on the Nationality of Married Women, adopted by the UN General Assembly on 20 February 1957 and entering into force on 11 August 1958, aims to eliminate discrimination in nationality laws that strip women of their own nationality upon marriage to a foreigner. Its principal obligation, set out in Articles 1–3, is that a woman's nationality must not be automatically lost or changed because of marriage, nor must she be deprived of the right to change or retain her nationality independent of her spouse [119]. By recognizing that nationality is a fundamental attribute of legal personality linked to other human rights, including the right to property, work, and movement, the Convention established an international norm

against gender-based statelessness [170]. It further requires states to allow married women the same rights as men to acquire, change, or retain their nationality, thus preventing a serious form of legal and social marginalization.

In many Islamic states, customary or codified nationality laws historically mandated that a woman automatically took her husband's citizenship upon marriage, with no reciprocal right for men to acquire their wives' nationality. Ratification of the 1957 Convention has prompted legislative reform in several jurisdictions. For example, Morocco's 2007 nationality code amendment abolished the automatic loss of women's nationality upon marriage to a foreigner and granted Moroccan women the right to pass their nationality to their children [345]. Similarly, Jordan's 1987 nationality law reforms, influenced by its accession to the Convention, ended the requirement that Jordanian women lose their nationality when marrying non-nationals and granted them new avenues to naturalize their foreign spouses [257].

Nonetheless, in some states, women still face legal barriers to retaining or transmitting their nationality, reflecting ongoing gaps between international commitments and domestic practice. According to the European Centre for Democracy and Human Rights (ECDHR) in the Gulf Cooperation Council (GCC) states, a particular genetic model applies to nationality laws: the customary Arab kinship model that relies on patrilineality. Accordingly, only a male national of a GCC state can transmit his nationality by default.

The rule assumes that the right to convey nationality is contingent on gender. More specifically, by favoring men over women, it discriminates against the latter. This discrimination is more obvious in situations where children born to male nationals of a GCC state automatically get their father's nationality, but children born to a GCC female national, whose husband does not hold GCC nationality, are barred from taking their mother's nationality or can only do so in limited circumstances. Along with other discriminatory provisions applicable in these states, the rule that prohibits or restricts women's ability to pass citizenship onto their children shapes women's treatment as second-class citizens. However, the rule has not only a profound impact on women but

also on the children they might have with foreign men, as it puts these children at risk of becoming stateless. According to the United Nations High Commissioner for Refugees (UNHRC), gender inequality in nationality laws is a cause of statelessness, where children cannot acquire nationality from their fathers [162].

Following the UNHRC's last survey of nationality legislation, equality between men and women concerning the conferral of citizenship upon their children has not yet been attained in 24 states, a significant number of these (12 in total) found in the Middle East and North Africa. All the GCC states (the Kingdom of Saudi Arabia, United Arab Emirates, the Kingdom of Bahrain, the State of Qatar, the State of Kuwait, and the Sultanate of Oman) fall in this category. The UNHRC further categorizes these states into three groups according to the level of restriction their nationality laws impose on the right of women to confer nationality [69]. The State of Qatar and the State of Kuwait's nationality laws stand out as the ones that create the greatest risk of statelessness in the GCC region, since they do not allow mothers to confer nationality on their children with no or very limited exceptions. The Kingdom of Saudi Arabia, the United Arab Emirates, the Kingdom of Bahrain, and the Sultanate of Oman, for their part, allow women to confer nationality in some circumstances that vary across states. Civil-society campaigns in these states frequently invoke the 1957 Convention as a legal benchmark, urging full alignment of nationality laws with the Convention's gender-equality standard.

Another document that should be mentioned is the Convention on the Recovery Abroad of Maintenance, adopted by the United Nations on 20 June 1956 and entered into force on 25 May [121]. It was designed to facilitate international cooperation in securing financial support (often referred to as «maintenance») for dependents, particularly women and children, across national borders. It enables individuals, especially women who are custodial parents, to seek enforcement of maintenance orders in other contracting states through designated transmitting and receiving agencies. This framework is essential for ensuring that divorced or separated women, who may be left financially vulnerable, can claim child support or alimony from former spouses who

reside abroad. The convention strengthens the right to legal remedy and economic protection for women, especially in transnational family disputes.

In the context of Islamic states, the 1956 Convention on the Recovery Abroad of Maintenance holds significant promise for protecting women's economic rights after divorce or separation. Some Islamic-majority states, such as the People's Democratic Republic of Algeria (1969), the Islamic Republic of Pakistan (1959), the Kingdom of Morocco (1957), and the Republic of Tunisia (1968), have ratified the Convention, enabling custodial spouses (often women) to seek cross-border enforcement of maintenance orders through the treaty's mechanisms. Several other Islamic states with significant legal influence, such as the Arab Republic of Egypt, the Kingdom of Saudi Arabia, the Islamic Republic of Iran, and the State of Qatar, have not acceded to the Convention, resulting in limited legal recourse when ex-spouses relocate abroad [121]. This patchwork of participation undermines the effectiveness of the Convention's framework and leaves many women without means to enforce support orders internationally. Expanding ratification among Islamic states could strengthen women's legal protections and promote alignment with both Islamic personal status norms and international rights obligations.

Other major developments at the international level contributing to international human rights law relating to women are the World Conference on Human Rights held in Vienna in 1993 (the Vienna Conference), the International Conference on Population and Development in Cairo, 1994, and the Fourth World Women Conference, Beijing 1995 (the Beijing Conference) [358, p. 1418].

The Vienna Conference on Human Rights in 1993 stated in the Declaration that «regional arrangements play a fundamental role in promoting and protecting human rights. They should reinforce the Universal Human Rights standard, as contained in international Human Rights instruments, and their protection. The World Conference on Human Rights endorses efforts underway to strengthen these arrangements and to increase their effectiveness, while at the same time stressing the importance of cooperation with the United Nations human rights activities» [400]. The Conference

reiterated the need to consider the possibility of establishing regional and Sub-regional arrangements for the promotion and Protection of human rights where they do not already exist.

The International Conference on Population and Development marked a pivotal moment in the global recognition of women's rights, particularly in the domains of reproductive health, gender equality, and sustainable development. The Programme of Action adopted at the conference emphasized that reproductive rights are fundamental human rights and affirmed women's autonomy over their own bodies, including access to family planning, maternal healthcare, and education [336]. This was especially significant for Islamic states, many of which participated in the conference and engaged in negotiating the language of the final document to ensure its compatibility with cultural and religious values. Some reservations were expressed (for example, regarding terminology such as «sexual rights» and «family planning»), but the International Conference on Population and Development framework has still influenced national health and legal policies in states such as the Republic of Tunisia, the Kingdom of Morocco, and the People's Republic of Bangladesh, leading to expanded reproductive services and greater legal protections for women. For many Islamic states, the International Conference on Population and Development provided a platform to reconcile religious principles with international commitments to women's health and dignity, making it a key reference point for ongoing debates about the role of women in society and law.

The Beijing Declaration and Platform for Action confirms that the protection and promotion of human rights is the first responsibility of governments and core to the work of the United Nations. The Platform for Action firmly anchors the achievement of gender equality within a human rights framework and makes a clear statement about State responsibility in delivering on the commitments made [358, p. 1420].

Based on the detailed review above, we observe that the international legal framework for the protection and promotion of women's rights plays a foundational role in shaping global and national efforts toward gender equality. Instruments such as the

Universal Declaration of Human Rights, CEDAW, CRC, and other core UN treaties collectively establish normative standards that obligate states to respect, protect, and fulfill the rights of women. These instruments are universal in intent, and at the same time, they acquire a distinct interpretative complexity in Islamic states, where national legal systems often integrate Sharia as a source of law. This integration produces both opportunities and constraints, making it important to analyze how international norms are received, adapted, or challenged within such jurisdictions.

The comparative analysis of international legal norms and their implementation across Islamic states reveals a pattern of selective adherence, based on constitutional references to religion, sociocultural norms, and political considerations. Many Islamic states have ratified major human rights treaties, but with reservations mostly related to family law, gender equality, and legal autonomy. It highlights the ongoing friction between international standards and domestic frameworks. Despite that, the influence of these treaties remains substantial. Even in cases where ratification is accompanied by significant reservations, such instruments provide a legal and rhetorical foundation for reform efforts by civil society, policymakers, and international monitoring bodies. Moreover, they support the harmonization of national laws with broader human rights principles through incremental legislative and judicial change. Such analysis enables the identification of normative gaps, supports critical reflection on legal harmonization strategies, and helps to frame practical recommendations for policymakers, legal scholars, and human rights advocates. It helps to strengthen protections for women under both international and national legal frameworks.

2.2. The role of regional norms in the protection of women's rights in Islamic States

In addition to international human rights standards, regional human rights treaties, too, include crucial provisions aimed at promoting and protecting women's rights [470, p. 7]. Regional legal instruments and norms play a vital but often under-

researched role in the discourse on women's rights in Islamic States. International treaties provide a global framework for gender equality, and regional norms, at the same time, serve as intermediate legal constructs between international and national norms. Regional norms are often more tailored to the cultural, religious, political contexts and regional values of Islamic states. These norms, codified in charters, protocols, declarations, and policy strategies developed by regional organizations, offer complementary standards and practical ways to reconcile universal human rights with regional and religious specificities. In Islamic states, where legal systems often incorporate elements of Sharia, regional norms can play a constructive role by framing gender issues in culturally resonant terms, increasing the legitimacy and feasibility of legal reform. Regional legal instruments may also clarify States' obligations to protect the rights of women and girls and eradicate not only the violence but also the discrimination upon which it is based [353, p. 3].

The concept of «regional norms» in international law refers not only to legally binding instruments, such as protocols and conventions adopted within a regional framework, but also to soft law mechanisms, including declarations, action plans, and codes of conduct that guide state behavior in certain areas. These norms are primarily generated through institutions such as the League of Arab States, the African Union (AU), the Organization of Islamic Cooperation (OIC), and the Association of Southeast Asian Nations (ASEAN) in Islamic States or states with Islam as the dominant religion [213, p. 28-33]. Each of these bodies has promulgated legal texts that contain implicit provisions concerning the rights of women, especially in areas such as family law, access to justice, violence prevention, labor rights, and political participation. It is important to determine how such regional instruments have contributed to the transformation of women's legal status across Islamic states and how regional legal documents influence national legislation, policy reform, and legal interpretation.

According to the Executive Director of the Secretariat of the Independent Permanent Human Rights Commission of the OIC, N. Alrshoud, «social development in Islam is a moral and spiritual imperative as much as it is material and social, without

any distinction of class, color, caste, or sex. One of the key aspects of the concept of development in Islam is to focus on realizing substantive equality, equity, and distributive justice according to the needs and circumstances of every segment. Unlike Western traditions, Islamic thought attempts to interpret religious texts and traditions to promote women's rights within an Islamic framework, teachings, and practices ordained by Allah the Almighty. When viewed from a human rights perspective, the legal status of Muslim women is aligned with universal Islamic egalitarian principles of equality, justice, rights, and freedoms. It is essential to recognize that these interpretations and practices vary widely among Muslim communities due to socioeconomic, cultural, historical, and geopolitical differences» [47, p. 2].

To better understand how regional standards influence national approaches to women's rights in Islamic states, it is important to examine the core legal instruments adopted by regional organizations. These documents demonstrate efforts to address gender equality through frameworks that resonate with regional legal and cultural traditions. The Arab Charter on Human Rights, adopted by the League of Arab States in 2004 and entering into force in 2008, will be examined first. Currently, it is ratified by 14 states. Its 1994 predecessor never entered into force for lack of ratifications [55]. It represents a key regional instrument for human rights protection across the Arab world, including many states where Islamic law plays a central role in legal and social systems. Although the Charter is not focused exclusively on gender equality, it contains several provisions that bear significance for the legal status of women. Article 33 emphasizes the right to work, and Article 34 addresses the right to education [57]. The equality between men and women is expressed in various articles, reiterating the enhancement of women's legal status in Arab society. Even art. 3, paragraph 1, condemns the discrimination «on grounds of race, color, sex, language, religious belief, opinion, thought, national or social origin, wealth, birth or physical or mental disability», paragraph 3 of the same article stipulates that «men and women are equal in respect of human dignity, rights and obligations within the framework of the positive

discrimination established in favor of women by the Islamic Sharia, other divine laws and by applicable laws and legal instruments» [178].

The Arab Charter has been subject to criticism for its generality and limited enforceability. Unlike international human rights treaties such as CEDAW, the Arab Charter lacks specific mechanisms for monitoring compliance or adjudicating violations. Furthermore, the language of the Charter often includes qualifiers that allow states broad discretion in interpretation. For instance, while non-discrimination is guaranteed, it is not always backed by detailed obligations requiring states to actively remove discriminatory laws or practices. It has led to inconsistent incorporation of the Charter's principles into national legislation. In some states, for example the Hashemite Kingdom of Jordan, the State of Qatar, and the Kingdom of Bahrain, the Charter has been referenced in gender policy discussions, yet its practical role in driving legal reform remains indirect and largely dependent on complementary international and national legal instruments [28].

Nevertheless, the Arab Charter has an important symbolic and political function. This legal instrument was created within a regional and culturally familiar framework, and it provides a common language for Arab and Islamic states to engage with human rights, including women's rights, without necessarily invoking external legal systems. This has made the Charter a useful reference point in national debates over legal reform, particularly where there is resistance to adopting global treaties perceived as foreign or incompatible with Islamic values. These provisions create a framework that can support national reforms advancing the position of women in family law, employment, and access to justice, though their actual impact depends on domestic implementation and political will.

Another foundational regional instrument in the context of women's rights in Islamic states is the Cairo Declaration on Human Rights in Islam, adopted by the Organization of the Islamic Conference (now the Organization of Islamic Cooperation (OIC) in 1990 [97]. Unlike conventional international treaties, the Declaration does not create binding legal obligations, but it plays a significant normative role in articulating

an Islamic perspective on human rights. Its adoption reflected a collective attempt by OIC member states to establish a framework grounded in Sharia principles while responding to the growing global emphasis on human rights. All OIC member states endorsed the Declaration, which remains a reference point for many governments and policymakers when addressing the compatibility of Islamic values with international legal standards.

According to D. Akkad, «a key aspect on which the Universal Declaration of Human Rights and Cairo Declaration on Human Rights in Islam do not agree surrounds the subordination of women. The Universal Declaration of Human Rights is appropriately universal in its prescription of rights to both men and women, introducing no qualifiers whatsoever to restrict gender equality. Article 6 of the Cairo Declaration on Human Rights in Islam stipulates that women are equal to men in human dignity, and have rights to enjoy as well as duties to perform. The very nature of this clause undermines gender equality as it infers, arguably with good reason, that Sharia law prescribes men and women different rights and duties. Men and women are equal, but different, and should be considered as such in the eyes of the law and their rights protected as such in human rights declarations. The Cairo Declaration on Human Rights in Islam, through its pandering to conservative interpretations of Sharia law, enables the violation of other human rights that women should enjoy including the entitlement to a fair and public hearing by an independent and impartial tribunal, the right to freedom of movement and residence within the borders of each state and equal rights as to marriage, during marriage and at its dissolution» [31]. This conditional approach has had direct consequences on the formulation and interpretation of national laws in several OIC states. For example, when it comes to the Kingdom of Saudi Arabia, the Cairo Declaration on Human Rights in Islam is often cited as an example of how Islamic states can interpret human rights through an Islamic lens, sometimes with significant differences from the Universal Declaration of Human Rights [133, p. 89]. Similarly, the Islamic Republic of Iran has invoked Sharia-based principles consistent

with the Cairo Declaration in its national legislation on family law, inheritance, and guardianship, where male guardianship continues to restrict women's autonomy.

On the other hand, even though the Cairo Declaration on Human Rights in Islam has not served as a basis for progressive reform in women's legal status, it has institutionalized a religious framework through which states reconcile modern human rights discourse with Islamic legal traditions. In practice, this has contributed both to the preservation of traditional structures and to a more culturally grounded approach to legal reform, especially in areas such as family law, modesty codes, and gender-based obligations.

The OIC Plan of Action for the Advancement of Women (OPAAW), adopted in 2016 during the Sixth Ministerial Conference on the Role of Women in the Development of OIC Member States, represents a significant normative development within the Organization of Islamic Cooperation. Unlike the Cairo Declaration, which is more general in scope and rooted primarily in Sharia principles, the OPAAW takes a more policy-oriented approach. It is focused on promoting gender equality and empowering women across various sectors, including education, health, employment, and political participation [305].

The Plan of Action aims to create commitments for OIC member states to improve the legal, economic, and social status of women, but to maintain alignment with Islamic values at the same time. According to the OIC Women and Development Report, there is significant progress towards the Implementation of the OIC Plan of Action for the Advancement of Women (OPAAW). Regarding improving the legal status of women across all sectors of society, respondent states have implemented a considerable number of measures that vary in nature and scope. These measures include specific interventions for human development; enhancing institutional capacities, prescriptive laws and national regulations, strategies and frameworks for national, regional, international, and multi-sectoral cooperation; and building inclusive and equitable societies. A summary review of the results of the research shows that respondent states have implemented the most comprehensive measures in the domain of

health, followed by protection from violence, social protection, participation in decision-making, women in crises, education, and women's economic empowerment. All these measures are also in line with OPAAW objectives in each area. When it comes to the progress respondent states have made towards the implementation of OPAAW, an analysis of responses demonstrates that the level of progress was highest in the area of women's health, followed by education, participation in decision-making, social protection, protection from violence, women's economic empowerment, and lastly, the position of women in crises. Programs and policies that facilitated this progress included generic strategies and laws, concentrated initiatives for reforming and strengthening institutions, and efforts to develop human capacities.

In states such as the State of Qatar, the Kingdom of Bahrain, and the Hashemite Kingdom of Jordan, the OPAAW has informed the drafting of national strategies on women's empowerment. For example, the State of Qatar's National Development Strategy incorporates several elements in line with OPAAW objectives, including increased female labor force participation and legal reforms supporting family cohesion and work-life balance [402, p. 10]. Similar to that, the Kingdom of Bahrain's Supreme Council for Women has used OPAAW guidelines in its gender equality programs, especially in the development of policies addressing workplace rights and family protection [396].

We can observe that OPAAW has helped generate policy momentum in several states, even though implementation varies significantly across the OIC region. Even though OPAAW is non-binding, it has become an important reference point for gender policy within Islamic states. It provides a framework for national strategies that seek to balance international obligations with domestic religious and cultural contexts.

Another related document adopted by the OIC in 2005 is the Covenant on the Rights of the Child in Islam [125]. It is a regional soft-law instrument that outlines member states' shared commitments to protect and promote children's rights within the framework of Islamic values and international obligations. It is not binding in the same way as treaties, but the Covenant represents a collective political endorsement of child

welfare principles grounded in Sharia. It includes references to education, healthcare, protection from abuse and exploitation, and the right to a family environment. Despite the document being child-focused, it has implications for girls' rights and broader gender justice. Some provisions address the right of girls to equal access to education, protection from early marriage, and participation in family and social life. Article 7 emphasizes the principle of non-discrimination, including on the basis of gender, which creates space for interpreting the Covenant in a manner that supports women's rights from an early age.

Talking about the practical side, the Covenant has had a varied influence across Islamic states. Some states have referred to its language when drafting national child protection or family laws. For example, the State of Qatar has adopted national child protection strategies that echo several principles from the Covenant, such as the prevention of abuse, support for early childhood education, and gender-sensitive family welfare programs [323]. Some states, for example, the Republic of Yemen, continue to maintain legal frameworks that allow for early marriage and lack sufficient safeguards against gender-based discrimination in childhood [321, p. 4], [320]. The latest research on the current state of child marriage in the Federal Republic of Somalia is quite similar [91, p. 3].

We can observe that the Covenant has not supplanted more detailed global treaties like the UN CRC, but it plays a complementary role, particularly in states that prefer regional or Islamic frameworks as a basis for policy reform.

Another regional document that is important to mention is the Gulf Declaration of Human Rights (GDHR). One particularly notable event was the GCC's unanimous 2014 adoption of the GDHR. Despite being promulgated in 2014 by the GCC, the GDHR has received little academic attention. The GDHR symbolizes a joint effort by the GCC in its pursuit of human rights. It is a soft-law document aimed at protecting and promoting human rights across the region. Like most regional human rights declarations, the GDHR focuses on civil and political liberties as well as some economic and social rights. Encompassing 47 articles, the GDHR's preamble notes how it was inspired by

the GCC States' respect for human dignity and the protection of it, as per Sharia. Its preamble also notes that this protection of human rights is intended to continue the GCC's aims of unity and coordination. The preamble concludes by underscoring the GCC's commitment to human rights, taking into account relevant regional and international human rights agreements such as the Universal Declaration of Human Rights, the Arab Charter on Human Rights, and the Cairo Declaration on Human Rights in Islam [143, p. 86, 89].

The document includes general affirmations of equality and dignity, with several articles referencing the protection of the family, the rights of children, and the role of women in society. However, it avoids explicit commitments to gender equality in the universalist sense and maintains deference to national legal systems and Sharia principles. The GDHR has not yet served as a foundation for substantial legislative harmonization among GCC states. It demonstrates a growing willingness to define human rights (including women's rights) within a regional Islamic legal context, reinforcing the importance of balancing local values with global legal standards [444, p. 128].

The African Charter on Human and Peoples' Rights, adopted in 1981 by the Organization of African Unity (now the African Union), was a landmark regional human rights instrument that laid the groundwork for the promotion of legal protection and dignity for all persons on the African continent [20]. Unlike other human rights conventions of its time, the African Charter on Human and Peoples' Rights includes both individual and collective rights and emphasizes duties alongside rights. The Charter was not originally drafted with a strong gender dimension, but it includes Article 18(3), which obliges states to eliminate discrimination against women and protect the rights of women and children in line with international declarations and conventions [20]. This document has provided an important normative basis for further legal development within member states of the African Union, including several Islamic states and those with majority-Muslim populations, such as the People's Democratic

Republic of Algeria, the Islamic Republic of Mauritania, the Federal Republic of Somalia, and the Republic of Tunisia.

To address the gender-specific gaps of the 1981 Charter, the Protocol to the African Charter on the Rights of Women in Africa, commonly known as the Maputo Protocol, was adopted in 2003. This document is widely regarded as one of the most progressive and detailed regional instruments on women's rights globally. The Protocol covers a broad range of issues, including reproductive rights, marriage and divorce, participation in political life, inheritance rights, protection from violence, and economic and social equality. It explicitly guarantees the right to medical abortion in cases of sexual assault, incest, or where pregnancy endangers the mental or physical health of the mother (Article 14) [319]. This level of specificity is rare among regional instruments and reflects a determined effort by African states to address women's rights comprehensively. As of 2024, 49 of 55 AU member states have signed the Protocol, with 44 member states having ratified and integrated its provisions into domestic law, including some Islamic states [260].

The Maputo Protocol is important for Islamic African states because it provides a regionally legitimate and culturally contextualized legal framework to advance gender equality, while still allowing for national discretion in implementation. In the Republic of Tunisia, for example, the Protocol's principles have aligned well with national reforms such as the 2014 Constitution's guarantees of gender equality and protections against gender-based violence [416]. In the Islamic Republic of Mauritania, efforts have been made to put in order portions of family and labor law with regional obligations stemming from the Maputo Protocol as well. In contrast, some states, such as the Federal Republic of Somalia, the Republic of the Sudan, and the Arab Republic of Egypt, which have strong Islamic legal traditions, have not ratified the Protocol, citing conflicts with Sharia-based personal status laws [260]. Nevertheless, the Protocol continues to serve as a legal benchmark and advocacy tool for reform-oriented actors in these states. The African Charter on Human and Peoples' Rights and the Maputo Protocol have significantly contributed to promoting regional legal discourse on

women's rights in African Islamic states. These instruments provide a middle normative space between universal human rights treaties and religious-national legal systems by incorporating principles of equality and non-discrimination in a culturally grounded regional framework.

Another relevant document is the African Youth Charter, adopted by the African Union on 2 July 2006 [21]. It serves as a comprehensive legal and policy framework that defines the rights, freedoms, and responsibilities of young people in Africa. It also outlines the duties of states to promote their well-being. It is not exclusively a women's rights instrument, but at the same time, the Charter contains explicit gender equality provisions that have significant implications for young women in Islamic states in this region. Article 23 specifically mandates the elimination of all forms of discrimination against girls and young women, emphasizing equal access to education, vocational training, healthcare, and employment opportunities. According to N. Efem Ubi: «Article 23 underscores gender problems, specifically the subjugation, discrimination, and marginalization of girls and women. Today, women constitute at least half of the human race, yet on the basis of three recognized dimensions of inequality – economic status, social position, and political power, women occupy a secondary place in relation to men, a position comparable in many respects with that of minorities. Like article 23 (1) (a-n) posits, all women have rights to share in the benefits of growth and development. And if sustainable development is to be achieved, then an engendered approach to development policies and practices is essential. Development strategies must target projects that benefit girls and women, particularly those in the subsistence sector» [421, p. 8].

Analyzing the African Youth Charter and the current situation in the Islamic-majority AU member states, such as the People's Democratic Republic of Algeria, the Islamic Republic of Mauritania, the Republic of Tunisia, and the Federal Republic of Somalia, we can see that the African Youth Charter's provisions have the potential to influence national legal reforms and policy-making in areas affecting young women. For example, the Charter's emphasis on reproductive health rights, political

participation, and protection from gender-based violence lines up with the objectives of other African instruments, such as the Maputo Protocol [438]. Even in contexts where Sharia-based legislation prevails, the Charter offers a framework that can be interpreted in culturally sensitive ways, encouraging governments to adopt measures that support gender equality without appearing to impose external values. Also, this regional legitimacy can make the Charter a valuable advocacy tool for civil society, women, and youth organizations operating in these contexts.

The Charter establishes a legal foundation that encourages member states to integrate women's rights into broader youth development policies by linking youth rights to gender equality. The Charter reinforces the idea that women's rights cannot be separated from broader social and economic development goals by integrating gender equality into youth development strategies. This makes it a complementary instrument to other regional and international frameworks, allowing Islamic states to advance women's rights incrementally, often within the less politically sensitive discourse of youth empowerment.

Building on the analysis of African regional instruments, it is also crucial to highlight the role of Southeast Asian regional frameworks in widening women's rights in Islamic states. Within this context, it is important to mention the Association of Southeast Asian Nations (ASEAN). It is a regional intergovernmental organization established in 1967 to promote political, economic, and socio-cultural cooperation among its ten member states. It plays an important role in creating shared legal and policy commitments that can affect women's rights protection. Southeast Asia is culturally and legally diverse. It includes Brunei Darussalam and Malaysia, both of which are states where Islam is declared as the official religion, where Sharia law significantly influences national legislation [235].

The ASEAN Declaration on the Elimination of Violence Against Women and Children, adopted in 2013 in Bandar Seri Begawan, Brunei Darussalam, represents a significant regional commitment to addressing GBV and protecting the rights of women and children within Southeast Asia [393, p. 158]. Even though ASEAN is not an Islamic

organization, its membership includes states where Islamic law plays an important role in the legal system.

The Declaration reaffirms ASEAN's adherence to international human rights norms and tailors its provisions to regional realities. It calls on member states to strengthen legislation, policies, and programs aimed at preventing and responding to violence against women and children, with particular emphasis on access to justice, victim support, and the elimination of harmful cultural practices [156]. For states that are members of ASEAN, the declaration serves as a bridge between global human rights standards and culturally specific governance models. The document creates space for constructive dialogue on sensitive issues by avoiding direct confrontation with religious norms and instead emphasizing shared regional values such as dignity, respect, and protection of the vulnerable. In Brunei Darussalam and Malaysia, for example, some aspects of family law remain governed by Sharia, but the Declaration has informed national strategies on domestic violence, child protection, and victim services, including the expansion of shelters and legal aid programs.

Also, the ASEAN Declaration promotes cross-border cooperation to address issues such as trafficking, exploitation, and cyber-violence, which disproportionately affect women and girls in Southeast Asia. Its provisions encourage legal harmonization and capacity building, which can indirectly influence the domestic legal frameworks of Brunei Darussalam and Malaysia to better protect women within the parameters of Islamic law. In this sense, despite the Declaration not being legally binding, it carries normative weight that can guide legislative and policy developments in Islamic states that are part of ASEAN.

Following the adoption of the ASEAN Declaration on the Elimination of Violence Against Women and Children, ASEAN member states recognized the need for a more comprehensive policy framework to turn the Declaration's commitments into concrete, measurable actions. This recognition led to the development of the ASEAN Gender Mainstreaming Strategy, which serves as a structured guide for integrating gender perspectives into all areas of governance, legislation, and policy planning [64].

The Strategy functions as a «soft law» instrument that operationalizes the principles of the Declaration, setting out guidelines, performance indicators, and capacity-building measures for national implementation. For Islamic states within ASEAN, this progress from broad political commitment to detailed policy guidance provides a more practical and context-sensitive pathway for advancing women's rights without undermining religious and cultural traditions.

The Strategy identifies priority sectors such as education, economic participation, healthcare, political representation, and justice systems, and encourages national governments to integrate gender-sensitive budgeting, gender-disaggregated data collection, and gender-responsive policy evaluation into their administrative frameworks [65]. By linking these measures to regional development goals under the ASEAN Community Vision 2025, it also ensures that gender equality is framed as an essential component of broader socioeconomic advancement rather than an isolated human rights obligation [63]. In Malaysia, government ministries have developed sector-specific gender action plans, aligning national targets with the ASEAN framework. In Brunei Darussalam, policy consultations have incorporated gender impact assessments for certain legislative proposals.

The Strategy also addresses cross-border and transnational issues that affect women in Islamic states, such as labor migration, trafficking, and economic integration. It strengthens the ability of states to tackle these problems in ways that are consistent with Sharia-based legal traditions and compatible with ASEAN's collective commitments. The Strategy does not override national sovereignty, but its structured monitoring mechanisms and peer engagement encourage continuous dialogue, gradual reform, and a shared sense of accountability among ASEAN members. The ASEAN Gender Mainstreaming Strategy serves as a regional policy bridge, allowing Islamic states to advance women's rights and, at the same time, preserving alignment with local legal and cultural contexts.

The influence of above-mentioned frameworks is visible in the gradual transformation of national legislation across different regions. For example, Morocco's

reform of its Moudawana (Family Code) in 2004 has been partially linked to the normative climate created by the Arab Charter and the OIC's policy initiatives [100]. In a similar way, ASEAN's gender strategies have developed the policy language and programmatic commitments of Brunei Darussalam and Malaysia in areas such as gender-based violence prevention and economic participation. African Union instruments, including the Maputo Protocol, have provided a legal foundation for reforms addressing early marriage, reproductive rights, and political participation in several North African and Sahelian Islamic states [437], [423].

The analysis of the regional legal frameworks discussed above demonstrates that such instruments serve as important normative bridges between universal human rights obligations and the specific cultural, religious, and socio-political contexts of Islamic states. Regional legal instruments may also clarify States' obligations to protect the rights of women and girls and eradicate not only the violence but also the discrimination upon which it is based [335, p. 3]. By framing rights in a manner that resonates with regional values, these documents grow the legitimacy of gender equality measures and facilitate their gradual incorporation into domestic legal systems.

The list of regional frameworks examined in this research is not exhaustive, owing to the scope limitations of the thesis, it covers the most influential instruments relevant to the protection and promotion of women's rights in Islamic states. It must be emphasized that this type of systematic observation of regional frameworks in relation to women's rights in Islamic states has not been undertaken in previous academic work.

In conclusion, regional frameworks are not merely supplementary to global instruments, but they often serve as the most accessible and politically viable entry points for advancing women's rights in Islamic states. Their influence is multifaceted: they contribute to legislative change, guide policy formulation, and promote normative shifts that align local legal traditions with broader principles of gender equality. These norms are embedded in a shared cultural and religious framework that significantly increases their potential for acceptance and implementation. Therefore, the study of these frameworks is essential for fully understanding women's rights in the Islamic

legal context, as they show both the possibilities for progress and the challenges that affect how gender equality develops in the region.

2.3. The role of international and regional institutions in promoting women's rights in Islamic states

The promotion of women's rights at the international and regional levels is not achieved solely through treaties and legal frameworks, but also through the active engagement of specialized organizations that influence discourse, monitor compliance, and support reforms within national legal systems. These organizations, whether intergovernmental, non-governmental, or regional, contribute to supporting gender equality and promoting women's rights. Organizations provide normative guidance, technical assistance, and advocacy tailored to diverse contexts, including those of Islamic states where cultural and religious considerations are crucial to legal development. Understanding the nature and role of these organizations is therefore essential for this research. It allows us to examine not only the standards set by international law but also the institutional actors that enforce these norms into practice, often influencing legislative reform, judicial interpretation, and policy initiatives in member states.

The study of specialized agencies, international non-governmental organizations, and regional organizations is essential for understanding the current state of women's rights, their protection, and functioning in Islamic states. These bodies shape the development of legal standards mostly via the creation of soft law, monitoring mechanisms, and technical capacity-building [251, p. 5], [76]. They often provide expertise, financial resources, and institutional platforms that enable Islamic states to reconcile domestic legislation with international human rights standards [252], [454]. Such organizations contribute to data collection, reporting, and awareness-raising, which are critical for addressing persistent challenges [299].

It is important to note that intergovernmental organizations, specialized agencies, INGOs, and regional organizations all contribute to shaping women's rights, but through different methods and approaches [222]. Intergovernmental organizations, such as the United Nations and its specialized agencies, primarily rely on legally binding treaties, monitoring mechanisms, and policy frameworks that set universal standards for gender equality [425]. INGOs, such as Amnesty International or Musawah, operate mainly through advocacy, research, and grassroots mobilization, influencing public opinion and pressuring governments to implement reforms. Regional bodies, such as the OIC or the Arab League, act as intermediaries, creating norms and policy documents that are more tailored to the cultural, religious, and political contexts of their member states [137]. Together, these actors form a layered system of influence, where universal standards, advocacy campaigns, and region-specific norms interact to shape the legal and social status of women in Islamic states.

Having clarified the broader conceptual distinctions between different types of organizations, it is necessary to begin with the United Nations and its specialized agencies and bodies, given their central role in setting global standards for women's rights. The UN has been the primary architect of international human rights standards, providing legal instruments, monitoring mechanisms, and institutional frameworks that have positively influenced gender equality agendas across the world, including in Islamic states [193]. By examining the work of the UN, its bodies, and agencies, we can better understand how universal norms are introduced, interpreted, and, in many cases, adapted to the specific cultural and legal contexts of Islamic societies.

The UN has been central to advancing women's rights globally, including within Islamic states. The UN provides both legally binding instruments and policy frameworks that set minimum standards for gender equality. Through key treaties such as the CEDAW and policy initiatives such as the Beijing Platform for Action, the UN has created mechanisms that urge states to harmonize domestic laws with international obligations [258]. In the context of Islamic states, the UN's role is particularly significant because it offers a universal framework that can guide national reforms while

still allowing for contextual interpretations of Sharia-based systems. The UN serves as a bridge between international human rights law and local legal practices by combining treaty monitoring, technical assistance, and advocacy [222]. It encourages progressive reforms in areas such as family law, political participation, and protection from gender-based violence.

The Human Rights Council (HRC) is an intergovernmental body within the United Nations system made up of 47 States responsible for the promotion and protection of all human rights around the globe [203]. The HRC is the principal intergovernmental body within the United Nations system responsible for strengthening the promotion and protection of human rights around the globe, and for addressing and taking action on human rights violations around the globe. It responds to human rights emergencies and makes recommendations on how to better implement human rights on the ground. The Council can also convene urgent meetings on short notice to respond to emerging human rights crises. The HRC regularly addresses the human rights of women and girls and mainstreams a gender perspective throughout its work [202].

HRC plays a key role in shaping the discourse on women's rights within Islamic states by monitoring compliance with international standards and issuing recommendations through its Universal Periodic Review (UPR) mechanism. The HRC regularly reviews the human rights records of member states, including those where Sharia-based legal systems are dominant, and provides targeted recommendations to address discriminatory laws and practices against women [431], [432]. For example, during recent UPR cycles, states such as the Kingdom of Saudi Arabia, the Islamic Republic of Iran, and the Islamic Emirate of Afghanistan received recommendations urging the removal of male guardianship restrictions, reforms in family law, and improvements in access to education and employment for women [337], [295], [296]. The HRC's special procedures, particularly the Special Rapporteur on violence against women, have also highlighted gender-based discrimination and harmful practices in Islamic states, bringing international visibility and pressure for legal reforms [370]. Even the Council still lacks enforcement powers, its work serves as an important

platform for dialogue, advocacy, and gradual norms implementation, thereby contributing to the incremental advancement of women's rights in these contexts.

Important body to consider in this context is the Committee on the Elimination of Discrimination against Women. It is made up of 23 women's rights experts from around the world. The Committee functions as the treaty-monitoring body. It oversees implementation of CEDAW and provides interpretations of the terms of the Convention in periodic General Recommendations. It also hears individual cases and conducts inquiries into systemic violations of women's rights for those states that have ratified the Optional Protocol to CEDAW. NGOs can provide information when governments report to the Committee through shadow or alternative reports and oral statements during CEDAW sessions. NGOs or individuals can also submit communications or evidence of systematic rights violations under the Optional Protocol to CEDAW [259, p. 2].

CEDAW Committee requires that states actively condemn discrimination against women and work to eliminate discrimination in laws, policies, and practices, whether committed by state or private actors; actively promote equality between men and women; and put in place temporary special measures that can help address historical discrimination and accelerate actual equality.

Once a state ratifies the Convention, it must provide a state party report to the CEDAW Committee within one year and an updated report every four years after that. A working group of the Committee reviews the written report and asks the State party to provide additional responses to a List of Issues and Questions. The committee then meets with representatives of the State party in Geneva during a CEDAW Session to discuss the situation in the state and clarify the report and responses. The Committee issues a set of Concluding Observations with comments and recommendations for action over the next four years [259, p. 3-4]. This mechanism has proved significant in encouraging legislative reform, highlighting discriminatory practices such as child marriage and restrictions on women's participation in public life. It is also offering guidance on reconciling domestic legal traditions with international standards.

Another essential UN entity is UN Women, which supports Islamic states in implementing gender-sensitive legal reforms. UN Women collaborates with governments, civil society organizations, and regional institutions to enhance women's participation in political and economic life [385, p. 54]. «Through its regional office in Cairo and a number of country and multi-country offices, UN Women supports programme across the Arab states/North Africa region. One key focus is broadening the scope of women's citizenship, leadership, and political participation, especially in transition countries. This is essential to ensuring that transitions are both fully inclusive and democratic and respond to the needs and priorities of women and girls» [59].

«The Men and Women for Gender Equality programme of UN Women's Regional Office for the Arab States, funded by the Swedish International Development Cooperation Agency (Sida), seeks to improve understanding of the root causes of gender inequalities in the Arab States, and address these through a bottom-up approach, including through the engagement of men and boys for gender equality» [146].

Through initiatives such as the Gender Equality and Women's Empowerment Strategy, UN Women provides technical assistance for legislative reforms, capacity-building programs, and awareness campaigns on women's rights [58]. «Alongside local and national governmental bodies, other UN organizations and civil society groups, UN Women aids efforts to end violence against women. This entail adopting national policy frameworks, reforming laws discriminating against women, establishing comprehensive prevention and protection services, and raising awareness of strategies to combat violence» [59].

«UN Women has played a significant role in combating GBV in several states of the Middle East and MENA region, including a number of Islamic states, such as the Republic of Iraq, the Hashemite Kingdom of Jordan, the Lebanese Republic, the Kingdom of Morocco, Occupied Palestinian Territories, the Syrian Arab Republic, the Republic of Tunisia, and the Republic of Yemen. In the Republic of Iraq and the Republic of Yemen, where protracted conflict has heightened women's vulnerability, UN Women has focused on developing survivor-centered GBV prevention and response

mechanisms, promoting reforms that strengthen women's legal protection in family and personal status matters. In the Kingdom of Morocco and the Republic of Tunisia, the organization contributed to national discussions on revising family codes and strengthening laws on violence against women, ensuring alignment with international obligations under CEDAW. Across some states, the organization has used a dual approach: engaging policymakers to advance legislative reform while simultaneously strengthening grassroots organizations to advocate for women's rights and deliver support services to survivors of violence» [60].

UNESCO, as a specialized agency of the United Nations, has played a central role in promoting the right to education, particularly through the 1960 Convention against Discrimination in Education [117]. This convention is the only legally binding international treaty exclusively dedicated to the prevention of discrimination in education, affirming the principles of equal access, the right to compulsory primary education, and non-discrimination based on gender, race, or religion [405, p. 52]. For Islamic states, where cultural and religious interpretations often influence education policies, the convention represents a crucial normative framework reinforcing the idea that girls must enjoy the same educational opportunities as boys. Its provisions have been referenced in global advocacy efforts to challenge discriminatory practices, such as gender-based exclusion from schools or limitations on girls' curricula [405, p. 148].

The relevance of UNESCO's work is particularly evident in some states, where structural and ideological barriers continue to limit girls' access to education. In the Islamic Republic of Pakistan, UNESCO has supported the government in developing gender-sensitive education policies and expanding community-based schooling initiatives to reach marginalized girls in rural and tribal areas. Youth are a key priority for UNESCO, given their vital role in combating inequality, driving sustainable development, and building peace. UNESCO's key interventions in education here include policy development and advocacy, system strengthening, capacity building of education personnel, including teachers, and sector coordination [229].

Terrorist groups, such as the Taliban in the Islamic Emirate of Afghanistan, have notably impeded girls' education in this region. According to a UNESCO report, the Islamic Emirate of Afghanistan had only 72 girls enrolled for every 100 boys in primary education. The Islamic Emirate of Afghanistan stands out as one of the most challenging places globally for women, with high illiteracy rates and limited access to schooling beyond primary levels [234, p. 4-5]. In the Islamic Emirate of Afghanistan, decades of progress in development have been rolled back since 2021. The systematic restrictions on girls and women have made the Islamic Emirate of Afghanistan the only state in the world where girls are barred from education beyond the primary level. As of 2025, 1.5 million young girls and women remain out of school [80]. Denied the fundamental right to education, millions of Afghan girls and women face an uncertain future. In the face of major challenges, UNESCO is striving to ensure the continuity of education for citizens of the Islamic Emirate of Afghanistan. UNESCO has responded by mobilizing international awareness, monitoring the violations of the right to education, and supporting alternative modalities of learning for Afghan girls and women, including digital education programs and community-based initiatives [318].

A significant example of UNESCO's impact is its Afghanistan women and girls' education program, which provides innovative approaches to circumvent restrictions imposed by de facto authorities. The program combines digital tools, local networks, community mobilizers, and partnerships with NGOs to ensure continuity of education for girls who have been excluded from formal schooling [200]. This demonstrates the adaptability of international organizations in contexts where national authorities impose discriminatory restrictions. UNESCO has also worked with Afghan diaspora networks to create learning opportunities outside the formal system, thereby preserving girls' right to education in line with the Convention against Discrimination in Education.

Another critical area where international specialized agencies play a transformative role is health. The World Health Organization (WHO), as the leading global authority on health within the UN system, has consistently emphasized women's

health rights, including reproductive health and maternal care, as inseparable from broader human rights obligations [453].

In terms of healthcare access, Tackett S. stated that, «primarily related to the cultural and socioeconomic standing that many Muslim women share, they may have difficulty with healthcare access. Due to the combination of limited economic capacity, financial dependence, and patriarchal family organization, women may lack medical decision-making autonomy» [380, p. 191].

For Islamic states, where maternal mortality rates and limited reproductive healthcare often remain pressing concerns, WHO's programs provide not only practical assistance but also reinforce international commitments that states have accepted under treaty law [270]. WHO's work in the Federal Republic of Somalia illustrates the importance of specialized agencies in addressing women's health rights within Islamic states. Even maternal mortality ratio in the Federal Republic of Somalia has improved from 1,465 in 2000 to 563 in 2023, it is one of the highest maternal mortality rates globally. Maternal mortality in the Federal Republic of Somalia is higher than its regional average [367]. Limited access to skilled birth attendants, inadequate infrastructure, and cultural barriers impedes women's ability to exercise their right to safe motherhood. In response, WHO has collaborated with Somalia's Federal Ministry of Health and humanitarian partners to expand emergency obstetric and neonatal care, provide training for midwives, and establish community health programs targeting rural areas [451]. These interventions not only save lives but also support Somalia's obligations under CEDAW by progressively realizing women's right to health.

Talking about some other examples, «WHO has mainstreamed gender equality in its programming and together with national and international health partners makes every effort to ensure that every woman enjoys her right to the highest attainable standard of health, which includes the right to dignified, respectful health care throughout pregnancy and childbirth, the right to be free from violence and discrimination, and the right to health information to enable women and girls to make informed decisions about their health and to benefit from the services they need.

Through its rights-based and evidence-based humanitarian programming, through resilience and recovery efforts, and through supporting national strategies such as the National Strategy for Women, Children and Adolescents Health in the Syrian Arab Republic (2020–2025), WHO continue its commitment to the advancement of the health of women. Some of the flagship areas where WHO makes tangible stride for women's health are reproductive and maternal health, mental health, the prevention of gender-based violence, and the prevention of and response to sexual exploitation and abuse» [450].

These examples reveal that, despite structural and political constraints, targeted interventions related to women's health and reproductive rights can have transformative impacts on women's lives while reinforcing states' legal duties under international law.

The International Labour Organization (ILO) plays a central role in advancing women's rights in the field of employment. «Gender equality is central to the ILO's goal of decent work for all. ILO statistics show that the Arab region has the world's lowest rate of female economic participation – 26 percent compared to the global average of 56 percent. By contrast, male labor force participation rates, at 76 per cent, are above the global average of 74 per cent. These numbers have remained stubbornly resistant to change despite increasing levels of education amongst women» [163]. «In 2022, the World Bank reported that women in the Middle East made up just 19 percent of the labor force – one of the lowest percentages in the world. The economic gender gap in the Middle East is one of the largest in the world. The expansion of vocational training programs and the establishment of numerous multinational corporations throughout the region have increased labor opportunities for many people. Yet, amid these growing job opportunities, a multitude of cultural and political inhibitions affect women entering the workforce. Although initiatives led by UN Women and the International Labour Organization (ILO) have been instituted in states such as the Hashemite Kingdom of Jordan, structural barriers to entry persist» [92].

«Constraints are exacerbated in conflict or post-conflict settings. For women in states such as the Republic of Yemen, the Syrian Arab Republic, and the Republic of

Iraq, access to jobs is even more limited, safety issues are heightened, enabling structures diminished, and opportunities reduced. In the Arab States, there has also been a reported rise both in female-headed households and people with disabilities, who are often the most vulnerable groups requiring assistance. In states such as the Hashemite Kingdom of Jordan and the Lebanese Republic, refugee women can find themselves isolated in unfamiliar communities, subject to legal restrictions on their ability to work and earn an income, compounded by a lack of information and support to enter the labor market. In the more affluent states of the Gulf Cooperation Council, prosperity often has an inverse relation with female labor force participation, as societies place a value on women «not needing to work». In these states, migrant workers play an important role in the labor market, with female migrant workers making up a significant part of the domestic workforce, often in precarious conditions with little protection» [163].

ILO core conventions, particularly Convention No. 100 on Equal Remuneration (1951), R111 – Discrimination (Employment and Occupation) Recommendation, and Convention No. 183 on Maternity Protection (2000), play an important role [219], [221], [220]. Many Islamic states have ratified at least some of these conventions, committing themselves to international standards on gender equality in the workplace [255]. For example, the Hashemite Kingdom of Jordan has ratified both C100 and C111, signaling a commitment to equal pay and protection against workplace discrimination. «The amended law introduces the concept of «wage discrimination», defined as wage inequality between employees based on gender. Employers who discriminate against employees by setting wage rates based on gender are subject to a penalty. This is a significant change that follows the global movement toward equal pay in other developed jurisdictions» [328]. the State of Qatar, though slower to ratify, has made notable progress in incorporating aspects of C183 into its national labor legislation, particularly regarding maternity leave and workplace protections for women. Reforms introduced ahead of the FIFA World Cup included measures to improve working conditions for women in both public and private sectors, with specific reference to non-discrimination and expanded leave entitlements [326].

While implementation gaps remain, these developments illustrate how ILO conventions function as a normative guide for states seeking to modernize labor policies within the cultural and legal frameworks of Islamic societies. These ratifications and reforms indicate a gradual but important alignment of domestic labor frameworks in Islamic states with international obligations.

The Organization for Economic Co-operation and Development (OECD) has had an indirect yet meaningful impact on the promotion of women's rights in Islamic states through its policy frameworks, monitoring tools, and comparative indices [459]. The OECD Social Institutions and Gender Index (SIGI) is particularly relevant, as it measures discrimination against women in social institutions across categories such as family code, physical integrity, access to resources, and civil liberties [362]. Many Islamic states engage with OECD data and policy dialogues, and the SIGI has been used by international organizations, NGOs, and even national policymakers as a benchmark for gender-related reforms. For example, governments in North Africa and the Middle East have cited SIGI indicators in national gender strategies, aligning reforms in personal status law and labor markets with broader development agendas [464].

Furthermore, the OECD's cooperation with global actors such as UN Women and the World Bank extends its relevance to Islamic states. Joint reports have provided region-specific recommendations on dismantling discriminatory practices in inheritance, guardianship, and family law [381]. This shows that although Islamic states may not directly participate in OECD decision-making, the organization's research outputs, and advocacy tools exert normative influence. By providing comparative, evidence-based evaluations of gender inequality, the OECD helps frame women's rights not only as a legal issue but also as an economic and developmental priority, pushing Islamic states toward incremental reform.

In addition to specialized agencies and global institutions, regional organizations play a particularly direct role in shaping women's rights in Islamic states, as their mandates are rooted in shared cultural, religious, and political contexts. These organizations often create frameworks that reflect Islamic values while seeking to

harmonize them with international human rights standards, thereby exerting influence on national legal systems and policy reforms [481]. Next, we will focus on such regional bodies, beginning with the OIC, which is the largest intergovernmental organization after the United Nations. It has developed several instruments and initiatives aimed at advancing women's rights across its member states.

The OIC is the first intergovernmental organization of Muslim states. It was established on 25th September 1969 in Rabat, the Kingdom of Morocco. With a membership of 57 states and 13 observers, it is the only religious association of nation-states in the world. According to Noor Ahmed Baba, OIC is an ideological organization binding the Muslim states on a religious factor [104, p. 267-268].

OIC occupies a central role in shaping discourse on women's rights within Islamic states, primarily through its institutional mechanisms and policy frameworks. Among its most significant bodies is the Independent Permanent Human Rights Commission (IPHRC), established in 2011, which was mandated to support member states in aligning their domestic legal systems with international human rights standards while remaining consistent with Islamic principles. IPHRC upholds that the right of women and girls to all levels of education, including tertiary level, is a fundamental right that must be respected by all at all times without discrimination [47, p. 4]. The IPHRC has frequently emphasized the importance of women's empowerment, education, and participation in decision-making processes, positioning gender equality as integral to sustainable development in OIC member states. Through research, advisory opinions, and capacity-building initiatives, the Commission has sought to encourage states to adopt reforms that advance the legal and social status of women [176, p. 687].

The League of Arab States (LAS) has played an important role in shaping regional approaches to women's rights, particularly through its institutional mechanisms such as the Arab Women Organization. «The Arab Women Organization is an intergovernmental organization established under the umbrella of the League of Arab States and headquartered in the Arab Republic of Egypt» [15]. The Arab Women

Organization has been instrumental in conducting regional research, policy dialogues, and awareness campaigns on gender equality, often framing women's rights within Arab cultural and religious contexts. Arab Human Rights Committee (The Charter Committee), mandated by the Arab Charter on Human Rights in 2004, is an instrumental mechanism of LAS. The Arab Human Rights Committee is tasked with monitoring compliance with the Arab Charter on Human Rights, which includes provisions on equality before the law, protection of family life, and non-discrimination [207, p. 10-23]. Although the Charter has been critiqued for vague language and limited enforcement capacity, it nonetheless provides a normative framework that member states reference in shaping legal reforms, including in the area of personal status law [142].

A case study of the Arab Republic of Egypt illustrates the LAS's influence on national debates regarding women's legal status. Considering that the LAS headquarters is based in the Arab Republic of Egypt, along with the Arab Human Rights Committee, the Permanent Arab Commission for Human Rights, the General Secretariat, and the Secretary General, who is usually Egyptian, it appears that the Arab Republic of Egypt has a greater influence on the dynamics of the LAS [207, p. 17]. The Arab Republic of Egypt, as both a member of the LAS and a signatory to the Arab Charter, has witnessed sustained pressure from regional actors to modernize aspects of its personal status laws. Debates in recent years, particularly around guardianship provisions, child custody, and women's rights in marriage and divorce, have reflected not only domestic contestation but also regional discourses encouraged by the LAS. Recommendations from the Arab Women Organization have repeatedly stressed the need to reconcile traditional family law with international and regional standards of gender equality. Reforms in the Arab Republic of Egypt have been incremental and controversial, but the fact that national debates are framed with reference to regional obligations demonstrates the LAS's role in providing normative legitimacy for discussions on women's rights [85].

The African Union (AU) has become one of the most important regional organizations in advancing women's rights, particularly through its strong normative

instruments mentioned previously. «The AU has already built the normative foundations for its role in promoting gender equality in Africa and now needs to take steps towards increasing the impact of its work. Regardless of the difficulties, the AU provides a unique regional space for policy discussions and debates [383, p. 5]. Regional organizations are known to have an advantage when tackling normative issues like human rights and gender equality because they can speak with the voice of a common regional identity, better relate to regional and member state particularities and be more accessible for civil society organizations than global policy spaces» [410].

The AU has also established institutional mechanisms that support gender equality, such as the African Commission on Human and Peoples' Rights and the African Court on Human and Peoples' Rights. Both bodies provide platforms where violations of women's rights, including in Islamic states, can be addressed and monitored. For example, cases related to gender-based violence, early marriage, and discrimination in political participation have been considered within the African Commission on Human and Peoples' Rights framework, creating precedents for further advocacy. The AU's «Agenda 2063» further underscores gender equality as central to development, which has influenced policy priorities in Islamic-majority states in North and East Africa [22].

For Islamic states within the AU, the importance of these mechanisms lies not only in the legal obligations but also in the political weight the AU carries in shaping discourses around human rights. By situating women's rights within broader African development and security frameworks, the AU creates a regional narrative that encourages Islamic states to adopt reforms without perceiving them solely as externally imposed standards [372, p. 370].

The Council of Europe constitutes a significant regional framework for the protection of women's rights, particularly for those Muslim-majority states that are either members or closely aligned with its legal space, such as Turkey and Bosnia and Herzegovina. Through binding instruments such as the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence and the

interpretative practice of the European Court of Human Rights, the organization has developed an important normative and adjudicatory system that operationalizes gender equality as a component of fundamental rights protection. Its jurisprudence has had a direct impact on domestic legal reforms in member states, requiring alignment of national legislation with standards of non-discrimination, due diligence, and effective protection against gender-based violence. In a comparative legal perspective, inclusion of the Council of Europe framework would allow for a more nuanced analysis of convergence and tension between regional human rights regimes and Islamic legal traditions, while also illustrating how supranational judicial supervision can function as a catalyst for the gradual harmonization of women's rights protections across diverse legal and cultural contexts.

Another important regional intergovernmental organization, ASEAN, demonstrates a significant commitment to advancing women's rights and gender equality through its vision, declarations, regional plans, and mechanisms that promote women's political participation, economic empowerment, and protection. The promotion of gender equality and the empowerment of women and girls are consistent priorities of ASEAN [317].

In addition, ASEAN's institutional bodies, such as the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children, have served as mechanisms for advocacy and monitoring. The Commission has facilitated regional consultations and published guidelines that highlight best practices in tackling gender-based violence and advancing reproductive rights [13]. This soft-law influence has been especially relevant for Islamic states within ASEAN, where religious sensitivities can limit direct alignment with global treaties such as CEDAW. By offering a culturally proximate framework, ASEAN helps mediate between international human rights obligations and national legal systems influenced by Islamic jurisprudence [132, p. 335-336].

The Gulf Cooperation Council, which brings together the Kingdom of Bahrain, the State of Kuwait, the Sultanate of Oman, the State of Qatar, the Kingdom of Saudi

Arabia, and the United Arab Emirates, has adopted a number of regional policy frameworks and model regulations in recent years with the aim of harmonizing approaches to family protection and gender equality. According to S. Walker: «The six GCC states have received criticism for being slow to conform to global human rights norms. They have lagged in signing global treaties and covenants and have not enforced many of the laws they have on the books. However, for three key reasons, there is a perspective that continued engagement with these states on human rights issues may lead to progress. First, despite a lack of progress in some areas, such as political and civil rights, the region has made great progress overall in just a few decades, especially regarding economic and social rights. Second, GCC states have begun incorporating human rights language into domestic legislation and their own local discourse. Third, economic and social changes are on the horizon for the region in the medium to long term, which may lead to political changes in the next few decades» [444].

Some GCC states have drawn model regulations to introduce reforms and policy initiatives. The United Arab Emirates, for example, incorporated principles from the GCC framework in its «Family Protection Policy», which strengthened legal mechanisms against domestic violence. «The policy aims to provide a safe environment for a healthy society, strengthened by the principles of Islam, where moderation, kindness, and compassion prevail among family members. The policy serves women, men, children, youth, senior Emiratis, and People of Determination, protecting them all from violence and all forms of abuse. This policy defines family protection as protecting family members from any abuse, harm, or threat committed by another family member or someone in a similar position of authority, exceeding their guardianship, custodianship, authority, or responsibility, resulting in physical or psychological harm» [152].

Speaking about the ways forward in regard to GCC, H. Almoaibed notes that «women's empowerment in the Gulf is often viewed through an economic lens. As such, it has advanced women's participation in society on many levels. However, the key to real progress requires legal empowerment. Women are expected to participate in

the workforce while adhering to a traditional model of caregiver, responsible for instilling cultural norms and traditions, which, as we have seen, often disadvantage them and limit their agency. Reforms to personal status laws in states like the Kingdom of Saudi Arabia and the United Arab Emirates are welcomed by women, but the persistence of restrictive cultural norms limits the practical benefits of these reforms. To drive meaningful change, women must be empowered to make choices that stem from an aspiration to contribute rather than a fear of contributing. Legal frameworks must be strengthened and implemented consistently. Without closing the gap between legal codification and enforcement, women from all backgrounds across the Gulf will remain limited in their ability to drive economic and social development forward, and true empowerment will remain out of reach» [45]. Based on the above information, we can observe that, reforms, while not always comprehensive, indicate how GCC model instruments can serve as a catalyst for national action by providing regionally acceptable standards that align with cultural and religious sensitivities yet move towards greater compliance with international human rights norms [293].

Having considered the role of regional organizations in shaping women's rights across Islamic states, it is equally important to turn to the contributions of INGOs. Unlike intergovernmental bodies, INGOs operate independently of states and often act as advocacy platforms, monitors, and capacity-building partners, exerting influence through reporting, campaigning, and direct engagement with national stakeholders. Their activities play a crucial role in highlighting violations, pressuring governments toward compliance with international norms, and supporting grassroots women's movements [297], [272].

In this context, one of the significant actors is Amnesty International, whose longstanding work on gender equality and protection from gender-based violence has had notable implications for Islamic states. Amnesty International has established itself as one of the most influential INGOs in advocating for the elimination of discriminatory laws in Islamic states [159]. Through its global campaigns and national reports, the organization consistently highlights the systemic barriers that women face in accessing

justice, education, healthcare, and equal participation in the workforce. Its advocacy focuses on pressing governments to repeal or amend discriminatory provisions, particularly those rooted in guardianship laws, unequal family codes, and restrictive employment practices. By framing these issues within the broader framework of international human rights law, Amnesty contributes to aligning domestic legal systems in Islamic states with standards articulated in instruments such as CEDAW and the ICCPR.

Country-specific reports issued by Amnesty International further illustrate the depth of the challenges. For example, its reports on the Kingdom of Saudi Arabia have underscored the persistence of male guardianship practices despite partial reforms, noting how such restrictions continue to affect women's ability to travel, marry, or engage in public life independently [278].

It is important to mention here the Human Rights Watch (HRW). HRW is a nonprofit, nongovernmental organization devoted to promoting human rights and social justice around the world [341]. It plays a critical role in monitoring compliance with CEDAW and other international human rights standards, particularly in the context of Islamic states. Its reports frequently highlight the gap between states' international obligations and their domestic practices, especially in areas such as family law, women's freedom of movement, and protection from gender-based violence. By documenting these inconsistencies, HRW not only contributes to the international monitoring of compliance but also provides civil society actors and international organizations with concrete evidence to support advocacy and reform efforts. Its analysis often emphasizes how discriminatory laws and practices violate binding commitments under treaties such as the ICCPR, ICESCR, and CEDAW [16].

The organization's country-specific reports reveal recurring patterns of gender inequality. For example, in the Islamic Republic of Iran, HRW has criticized the continued enforcement of restrictive family laws that subordinate women's rights in marriage, divorce, and child custody, noting these as direct violations of CEDAW principles [473]. In the State of Qatar, HRW has documented restrictions on women's

freedom of movement, employment, and guardianship-based systems, identifying them as barriers to full gender equality [474]. Through these reports, HRW underscores the need for Islamic states to reform discriminatory legal frameworks and align domestic law with their international commitments.

It is important to mention Musawah here. Musawah, launched in 2009, is a global movement led by Muslim women advocating for equality and justice in the family and society, grounded in Islamic principles and universal human rights. Musawah, which means «equality» in Arabic, works for the advancement of human rights for women in Muslim contexts, both in their public and private lives [291]. They have created a «Compilation of Resources Related to Women's Rights in Muslim Family Laws». Compilation of Resources outlines and brings together resources from Musawah's holistic framework – Islamic teachings, universal human rights, national and constitutional guarantees of equality, and the lived realities of women and men – broken down according to specific topics related to women's rights in Muslim family laws [113].

Unlike many international NGOs that primarily operate through external pressure, Musawah focuses on internal reform by reinterpreting Sharia-based personal status laws and promoting egalitarian readings of Islamic texts. Its work is especially relevant in Islamic states where family law remains the most significant area of legal discrimination against women. Musawah emphasizes that patriarchal interpretations are not inherent to Islam but are products of historical, cultural, and political contexts, and therefore open to reform. By bridging the gap between religious legitimacy and human rights principles, the movement strengthens local advocacy efforts while, at the same time, engaging in international human rights forums such as CEDAW reviews [138].

Another organization that is not specifically dedicated to women's rights, but is an important actor, is the International Federation for Human Rights (FIDH). It is one of the oldest international non-governmental organizations dedicated to promoting and protecting human rights worldwide, and it has played an important role in advancing women's rights in Islamic states. FIDH is an international human rights NGO federating

188 organizations from 116 countries. Since 1922, FIDH has been defending all civil, political, economic, social, and cultural rights as set out in the Universal Declaration of Human Rights. It acts at national, regional, and international levels in support of its member and partner organizations to address human rights abuses and consolidate democratic processes [217]. The FIDH's mandate is to act effectively to ensure all the rights laid down in the Universal Declaration of Human Rights are respected. These include civil and political rights, as well as economic, social, and cultural ones.

«It coordinates and supports activities and provides them with a voice at the international level. Like its member organizations, the FIDH has no party or religious affiliation, and it is independent vis-à-vis all governments. The FIDH protects human rights defenders and mobilizes the international community so that their role is recognized, and they are protected as necessary» [218].

It is important to note that the analysis presented in this subsection does not attempt to include every international or regional organization engaged in the promotion of women's rights. The scope of such institutions is vast, and the limits of this research do not allow for a fully comprehensive review. Nevertheless, this work represents the first systematic attempt to examine the role of international and regional institutions specifically in the context of women's rights protection in Islamic states. By focusing on the most relevant specialized agencies, regional and international non-governmental organizations, the study provides a structured and detailed overview of how institutional mechanisms contribute to shaping and improving the legal status of women within Islamic legal systems.

These organizations have become essential in advancing reforms and supporting women in Islamic states. Specialized agencies of the United Nations, such as UNESCO, WHO, and the ILO, provide normative guidance and technical assistance in fields like education, health, and labor rights, directly linking international standards with domestic law and practice [177]. Regional institutions, including the Organization of Islamic Cooperation, the Arab League, the African Union, ASEAN, and the Gulf Cooperation Council, have introduced regional instruments and policy frameworks that,

even sometimes limited in enforceability, offer culturally relevant pathways to strengthen women's rights. At the same time, international NGOs and networks such as Amnesty International, Human Rights Watch, Musawah, and other organizations have been vital in documenting abuses, advocating reforms, and building platforms for women's voices within Islamic societies. Together, these institutions create a layered system of influence that helps bridge the gap between universal human rights standards and national legal systems within Islamic jurisprudence.

Finally, the interaction between global, regional, and non-governmental institutions is not only complementary but also necessary for the gradual transformation of women's rights in Islamic states. Intergovernmental organizations and its agencies establish the normative standards, regional bodies adapt these norms to specific cultural and religious contexts, and NGOs work to ensure their implementation and to hold governments accountable. For this research, the value of such analysis lies in showing that progress in women's rights cannot be explained solely by national legal reform or religious interpretation, but it must also be understood through the broader institutional environment in which Islamic states operate. This layered approach highlights opportunities for legal development and the continuing obstacles, providing a clearer picture of how women's rights can be promoted in contexts where religion and law are deeply intertwined.

CHAPTER 3. PRACTICAL IMPLEMENTATION OF WOMEN'S RIGHTS IN ISLAMIC STATES: PROSPECTS AND OBSTACLES

3.1. Legal avenues for the implementation of women's rights in Islamic states

Implementing international standards for women's rights involves a complex process of legal and social transformation, progressing from the development of global norms to their application at the national and local levels. Legislation, policies, and practices that discriminate against women, de jure and/or de facto, and/or that fail to comply with international standards on women's human rights, remain a concern in many states, as do regressive law reforms or policies that have an adverse impact on these rights. The ineffective implementation of laws and policies that protect women's rights is also a recurrent challenge [288, p. 28].

The implementation of international and regional norms represents the decisive stage in the protection of women's rights. From the perspective of international law, treaties and conventions only acquire real meaning when their provisions are incorporated into the domestic legal order and enforced in practice. Formal ratification is an essential step, but it does not in itself secure substantive equality or access to rights. Without effective implementation, commitments contained in instruments such as the CEDAW or the ICESCR risk remaining purely declaratory [176, p. 687]. This problem is particularly visible in Islamic states, where the coexistence of international obligations and Sharia-based legal traditions often produces tensions in lawmaking and in judicial practice.

The gap between international commitments and domestic enforcement can be observed across multiple areas of women's rights in diverse states. Many Islamic states are parties to global or regional instruments, yet significant reservations, selective incorporation, or limited enforcement have weakened their impact. For example, while a state may introduce new family law reforms to align with international standards, discriminatory provisions in guardianship, inheritance, or custody, in reality practical

effect could be limited. For example, states may enact legislation against domestic violence, but fail to establish mechanisms for effective enforcement, leaving victims without access to remedies. This divergence highlights that implementation is not a simple matter of transposition of norms, but rather a continuous process of adaptation, monitoring, and institutional reform [392].

At the same time, the practical implementation of women's rights norms in Islamic states is not a uniform process. Some states, such as the Republic of Tunisia and the Kingdom of Morocco, have introduced significant reforms in family law, political participation, and protection against gender-based violence, reflecting an effort to reconcile Islamic traditions with international standards. Others, like the Islamic Emirate of Afghanistan, the Republic of Yemen, or the Federal Republic of Somalia, face severe structural and political obstacles that limit even the most basic realization of rights. Between these two poles are states such as the Hashemite Kingdom of Jordan, the State of Qatar, or Malaysia, where gradual reforms are underway but remain constrained by social and legal traditions [395]. This diversity underscores the need for a comparative analysis that goes beyond ratification and examines how rights are realized in practice.

The purpose of this subsection is therefore to analyze the mechanisms through which Islamic states implement international and regional norms for the protection of women's rights, the obstacles they face, the current state, and the measurable outcomes of these efforts. This requires an assessment of legal reforms, constitutional provisions, institutional mechanisms, and the role of civil society. It also requires attention to cases where rights are formally recognized in law but denied in practice through discriminatory interpretations, weak enforcement, or cultural resistance. By examining these processes, it becomes possible to evaluate how far international norms have been integrated within the domestic legal norms of Islamic states. By analyzing specific examples of implementation across different states, this research aims to clarify both the achievements and continuing gaps in women's rights protection in Islamic states.

The effective realization of women's rights norms in Islamic states requires a multi-dimensional approach that integrates legal, institutional, societal mechanisms, and other core components. The first component is legal integration, whereby states incorporate international and regional commitments into domestic legislation [106]. The second component concerns the establishment of institutions. States must create and support effective public bodies, courts, and national human rights institutions that provide women with access to justice and protection against discrimination [343]. A third aspect is policy and program development. Governments are expected to introduce specific policies in relevant areas, such as gender-based violence prevention, women's political participation, equal access to education, etc. The fourth component relates to reporting and monitoring obligations. Islamic states that ratify CEDAW, the CRC, or the ICESCR are obliged to submit periodic reports to treaty-monitoring bodies. These reports not only create accountability but also generate constructive dialogue between states and international institutions. Finally, civil society participation is indispensable for meaningful implementation. Women's rights NGOs, legal advocacy groups, and grassroots organizations play a vital role in bridging the gap between formal guarantees and lived realities [98, p. 124]. Taken together, these components form the backbone of effective implementation. Their presence or absence explains much of the divergence in women's rights protection across Islamic states.

A central entry point for the practical implementation of women's rights norms in Islamic states begins with constitutional frameworks. «A state's constitution is the "highest law of the land", setting out the framework for how state power operates. Authorities and responsibilities are allocated and balanced between the executive, the legislature, and the judiciary, and between national and sub-national jurisdictions. Modern constitutions also create extensive rights entitlements for individuals, by placing a wide range of demands and restrictions on the use of state power. The specific way in which a state's constitution shapes each aspect of state power will either facilitate or limit the opportunities for advancing gender equality» [466, p. 17].

Constitutions are more capable of advancing gender equality if they incorporate international law, including international human rights standards. Constitutional incorporation of international law can create new rights guarantees for women and guide judicial interpretations of the constitution that are more rights-protective for women, including by helping to resolve conflicts between gender equality and other constitutional guarantees (e.g., on religious and customary law) in favor of women's rights. It can also require legislatures to adopt laws that ensure the implementation of international human rights and be part of the toolkit used by human rights or gender equality commissions to monitor government activity for compliance with gender equality guarantees.

Constitutions serve as the highest legal authority and often enshrine fundamental rights, including principles of equality and non-discrimination. In many Islamic states, constitutional provisions provide the formal basis for integrating international commitments into national legal systems and for guiding judicial interpretation in cases of gender-based discrimination. «Constitutions are more capable of advancing gender equality if they incorporate international law, including international human rights standards. Constitutional incorporation of international law can create new rights guarantees for women and guide judicial interpretations of the constitution that are more rights-protective for women, including by helping to resolve conflicts between gender equality and other constitutional guarantees (e.g., religious and customary law) in favor of women's rights. It can also require legislatures to adopt laws that ensure the implementation of international human rights and be part of the tool-kit used by human rights or gender equality commissions to then monitor government activity for compliance with gender equality guarantees» [466, p. 17].

Constitutional provisions vary widely: some constitutions, such as those of the Republic of Tunisia and the Kingdom of Morocco, explicitly guarantee gender equality, others either limit such guarantees by reference to Sharia principles or omit them altogether. To facilitate comparative analysis, UN Women has developed the Global Gender Equality Constitutional Database, which collects constitutional provisions on

gender equality and women's rights from over 194 countries, including Islamic states. This tool highlights the diversity of constitutional guarantees across the region and underscores both the potential and the limitations of constitutional law as a mechanism for advancing women's rights in contexts shaped by Islamic legal traditions [171].

Following with some examples, the Republic of Tunisia's 2014 Constitution marked a significant milestone for women's rights in Islamic states. «Article 46, on equality, guarantees parity between men and women in all elected assemblies, which is even more progressive considering this has not even been included in the constitutions of the majority of Western countries», said H. Skhiri, National Programme Officer for UN Women in the Republic of Tunisia [419]. It explicitly commits the state to protect women's rights, ensure equal opportunities in all domains, and achieve parity in elected assemblies. This provision demonstrates a constitutional-level commitment to gender equality that aligns with international standards, while also recognizing Tunisia's Islamic identity. Scholars have noted that Tunisia's constitutional guarantees created a solid foundation for subsequent reforms, such as the abolition of discriminatory inheritance rules in certain contexts and the strengthening of protections against gender-based violence [101]. The Tunisian case illustrates how constitutional provisions can drive concrete legal and policy changes, providing a model for other Islamic states in balancing Islamic values with universal human rights norms.

In contrast, the Moroccan Constitution of 2011 also acknowledges gender equality, but with more cautious phrasing. According to Article 19: «The men and the women enjoy, in equality, the rights and freedoms of civil, political, economic, social, cultural and environmental character, enounced in this Title 3 and in the other provisions of the Constitution, as well as in the international conventions and pacts duly ratified by the Kingdom of Morocco and this, with respect for the provisions of the Constitution, of the constants of the Kingdom and of its laws. The State works for the realization of parity between men and women. An Authority for parity and the struggle against all forms of discrimination is created, to this effect» [116].

Talking about the enforcement of gender equality guarantees, «constitutions should also establish mechanisms for the executive, legislative, and judicial enforcement of gender equality guarantees. Choices about the best kinds of constitutional mechanisms to enforce gender equality guarantees will depend on contextual factors such as how open the political vs. legal channels are to women's rights; whether decentralized power is an advantage or disadvantage for women considering local circumstances; the constitutional status of international human rights instruments; and whether gender equality provisions apply to both government and private actors. Other important considerations relate to the role of the courts, both under the constitution and in relation to women's rights norms in particular. For example, one key factor will be whether gender equality provisions are something which the courts can enforce or whether they are just intended to be a guide to government actions; this will often be determined by where in the constitution the gender equality guarantees are placed (e.g., if the guarantee is in the Preamble or a separate section on directive principles it will usually not be directly enforceable by the judiciary). Additional considerations relate to ensuring that, in practice, women can access the courts to enforce rights guarantees. For example, while specialized constitutional courts may benefit women (e.g., because they enable the development of a coherent jurisprudence on gender equality), broad standing rules and relaxed pleading rules (e.g., such as those in public interest litigation in the Republic of India) may be necessary to guarantee that women pursue their right to remedy to the highest levels of the judiciary. An additional enforcement option is for the constitution to mandate specialized enforcement bodies. These institutions can vary in nature and function. The constitutional establishment of gender equality commissions is still a relatively rare occurrence» [466, p. 18-19].

The interaction between Sharia courts and civil courts is one of the most decisive factors shaping the implementation of women's rights in Islamic states. For example, in the Arab Republic of Egypt, «family matters are overseen by family courts which were established in 2004. Sharia courts were eradicated in the 1960s, yet the law itself is based on Sharia interpretations, especially the Hanafi doctrine. There are several calls to

amend the personal status law, which resulted in the formulation of a committee to amend it in 2022. The committee has not yet formulated any drafts» [172]. The Egyptian legal system is based on various sources that include, besides Islamic Sharia, civil law, specifically derived from the French legal system, Egyptian customs, natural law, and the principles of justice [332].

In the Hashemite Kingdom of Jordan, courts are divided into three categories: civil courts, religious courts, and special courts. Religious courts are of two kinds: The Sharia Courts and the Tribunals of Other Religious Communities. Sharia Courts have executive jurisdiction in respect of matters of personal status of Muslims, cases concerning blood money (Diya), and matters pertaining to Islamic endowments (waqfs). Sharia Courts apply provisions of the Sharia law (Article 106 of the Constitution). Family cases are adjudicated in a separate Sharia court. These courts are at two levels, first instance and appeals, with a Sharia cassation court to supervise the application of law in the courts» [173]. Comparative studies also show that the role of courts is not static but evolves with broader political and legal reforms.

It is important to note that the way international treaties are incorporated into domestic legal systems significantly determines their practical effect on women's rights in Islamic states. The distinction between monist and dualist approaches is central here. In monist systems, ratified treaties automatically become part of domestic law and can be directly applied by courts without additional implementing legislation. In contrast, dualist systems require domestic legislative action to give effect to treaty obligations [198]. Approaches vary in different Islamic states. The divide between monist and dualist approaches highlights why the ratification of instruments such as CEDAW, CRC, and ICESCR does not always incorporate into effective protection of women's rights. While monist states offer a stronger legal avenue for individuals to invoke treaty rights directly before national courts, dualist states frequently delay or implementation due to the need for domestic legislation or reliance on religiously grounded legal systems.

Having examined the general mechanisms of incorporation and the structural role of legal systems in Islamic states, it is now essential to move to the practical implementation of specific rights. Among the most fundamental is the right to education, which serves as a cornerstone for broader gender equality. Education not only enables women to participate fully in political, economic, and social life but also strengthens their ability to claim other rights. Therefore, it is important to analyze how legal norms on equal access to education are framed in law, how they are applied in practice, and what progress and setbacks can be observed across different Islamic states.

The right to education is guaranteed in numerous international instruments, including the 1960 UNESCO Convention against Discrimination in Education and Article 10 of CEDAW, both of which emphasize equal access without discrimination based on sex [117].

Several Muslim states today recognize the importance of incorporating women's education to advance a nation's stature. While there are systemic inequalities regarding girls' and boys' education, and girls lag behind boys in school attendance, relatively more girls are receiving education in Muslim states. Some Muslim states are poised to close any gaps between genders – in the State of Kuwait, the UAE, the Kingdom of Bahrain, and the State of Libya, for example, more girls are in secondary school than boys. Among predominantly Islamic states, the Republic of Tunisia, the Republic of Indonesia, and the UAE have some of the highest female literacy rates, with 96.1% in the Republic of Tunisia, 92.1% in the Republic of Indonesia, and 95.8% in the UAE – statistics unheard of in many other parts of the world [290, p. 5]. The Arab Republic of Egypt has been redesigning its education system to provide quality education. In 2010, there were more women than men in various fields: education (72% women), humanities (72%), arts (73%), basic sciences (54%), and medicine (57%).

In 2017, King Salman bin Abdulaziz Al Saud of the Kingdom of Saudi Arabia granted women access to government services, including education and healthcare, without the need for a guardian's consent. Saudi Arabia's Princess Nora Bint Abdulrahman University is the world's largest female-only university. King Abdullah

University of Science and Technology in Jeddah is the state's first coeducational university. According to the Saudi Ministry of Education, as of 2015, women constituted 51.8% of university students [136].

«These nations support girls' education at all levels, including the university level, and in all fields. In fact, the percentage of women pursuing a science, technology, engineering and mathematics education is higher in the Middle East than in the West. According to 2015 data from UNESCO, regional averages for the share of female researchers were 39.8% for Arab states and 32.3% for North America and Western Europe. In the U.S., approximately 15% to 20% of engineering students are women. The National Science Foundation in the U.S. is funding a study to identify the mechanisms that motivate women to pursue degrees in engineering in the Hashemite Kingdom of Jordan, Malaysia, the Kingdom of Saudi Arabia, and the Republic of Tunisia, where female participation rates are as high as 50%. In 2017 in the Kingdom of Saudi Arabia, women graduating with a bachelor's degree outnumbered men in biology, information technology, mathematics, statistics, and physics. In the Islamic Republic of Iran, close to 70% of university science, technology, engineering, and mathematics graduates are women» [275].

Many Islamic states have enshrined this right in their constitutions or national education laws. Following with case studies, «the State of Qatar has made significant advances in women's access to higher education. In the 1970s, there were a few hundred female graduates in the State of Qatar, but by 2018, there were more than 38,000 Qatari female graduates, exceeding the number of Qatari men with bachelor's and postgraduate degrees» [77].

«Part of that success is due to the former Emir's wife, Sheikha Moza, who set up Education City in 1997 under Qatar Foundation to encourage foreign universities to set up satellite campuses in Doha, enabling Qatari women to access more universities and a broader range of academic courses, including from internationally high-ranking institutions and in mixed gender (co-educational) environments» [61, p. 285].

«However, male guardians can directly or indirectly control women's choices about education. The State of Qatar's Family Law requires that the husband "allow his wife to complete her compulsory education and facilitate continuation of her university education within the State, provided that this shall not conflict with her family duties", making a woman's right to study contingent on her husband and prioritizing her domestic responsibilities» [61, p. 285].

Education is a huge priority for the Qatari state, and the government has made tremendous strides. In fact, the adult literacy rate is over 97%. Furthermore, the State of Qatar has an incredibly high proportion of female students; the gross ratio of women enrolled in post-secondary education is five times that of men. However, we still can observe that women being limited and controlled in the choices and ability to choose what to study and whereby the guardians [350].

In the Islamic Emirate of Afghanistan, however, legal norms have collapsed into regression since 2021, with the Taliban issuing decrees banning women from secondary and higher education, in direct violation of Afghanistan's prior commitments under CEDAW and CRC [192]. «Afghanistan's hardline Islamist Taliban rulers have banned teenage girls from attending school after the sixth grade since they returned to power two years ago. The ban was extended in December to women in universities. Countless protests by Afghans inside the state, pressure from the international community, and lobbying by Muslim scholars and clerics have failed to convince the fundamentalist Taliban leaders to reopen schools» [357].

These examples demonstrate that even international frameworks establish guarantees, their effectiveness depends heavily on domestic political will and societal conditions.

Employment, economic, and political participation remain critical indicators for assessing the actual implementation of women's rights in Islamic states. Many states in the region have ratified international conventions that establish binding commitments to workplace equality. However, the implementation of these commitments into practice varies widely. In several states, national labor codes have incorporated non-

discrimination clauses, guaranteeing equal pay for equal work and maternity protections. Yet, in practice, women continue to face structural obstacles, including limited access to certain professions, cultural barriers, and the persistence of male guardianship systems that restrict mobility and employment choices [407].

The State of Qatar is an example of Islamic state that introduces reforms in accordance with international standards, even though it has faced significant international criticism over labor practices. In response, the state introduced reforms that strengthened maternity protections, prohibited workplace discrimination, and provided mechanisms for women to file complaints in cases of unequal treatment. These reforms are partly connected to the State of Qatar's commitments under the ILO framework, especially following the opening of the ILO Project Office in Doha in 2018 [390].

«Despite a large number of highly educated Qatari women (there are more Qatari women university graduates than men graduates) Qatari women's employment hovers at 37 percent compared to Qatari men's employment at 68 percent. While Qatari men's participation in the labor force is increasing, Qatari women's participation has remained steady and even shown "a significant and continuous decline among the more educated women". Qatar's Vision 2030 aims for a diversified workforce, including "increased opportunities and vocational support for Qatari women". Yet, women face severe discrimination in their right to work. Qatari women reporting that they need male guardian permission in order to work in most government ministries and some governmental or quasi-governmental institutions. No law requires employers to ask women to obtain such permission, but there is also no law prohibiting public or private institutions from requiring such permission» [61, p. 285].

Article 93 of the State of Qatar Labour Law of 2004 states that women shall be given equal remuneration to men when they do the same work and shall have the same opportunities for training and advancement as men [256]. «Unfortunately, women on average still earn 70% of what men make and are more likely to be unemployed. Most women work in the public sector; very few women work in the private sector, and fewer

still are in top-level positions, with a few exceptions. The Labour Law provides that women shall not be employed in dangerous work, arduous work, work that is detrimental to their health or morals, or other works to be specified by a Decision of the Minister. The Minister may also specify that women cannot be employed during certain times, such as at night» [61, p. 286].

«Women in the State of Qatar also struggle to obtain high-level posts in private companies and the public sector, even though more than half of all college graduates are women. There is no law prohibiting gender discrimination in the workplace. Despite the obstacles, some women have managed to succeed professionally» [61, p. 286].

The Kingdom of Saudi Arabia illustrates the challenges faced in dismantling guardianship restrictions that directly impede women's economic participation. «Integral to the Kingdom's Vision 2030, Saudi women are transitioning from primarily being homemakers to major players in the state's socio-economic development» [477]. «The Kingdom of Saudi Arabia in 2015 was the last nation in the MENA region to allow women the right to vote» [128]. In the Kingdom of Saudi Arabia, although significant reforms have taken place in recent years, such as lifting restrictions on women's ability to work without a guardian's permission, but barriers persist in practice, with some employers continuing to enforce de facto male consent requirements.

ILO Convention No. 183 on Maternity Protection has influenced debates in several Islamic states, although ratification rates remain low. Where ratified, it has led to strengthened maternity leave provisions and workplace protections [334]. For example, the Hashemite Kingdom of Jordan did not ratify the Convention yet but has gradually extended paid maternity leave and introduced paternity leave provisions to align with international standards, though implementation remains uneven in the private sector. These examples highlight how international legal frameworks, combined with domestic reforms, can gradually reshape women's political and economic rights in Islamic states [330].

Political participation and representation play an important role in the evaluation of the effectiveness of norms on women's rights in Islamic states. International law affirms women's equal right to vote, run for office, and participate in public affairs. Many Islamic states have introduced constitutional or statutory provisions to reflect these obligations, often by adopting gender quotas or reserved seats in parliaments. These mechanisms aim to address the structural barriers women face in entering politics, including entrenched patriarchal norms, limited financial resources, and cultural stigmas. While quotas have increased the numerical presence of women in legislatures, questions remain as to whether they convert into substantive influence and empowerment [154].

According to the Inter-Parliamentary Union ranking in 2018, the Middle East remains a region with one of the lowest levels of female political participation in the world. It is also the region with the highest increase of female political participation. The Middle East is now ranked second to last, with an average of a little less than 19 percent of women representatives in parliament. In the past two decades, the number of women standing as candidates has grown, and the number of women elected to parliament has made a huge leap forward in almost all the states of the region [86].

«Muslim women must participate in the legislative process in order to guarantee that laws are produced that reflect their interests, which traditionally may have been marginalized and ignored. Therefore, political participation is a way in which Muslim women can amplify their voices to be heard by policymakers so that Muslim women can create a safe space for themselves to be active and contributing members towards building a harmonious and peaceful society» [51].

The implementation of legal norms related to gender-based violence remains one of the most significant challenges across Islamic states. Many have ratified international treaties obligating them to address GBV but translating these obligations into effective national frameworks has been uneven. Domestic violence laws, when adopted, often face obstacles in enforcement due to inadequate reporting systems, weak judicial oversight, and societal norms that discourage women from seeking justice. Moreover, in

several Islamic states, GBV is not always explicitly criminalized, with legislation instead framed in terms of family protection or morality, leaving important gaps in women's legal protection [408].

H. Nahlawy says about the situation in the Arab region in terms of GBV that: «Women and girls in the region face multiple forms of discrimination and violence based on age, ability, and marital status. Violence against women negatively affects women's physical, mental, sexual, and reproductive health, and can also prevent them from full and active participation in society. Violence against women in the region is exacerbated due to violent conflict and displacement. Conflict-induced violence impacts heavily on women's lives, well-being, dignity, and bodily integrity. Violence against women is a violation of human rights and a breach of the women, peace, and security agenda. Despite the urgency and criticalness of violence against women, and its impact on the achievement of the Sustainable Development Goals, the data highlighting this problem in the region is still unreliable or lacking, especially in conflict contexts. Estimates suggest that, according to the World Health Organization, 37 percent of ever-partnered women in the eastern Mediterranean region have experienced physical and/or sexual intimate partner violence at some point in their lives» [294].

«Arab states have been working to combat gender-based violence. Around half of the states in the region have legal and policy frameworks to address violence against women. Campaigns to end violence against women and girls and reduce the prevalence of violence are also growing. However, systematic allocation of budgetary resources for addressing all forms of gender-based violence is still inadequate and more investments are needed» [294].

Building on the analysis of GBV legal norms implementation, it would be important to mention the case of the Republic of Tunisia. «In the year 2017, the Republic of Tunisia issued the law on violence against women. The law adopts a wide understanding of violence, including economic and psychological violence, as well as discrimination based on sex. Both Islamists and non-Islamists were in favor of the law, and the Tunisian Parliament adopted it with unanimity. The law on violence against

women is vast and reflects a wide understanding of violence, including sexual, psychological, and economic violence. It amends crime descriptions in the Penal Code, provides for improved care for victims of violence, and aims to change mentalities» [264]. However, according to a Human Rights Watch report, «Tunisian authorities are failing to protect women from domestic violence despite enacting a strong law. Despite the commitment of some officials and one of the strongest laws against domestic violence in the Middle East and North Africa, poor implementation of the law leaves women at risk of violence. The authorities fail to systematically respond, investigate, and provide protection to women who report violence, and a lack of funding for support services, such as shelter, has left many survivors with nowhere to escape» [417].

In the State of Qatar, «unmarried women who report sexual violence can be prosecuted for non-marital sex if authorities do not believe them, with a penalty of up to seven years' imprisonment, as well as floggings if they are Muslim. Moreover, unmarried women who are pregnant or subjected to rape or other sexual violence are unable to receive necessary sexual and reproductive healthcare, as authorities require a marriage certificate for such access» [327].

The implementation of GBV protections remains limited, as the state lacks a dedicated domestic violence law. Instead, violence against women is addressed indirectly through provisions of the Penal Code and the Family Law, which criminalize certain forms of assault and abuse but do not provide comprehensive protection measures such as restraining orders, shelters, or victim-centered reporting mechanisms. «In order to spread awareness and educate about enhancing the protection and rehabilitation of women and children in the State of Qatar, the Protection and Social Rehabilitation Center (AMAN) was established in 2013, with the aim of protecting and rehabilitating women and children victims of violence and family disintegration and reintegrating them into society» [14].

Practical challenges in the implementation of GBV protections are not limited to legislative gaps. Reporting mechanisms in many Islamic states remain underdeveloped, with victims often facing hostile treatment by police or family pressure to withdraw

complaints. Furthermore, the absence of adequately funded shelters and victim support programs reduces the effectiveness of even well-drafted laws. These systemic barriers highlight that combating GBV requires not only legislative reform but also substantial investment in implementation infrastructure, training of law enforcement and judicial actors, and cultural change through education and awareness campaigns [180]. International actors, including the CEDAW Committee, have repeatedly expressed concern about the absence of explicit legislation addressing GBV in the State of Qatar and the reliance on guardianship rules, which further undermine women's ability to seek justice [166].

Healthcare and reproductive rights in Islamic states reveal a recurring gap between formal legal norms on women's rights and practical accessibility. Most constitutions and health laws in the region recognize the right to health and medical care, reproductive health services, including family planning, prenatal care, and maternal healthcare, but it is often subject to cultural, religious, and administrative constraints. In many states, women's access to such services is mediated by guardianship systems or social stigma, which significantly limit their autonomy. The lack of clear statutory protections for reproductive rights also means that implementation varies widely, depending on both government priorities and societal attitudes.

Following with some examples, «the State of Qatar has a strong regional reputation for its healthcare service, which provides free or subsidized health care to its citizens and residents with health insurance. However, in some cases women face discrimination in their access to health care. Women reported that in some cases hospitals required that they show a marriage certificate as a prerequisite for admission, or to receive certain forms of care such as for pregnant women to obtain prenatal and obstetric care. Human Rights Watch interviewed healthcare workers who said hospital staff are required to report women to the police if they are pregnant outside of marriage, as sex outside of marriage is a crime. Women also reported that they need male

guardian permission in order to access specific forms of sexual and reproductive health care» [61, p. 286].

«Under the Penal Code, abortion is generally illegal, except if necessary to save the life of the woman. A pregnant woman who performs an abortion on herself or consents to its performance is subject to up to five years' imprisonment. A person who intentionally performs an abortion on a pregnant woman is subject to the same penalty if she consents, or to up to ten years' imprisonment if she does not consent. Law No. 2 of 1983 governing the practice of the medical professions provides that if the pregnancy is of less than four months' duration an abortion may be legally performed if continuation of the pregnancy would cause certain and serious harm to the mother's health; or if there is evidence that the child would be born with serious and incurable physical malformations or mental deficiency, and both spouses consent to the abortion. Women also need their husband's consent in relation to some matters of fertility, but it is unclear what the legal basis for such a requirement is, such as if they are seeking sterilization. Women and girls who are unmarried but experiencing reproductive health issues for which they need examinations or birth control may also need to get guardian permission or show a marriage certificate to access such care» [61, p. 286]. Family and personal status laws remain among the most sensitive areas of women's rights in Islamic states, as they are often directly linked to interpretations of **S**haria and embedded cultural traditions. These laws regulate marriage, divorce, child custody, and inheritance, and therefore determine much of women's legal and social status. Many Islamic states have formally ratified treaties such as CEDAW and the CRC, but their domestic personal status codes frequently maintain discriminatory provisions. For example, in several states, a male guardian's approval is still required for a woman to marry, travel, or make significant family-related decisions. Such restrictions undermine international guarantees of equality, leaving women's rights dependent on male authority.

A significant case study is the State of Qatar, where personal status law continues to institutionalize male guardianship. «Guardianship laws play a significant role in shaping gender relations and individual autonomy within Qatar's legal and cultural

framework. Rooted in Sharia principles, these laws historically regulated a range of personal and societal interactions, often placing women under the authority of male relatives» [388, p. 204].

«Qatar's guardianship reforms are part of a larger effort across Gulf states to update their laws, influenced by both local goals and international expectations. By signing the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 2009, the State of Qatar showed its commitment to promoting gender equality. However, the state's exceptions to some parts of CEDAW, which it sees as conflicting with Islamic law, highlight the difficulties of balancing global standards with local legal traditions» [388, p. 204].

In 2018, the State of Qatar introduced amendments to its legal framework that eased some restrictions traditionally associated with guardianship. One notable change was the lifting of certain travel restrictions for Qatari women over the age of 25, who no longer require a male guardian's approval to travel internationally. This reform, though limited in scope, reflects a shift toward individual autonomy [246].

The HRW report highlighted that despite legal reforms, many women continue to face restrictions in areas like travel, marriage, and access to certain services due to traditional guardianship practices. These findings emphasize the need for stronger enforcement mechanisms and public awareness to ensure the reforms have a meaningful impact [204].

In the Republic of Yemen, women needed the permission of a male guardian, such as a husband, before applying for a passport or leaving the state in the past. A husband or male relative could bar a woman from leaving the state by placing a woman's name on a «no-fly list» maintained at airports. Prior to the conflict, authorities strictly enforced this requirement when women traveled with children. Houthis reimposed similar restrictions on women's international travel. In view of the deterioration of infrastructure and lack of security due to the conflict, many women reportedly declined to travel alone. Authorities continued to require women to have guardianship permission and have a male guardian present to obtain or renew passports.

Women's lack of access to legal documentation further restricted their ability to travel abroad» [124].

«Prison authorities across the Republic of Yemen keep women who have completed their sentences in jail if there is no male guardian to accompany them on release, or they release them only to women's shelters if their families refuse to receive them. Conditioning the release of women from jail on the approval of a male guardian is a customary practice that has been going on long before the onset of the armed conflict in 2015» [475].

Overall, the persistence of guardianship laws and gender-biased family codes shows that implementation of women's rights in the sphere of personal status remains highly uneven. Even though some states have experimented with reforms under regional or international pressure, the combination of religious conservatism, political instability, and weak enforcement often prevents these changes from producing meaningful equality in practice.

Judicial institutions play a key role in guaranteeing women's rights, eliminating the multiple forms of discrimination faced by women and facilitating, in the long run, a more gender equal environment within societies [253]. Access to justice represents a cornerstone of human rights, ensuring that individuals can claim their rights, seek remedies for grievances, and hold violators accountable [387, p. 377]. In many cases, even when women's rights are formally recognized in law, enforcement is hindered by financial costs of litigation, limited awareness of rights, and discrimination in court practice. For example, unequal weight of testimony in some Sharia-based systems or the persistence of male guardianship rules often prevent women from securing effective remedies, despite the presence of formal legal norms on women's rights.

Following with some examples, «for women in the Kingdom of Saudi Arabia, access to justice intersects with the complexities of cultural norms, religious frameworks, and evolving legal reforms. The Kingdom of Saudi Arabia established the Personal Status Law in 2022. This law introduced clearer legal frameworks for family-

related disputes, aiming to improve transparency and fairness. This legislation grants women greater clarity on their legal rights» [387, p. 377-388].

Another significant development is the expansion of specialized courts, such as those handling domestic violence cases. The Ministry of Justice has also introduced electronic platforms to facilitate the submission of legal complaints, ostensibly improving access for women. Despite these advancements, the judicial system remains male-dominated, and the low presence of female judges limits gender-sensitive interpretations of the law. According to the report of the United Nations Human Rights Office of the High Commissioner report, the delegation from the Kingdom of Saudi Arabia stated that there were seven women judges, and the State party was encouraging women to become judges. Access to justice was ensured for women on an equal footing with men. Women were allowed to access the judicial system in marriage and divorce matters. Marriage documents were provided to both spouses. An application had been developed that allowed the Ministry of Justice to share documents and rulings on court cases with women living in rural areas, giving them access to justice [428].

A case study of the State of Qatar demonstrates some duality. While the state has established family courts and introduced legal aid measures under the Ministry of Justice, guardianship provisions in personal status law limit women's legal autonomy. Women face difficulties in independently filing lawsuits in cases related to marriage or custody without guardian approval. «The establishment of family courts has also streamlined procedures related to guardianship disputes, granting women a formal avenue to challenge decisions that may infringe upon their rights. While these reforms are aligned with Qatar's National Vision 2030, which emphasizes inclusivity and equality, their implementation remains uneven, highlighting the need for institutional support and societal awareness» [325].

Despite these positive changes in the State of Qatar, the application of guardianship reforms has faced some significant obstacles. A key issue lies in the discretionary powers of judicial and administrative authorities. In many cases, local

interpretations of Sharia principles influence how reforms are applied, leading to inconsistencies in outcomes [388, p. 205].

States with weak or fragile legal institutions present more severe barriers. In the Islamic Emirate of Afghanistan, particularly after 2021, women's access to justice has been drastically reduced, with the Taliban dismantling many of the institutions created to protect women's rights, such as the Ministry of Women's Affairs. Women lawyers and judges have been removed from office, leaving female victims of violence or discrimination with almost no access to remedies [19].

These examples illustrate that even institutional mechanisms for access to justice exist in some Islamic states, their impact is constrained by structural discrimination, legal pluralism, and political instability. Strengthening women's access to justice requires not only legislative reforms but also systemic investment in legal aid, independent judiciaries, and awareness-raising measures, without which guarantees of equality remain ineffective in practice.

Monitoring and accountability mechanisms are an essential part of the implementation of legal norms on women's rights, as they provide oversight over government policies, promote compliance with international obligations, and create channels for citizens to report violations. In Islamic states, these mechanisms often take the form of national human rights commissions, ombudsman institutions, or specialized women's councils. Their effectiveness depends on their independence, resources, and ability to enforce recommendations. Some states have established diverse monitoring structures with a degree of autonomy, while others maintain largely symbolic institutions with limited mandates or political influence.

For example, in the Republic of Tunisia, monitoring is carried out by the Commission for Individual Freedoms and Equality, established to advance the constitutional guarantees of gender equality and to ensure compliance with international treaties. The commission is responsible for preparing a report on legislative reforms relating to individual freedoms and equality, in accordance with the Constitution of January 27, 2014, as well as international human rights standards. It also works to

integrate gender perspectives into national development strategies and reports regularly to parliament [391]. Tunisia's example demonstrates how an empowered national body can function as a bridge between civil society, government, and international mechanisms, although its resources remain limited compared to its broad mandate.

An important example is the Kingdom of Bahrain's Supreme Council for Women, established in 2001. The Supreme Council for Women plays a leading role in developing policies for gender equality, promoting women's participation in politics, and reviewing national legislation for compliance with the Kingdom of Bahrain's international commitments, including CEDAW. The Council also reports on national progress and coordinates with international organizations such as UN Women [17]. Despite these achievements, critics argue that its proximity to the ruling family compromises its independence, as it tends to align with government priorities and avoid addressing politically sensitive issues, such as restrictions on freedom of expression or nationality law discrimination.

Across much of Islamic states, gaps remain in the independence and enforcement powers of such institutions. In many states, commissions and councils serve more as advisory bodies rather than legally binding oversight mechanisms, and they lack the authority to investigate complaints or sanction violations. This undermines accountability and reduces public trust. Moreover, political interference, insufficient budgets, and limited cooperation with civil society often prevent these bodies from fulfilling their functions effectively. For monitoring institutions to contribute meaningfully to women's rights protection, they must aim for operating with transparency, independence, and adequate resources.

Practical implementation of legal norms on women's rights in Islamic states cannot be examined in full detail within the limits of this research. The diversity of legal systems, socio-political contexts, and levels of development across these states makes it impossible to address every right and every jurisdiction comprehensively. At the same time, the analysis carried out here is unique in that it focuses on legal norms on women's rights as they are applied in practice, across specific spheres such as

education, employment, political participation, family law, health care, and access to justice, etc.

The outcomes of this subsection show that despite many Islamic states having formally adopted international and regional treaties, such as CEDAW, CRC, and ICESCR, implementation is uneven and often hindered by institutional weaknesses, cultural resistance, or conflicting interpretations of Sharia. Some states have advanced reforms in such spheres as education, political representation, and gender-based violence prevention, demonstrating how legal commitments can transform into meaningful change. Others, however, have shown regression, as seen in Afghanistan's restrictions on girls' and women's education, or persistent guardianship rules in parts of the Gulf region [239]. This highlights the gap between legal norms on women's rights and the daily realities faced by women, underscoring the importance of enforcement mechanisms, independent institutions, and civil society engagement.

The research demonstrates that the practical implementation of legal norms on women's rights in Islamic states is a complex process where the interaction of international law, regional norms, domestic legislation, and socio-cultural factors plays a vital role. We can observe a visible progress in certain areas, but the persistence of discriminatory practices in others reveals some limits of legal reform. For scholars and policymakers, this subsection provides a framework for understanding how commitments to gender equality can be convert into action. It is also pointing to the structural obstacles that continue to hinder women's full enjoyment of their rights. In this way, it offers an analytical contribution to the academic debate and practical insights for future reforms.

3.2. Barriers to women's legal empowerment in Islamic States

The concept of legal empowerment refers to the ability of individuals, particularly marginalized groups such as women, to claim, use, and enforce rights through laws, institutions, and mechanisms of justice. As defined by the UNDP, legal empowerment is

essential for overcoming structural inequalities and ensuring that international human rights guarantees are incorporated into practice at the national level [111]. In the context of women's rights, legal empowerment includes both formal guarantees of equality and the existence of practical mechanisms to make these guarantees accessible. This includes the elimination of discriminatory legislation, the establishment of judicial remedies, and effective state institutions to uphold the rule of law.

In terms of women's empowerment from a Quranic perspective, R. Elatrash, S. Sri Tuti Rahmawati, and Z. Alhaq mentioned that «empowerment, which refers to a man enabling a woman to have power and control over her own life. One of the meanings of women's empowerment is fairness to men, and giving them space is the reality, which opens new doors for legislative tampering that seeks to impose social secularism by force of law, keeping pace with both political, economic, media and educational secularism, which the nation aspires to get rid of its devastating effects. Women possess the liberty and autonomy to exercise their judgment and make decisions based on their best interests, which is their fundamental right. These noble verses praised the freedom of women and their independent entity, which gives them the right to choose what suits them without being constrained by the man who is her brother, father, or son, not her enemy, who wants to undermine her and her rights. Empowering women involves encouraging their self-esteem, fostering autonomy in decision-making, and recognizing their fundamental right to impact social progress for themselves and their communities» [144, p. 75].

According to N. Ahmad, Z. H. Zamri, and N. S. Omarali, «in the Qur'an, Allah declares that women have the same rights as men. It states that women also possess rights over men that are comparable to men's rights over women. Equality can be provided based on the merit of each individual member. This is the reason for the Qur'an acknowledging equality in rights for men and women while also recognizing the inherent differences between them. Islam does not oppose equal rights between men and women, but it opposes identical rights. This suggests that because men and women have different natures, their needs may vary. Interpreted in a progressive way, Islamic

teachings support the rights of women and minorities. Although historical and cultural factors have at times restricted these rights, contemporary understandings of Islam advocate for gender equality and the safeguarding of minority rights in accordance with human rights norms. Nevertheless, it is difficult to reconcile religious norms with universal human rights» [26].

N. Marvi, S. Mollazadeh, E. Azmoude, R. and Babazadeh believe that «insufficient women's empowerment can cause many problems in their lives, both individually and socially. At the psychological level, it can lead to a decrease in quality of life and marital satisfaction and an increase in depression. In addition, factors affecting women's empowerment are age, social support, family support, personal and psychological traits, government regulations, education, cultural factors, financial resources availability, national economic development, gender discrimination, political situation, and religious factors. Religion can influence women's empowerment, rights, and policy development in diverse ways. Overlap between religious communities, traditions, institutions, and governments is inevitable. Religion can affect women's empowerment» [267, p. 600].

«Achieving women's legal empowerment is challenged by numerous factors, which concern various issues in different areas, including legality, social, political, etc. The problems serve as barriers to the promotion of legal empowerment and gender equality, hinting at existing structural inequalities within contemporary society and states around the world» [228, p. 115-116].

In contrast to legal empowerment, legal barriers can be defined as structural, institutional, or normative obstacles that prevent women from fully exercising their rights, even when those rights are formally recognized. They include discriminatory laws, constitutional clauses subordinating rights to religious principles, gaps in protection from gender-based violence, and procedural hurdles that restrict access to justice. Legal barriers may also manifest in reservations to international treaties, weak enforcement of existing laws, or ambiguous legal frameworks that undermine predictability and accountability. In Islamic states, such barriers are often reinforced by

the dual influence of domestic legal traditions and religious interpretations, making their removal particularly complex. As it was noted before, while many Islamic states have ratified key international human rights treaties, their incorporation into domestic systems remains uneven. A common challenge is the coexistence of constitutional guarantees of equality with provisions subordinating rights to Sharia principles or «public morals», which may significantly limit their scope in practice.

The persistence of such barriers demonstrates that ratification of international treaties alone is not sufficient to guarantee substantive equality. Weak enforcement of regional norms, reservations that dilute international obligations, and gaps in domestic protections continue to constrain women's ability to exercise their rights. Even where progressive laws are in place, lack of resources, political will, and trained personnel often obstruct their implementation [212].

Speaking about international and regional barriers, one of the starting points in analyzing barriers to women's legal empowerment in Islamic states is the question of reservations to international treaties, as these directly limit the domestic effect of global human rights commitments. Reservations to international conventions, such as CEDAW, CRC, and others, represent one of the significant legal obstacles to women's rights in Islamic states. As mentioned earlier, many governments have formally ratified these instruments, but they often enter broad reservations that subject the treaties' provisions to national laws, religious principles, or constitutional frameworks. This practice is especially evident in the case of CEDAW, where several Islamic states, such as the Kingdom of Saudi Arabia, the Kingdom of Bahrain, the State of Qatar, and others, have declared that their obligations will apply only to the extent that they do not conflict with Sharia principles. Such reservations undermine the principle of universality in human rights law by effectively allowing states to pick and choose which provisions to apply [44].

The Kingdom of Saudi Arabia provides one of the most frequently cited examples of this practice. Its general reservation to CEDAW subjects the entire treaty to domestic interpretations of Sharia, effectively nullifying key obligations, including

those concerning equality in marriage, family relations, and guardianship laws [344]. The CEDAW Committee has consistently criticized this reservation for being «incompatible with the object and purpose of the Convention», as it allows the state to disregard provisions on women's legal capacity and equality before the law. Similar approaches can be observed in other states such as the Sultanate of Oman and the State of Kuwait, where reservations to specific articles significantly weaken the treaty's impact [96].

The CRC has also faced comparable limitations in Islamic states. States such as the Islamic Republic of Iran, the Islamic Republic of Pakistan, and the Syrian Arab Republic have ratified the convention with reservations that condition implementation on compatibility with Islamic law. These reservations particularly affect areas related to girls' rights, including the minimum age for marriage, inheritance equality, and guardianship arrangements. The cumulative effect of such reservations is that, while Islamic states may formally appear as parties to core international human rights treaties, the substantive legal obligations deriving from these treaties are often curtailed, leaving women and girls with limited practical protection [190].

Weak regional accountability represents another significant barrier to the realization of women's rights in Islamic states. Although a range of regional instruments, which were previously mentioned, exists, their impact is constrained by the lack of effective enforcement or binding mechanisms. Most of these documents articulate broad commitments to equality and non-discrimination, but stop short of creating judicial or quasi-judicial bodies capable of ensuring compliance. For example, while the Arab Human Rights Committee monitors the implementation of the Arab Charter, its mandate is limited to reviewing state reports, without providing for individual complaints or binding rulings. This contrasts with mechanisms under global treaties, such as the CEDAW Committee, which allows for individual communications and inquiries. The gap reduces the effectiveness of regional commitments in empowering women's rights [266].

As an example, OIC and GCC have adopted declarations and model guidelines addressing women's rights, yet their reliance on consensus-based decision-making and respect for state sovereignty prevents them from holding member states accountable for violations. As a result, despite the existence of regional legal texts, women in many Islamic states continue to face discrimination in some cases, as regional institutions lack the authority and political will to ensure compliance with their own standards.

It is necessary to point out structural and institutional legal barriers that directly affect women's ability to exercise their rights. One of the most persistent obstacles in this regard is limited legal protections, where national frameworks fail to comprehensively address discrimination and gender-based violence.

In many regions, the legal framework does not fully protect women's rights and does not cover all forms of gender-based violence and discrimination. Some legal systems have gaps related to domestic violence, sexual harassment, and discrimination based on reproductive rights, etc. The lack of comprehensive legal frameworks means that women are still vulnerable and that there are no concerted efforts to achieve gender equality [228, p. 115-116].

Constitutional provisions are often considered the cornerstone of legal norms on women's rights. In many Islamic states, constitutions contain explicit clauses affirming equality and non-discrimination. However, these norms are frequently accompanied by qualifications that subordinate rights to Sharia principles, public morals, or cultural traditions. This duality creates constitutional ambiguity, as women's rights are formally protected yet remain vulnerable to restrictive interpretations of religious or moral norms [116].

Ambiguity can be found in several Gulf constitutions. For instance, the Kuwaiti Constitution guarantees equality in rights and duties (Article 29) but also emphasizes the role of Islamic law in regulating family and social relations. In practice, this has meant that women enjoy broad civil and political rights but still face legal restrictions in marriage, guardianship, and inheritance. The coexistence of secular constitutional

guarantees and Sharia-based provisions underscores the tension between universal human rights commitments and national constitutional frameworks [32].

Such ambiguity has significant consequences for implementation. According to UN Women's Global Gender Equality Constitutional Database, many constitutions in the Middle East and North Africa region lack explicit provisions on gender equality in marriage, family relations, and reproductive rights. Where such provisions exist, they are often limited by clauses subordinating rights to Sharia or cultural values. As a result, the constitutional framework itself becomes a barrier to legal empowerment, since courts and lawmakers may invoke religious or moral considerations to restrict women's substantive equality [116].

Religious text interpretation in law enforcement plays a significant role. In many Islamic states, the interpretation of religious texts is central to the development and enforcement of legal frameworks. Sharia, as derived from the Qur'an and Sunnah, provides guiding principles, but its application depends heavily on the interpretive authority of scholars, judges, and lawmakers. Because Islamic jurisprudence is pluralistic, with multiple schools of thought (Hanafi, Maliki, Shafi'i, Hanbali, and Ja'fari), interpretations vary widely across jurisdictions [35]. This diversity means that women's rights are shaped not only by religious sources but also by the prevailing interpretive traditions within each state.

«Religious laws influence the legal system in many regions, and the interpretation of religious texts and principles thus plays a significant role in defining the legal framework. Some interpretations of sacred texts are conservative and do not want women to be equals before the law in family, divorce, public education, and other areas. However, some of these interpretations need to be taken into account while others are left out» [228, p. 116].

Conservative interpretations of religious texts have often been used to justify restrictions on women's rights in family law, marriage, and divorce. For instance, in the Kingdom of Saudi Arabia, the guardianship system was historically justified through interpretations that emphasized male authority over female autonomy. In the Islamic

Republic of Iran, reliance on Ja'fari jurisprudence has reinforced legal norms that limit women's ability to initiate divorce or gain equal custody rights [168, p. 118-120]. These interpretations, while framed as faithful to Sharia, are contested by reformist scholars who argue that the Qur'an contains egalitarian principles that support greater gender equality.

Progressive interpretations of religious texts have played an important role in legal reforms. Morocco's reforms of the Family Code were influenced by jurists and scholars who drew upon Islamic sources to advocate for greater gender equity by emphasizing Qur'anic principles of justice and fairness. Reformists argued for raising the minimum marriage age and improving women's rights in divorce and custody cases [95]. This demonstrates that interpretations of Sharia are not monolithic but are subject to debate and reinterpretation, which can open pathways for advancing women's rights.

The centrality of interpretation also highlights that religious and political authorities play not the last role in shaping the legal environment for women. Reforms tend to stagnate or face resistance in the states where interpretive authority is monopolized by conservative clerics or state-controlled religious institutions. At the same time, when interpretive debates are open and pluralistic, opportunities to align national laws with international human rights commitments increase. This underscores the importance of understanding interpretation not as a purely theological issue but as a socio-legal process with direct implications for women's legal empowerment in Islamic states [174, p. 18].

«Efforts to pass laws and reforms that directly influence gender equality often face opposition from conservative political activists, religious leaders' organizations, or conservative forces in society, presenting the threat it presents to traditional culture and society» [228, p. 116].

Efforts to introduce reforms aimed at strengthening women's rights in Islamic states often face resistance due to the perception that such reforms threaten established cultural, social, or religious traditions. Legal reforms touching upon family law, inheritance, or guardianship are especially contested, as they are seen by conservative

groups as altering the foundations of Islamic society. In some cases, reforms even lead to a deterioration in women's rights. For example, «an amendment to Iraq's Personal Status Law that entered into force on February 17, 2025, violates women's and girls' rights to equality before the law and puts them at risk of other abuses. Persistent pressure and advocacy by women's rights groups partly reduced the amendment's harm by retaining provisions for the minimum age of marriage, child custody, and polygamy, but the amended law contains other provisions that threaten women's and girls' rights. Under the new law, couples concluding a marriage contract can choose whether the Personal Status Law of 1959 or a Personal Status Code (mudawana), to be developed by the Shia Ja'afari school of Islamic jurisprudence, would govern their marriage, divorce, children, and inheritance. Couples do not have the right to change their choice later. This arrangement effectively establishes separate legal regimes with different rights accorded to different sects, undermining the right to legal equality for all Iraqis found in article 14 of the constitution and international human rights law» [223].

At the same time, even when reforms are adopted, they often remain partial or symbolic due to compromise with conservative forces. We can observe that reforms in the legal sphere often challenge entrenched interests and require a balance between international commitments, domestic politics, and religious legitimacy.

Weak institutional capacity frequently undermines progressive laws aimed at protecting women's rights effectiveness in Islamic states. Institutions such as human rights commissions and specialized courts are often underfunded, lack trained personnel, or operate in environments where patriarchal norms shape enforcement practices [158, p. 38]. For example, in the Hashemite Kingdom of Jordan, the absence of adequately resourced shelters and trained police officers has prevented meaningful protection for victims, despite the adoption of legislation addressing domestic violence [48].

Another issue lies in the gap between central legislation and its local application. Laws may exist at the national level, but implementation depends on local courts, police, and administrative officials, who may hold conservative views that impede

enforcement. As a result, weak institutions and enforcement gaps not only reduce the impact of progressive laws but also perpetuate distrust in legal systems, discouraging women from seeking justice and thereby reinforcing cycles of discrimination and inequality.

A critical area where structural barriers to women's legal empowerment are most visible is family and personal status law. These laws govern marriage, divorce, custody, and inheritance, and they are often directly shaped by interpretations of Sharia. As previously mentioned, while they vary from state to state, they tend to entrench male authority within the family unit and restrict women's autonomy [448].

One of the most persistent barriers in this area is the issue of child and early marriage. Although many Islamic states have ratified international conventions that call for setting a minimum marriage age of 18, domestic laws in several states still fall short [303, p. 3-4]. For instance, in the Republic of Iraq, «while the legislation (2025 amendment) specifies that the sectarian legal codes being developed must comply with existing age restrictions for marriages established in the PSL, the danger of legitimizing child marriage and subjugating women to unequal legal status remains. The amendment to the PSL both contributes to and results from deepening sectarian conflicts within Iraq» [188]. Similarly, in the Republic of Yemen, weak enforcement of legal safeguards has allowed widespread child marriage, exacerbated by conflict and poverty. These practices deny girls the right to education, health, and full participation in public life, directly contradicting international human rights norms.

Divorce rights also illustrate the legal asymmetry between men and women. «In many Muslim contexts, men and women do not have equal access to divorce. A husband can often divorce simply by pronouncing it, without consent from or discussion with his wife, or even her knowledge. While a wife may be able to initiate several forms of divorce, it is far more difficult for her to be released from the marriage. She may be required to produce extensive evidence, it may take years in court, or she may have to pay compensation or give up her financial rights» [148]. This legal imbalance not only

undermines women's bargaining power within marriage but also perpetuates economic vulnerability after divorce.

Custody and guardianship laws further limit women's ability to exercise rights within the family and could be a significant barrier as well. As it was previously mentioned, in states such as the State of Qatar and the Kingdom of Saudi Arabia, legal frameworks often prioritize male guardianship, giving fathers preference in custody decisions and requiring male approval for various aspects of women's lives, including marriage and travel [329].

Criminal law remains one of the weakest areas in terms of women's legal protection in Islamic states, particularly in relation to GBV. In many states, there is either an absence of comprehensive GBV legislation or existing laws that fail to address critical issues such as marital rape, sexual harassment, or economic violence. As an example, in the Arab Republic of Egypt, although reforms have introduced provisions against sexual harassment, enforcement mechanisms remain weak, and marital rape is still not criminalized [356]. These gaps leave women vulnerable to violence without adequate legal remedies, undermining the principle of equal protection under the law guaranteed by international instruments previously mentioned.

At the same time, even where strong legal frameworks exist, their implementation is often inconsistent and undermined by cultural resistance, institutional weakness, and lack of political will. In 2017, the Tunisian Parliament adopted Law 58, which set out measures to prevent violence against women, protect survivors, and prosecute abusers. It is widely recognized as one of the most progressive in the region, as it criminalizes marital rape and domestic violence and provides for survivor protection measures. «Women are entitled under Law 58 to apply for temporary protection measures that the police can request from prosecutors, as well as longer-term protection orders that courts can issue without the survivor needing to file a criminal complaint or file for divorce. This permits the authorities to forbid alleged abusers from approaching survivors and their children, giving survivors protection in their homes while they decide on their next steps. However, the authorities do not appear to be issuing these orders widely» [417].

As we can see in practice, enforcement is uneven due to insufficient training of law enforcement personnel, limited resources for shelters, and the persistence of societal stigma against survivors.

This disparity between formal criminal law reforms and their implementation demonstrates the structural barriers that persist across Islamic states, where legal commitments to women's protection are not consistently transformed into effective safeguards.

Access to justice represents one of the significant barriers to women's legal empowerment in Islamic states, where structural inequalities and discriminatory practices often obstruct women's ability to claim their rights. Limited legal aid services mean that many women, especially those in rural or conflict-affected areas, cannot afford legal representation or navigate complex judicial procedures. In states such as the Federal Republic of Somalia and the Islamic Emirate of Afghanistan, systemic weaknesses in the judicial sector render legal remedies practically inaccessible for most women. Even when legal aid programs exist, they are often underfunded or concentrated in urban centers, leaving marginalized women excluded from participation in formal justice processes.

A further barrier lies in discriminatory courtroom practices and procedural requirements, which frequently undermine women's ability to pursue claims. In some jurisdictions, reliance on male guardianship persists, requiring women to obtain the consent of a male relative to initiate litigation or appear in court, thereby restricting their legal autonomy. Additionally, gender bias among judges and prosecutors often leads to the dismissal or minimization of women's claims, especially in cases involving domestic violence or inheritance disputes. This discriminatory environment deters women from pursuing justice, reinforcing a cycle of underreporting and impunity for violations of their rights [266].

The representation of women within the judiciary also remains limited across many Islamic states, further exacerbating barriers to access. «There is no official legal prohibition on women entering or progressing through the judiciary in any Arab State.

However, conservative gender norms and social expectations about women's roles in society can prevent women from pursuing a career in the judiciary or from progressing from lower to higher levels of the judiciary» [174, p. 18].

«The presence of women in judicial institutions remains uneven in the Arab region. The number of female judges has significantly increased in states such as the Lebanese Republic, the Hashemite Kingdom of Jordan, the Kingdom of Morocco, the State of Palestine, and the Republic of Tunisia. However, in other States, including those in the Gulf region, progress has been limited, with the Kingdom of Bahrain being the notable exception to the trend. Although the Kingdom of Saudi Arabia appointed a female arbitrator to a commercial court in 2016, the state still does not have women as full members of its judiciary. In the State of Kuwait, the first group of female judges is expected to assume office only in a couple of years, once they finish their training at the office of the public prosecutor. A handful of states, such as the Sultanate of Oman and the Federal Republic of Somalia, still do not have female judges in their judiciaries, and women's presence remains marginal in most other Arab States» [253]. The lack of women judges and legal professionals not only restricts diversity in judicial decision-making but also diminishes women's confidence in legal institutions. Increasing women's presence within the judiciary has been shown to improve sensitivity to gender-based claims and foster greater trust in legal systems, yet such reforms face persistent resistance in more conservative contexts.

Cultural and societal norms in Islamic states often act as hidden but deeply entrenched barriers to women's legal empowerment. «Dominant cultural and societal norms and attitudes define clear roles and conduct for different genders. These norms and values are still enforced within various aspects of society, limiting women's opportunities for participation. Holistic marriage, daily principles, and family honor and violence are practices that reflect traditional beliefs and still violate the rights of women and girls» [228, p. 116].

Legal frameworks may formally guarantee equality, but the persistence of traditional practices and patriarchal attitudes can undermine the implementation of these

guarantees. Norms linked to family honor, obedience, and prescribed gender roles frequently discourage women from pursuing their legal rights, especially in matters of marriage, divorce, inheritance, and employment [411]. In practice, such norms interact with legal structures by forming judicial interpretations and enforcement patterns, resulting in formal laws being selectively applied or disregarded when they contradict prevailing cultural values. The interconnection between cultural norms and legal barriers is particularly evident in cases of gender-based violence, early marriage, and inheritance disputes. In societies where family honor is prioritized, women may face strong social pressure not to report domestic violence or sexual abuse, even when legal remedies are available [379].

Important to mention that cultural norms are not static, they evolve alongside political, social, and legal reforms. Yet, resistance to women's legal empowerment often emerges from groups that portray gender equality as incompatible with religious or cultural identity. This resistance can slow or even reverse progressive legal reforms. The persistence of cultural barriers thus underscores the necessity of addressing both legal and societal dimensions of inequality. Without efforts to shift cultural attitudes in parallel with legislative change, legal norms on women's rights remain fragile and unevenly enforced.

Inheritance laws and specifically son-preference, remain among the barriers to women's legal empowerment in Islamic states. They directly affect women's economic independence and ability to claim property rights. In many jurisdictions, inheritance rules are based on classical interpretations of Sharia that grant male heirs a share twice that of female heirs, reinforcing women's dependency on male relatives and limiting their access to financial resources. This inequality in succession law perpetuates structural economic disadvantage for women, preventing them from securing property or exercising autonomy in financial matters. It also reflects broader patriarchal norms in which men are designated as providers and women as dependents, thereby embedding gendered hierarchies into the legal framework [24].

Family and community control represent another barrier to women's legal empowerment in Islamic states, particularly because they restrict the ability of women to access justice, report violence, or exercise rights already guaranteed in law. Concepts of family honor (in Arabic – *irdth*) often place the responsibility of preserving collective reputation on women, limiting their freedom of movement, education, or choice in marriage. «The concept of female honor is linked to the idea of "*irdth*", which refers to the traditional concept of honor that the girl saves by sticking to stringent standards that are socially determined for the morality that the girl should display regarding her sexual activity» [46, p. 304]. This dynamic has a direct legal impact: women who attempt to file complaints of GBV, seek divorce, or claim inheritance are often pressured by family members to withdraw their cases to avoid «dishonoring» the family. As a result, laws on domestic violence, inheritance, or custody rights remain underutilized, not due to legislative gaps alone but because of socio-cultural barriers that prevent women from making use of them.

«Education and healthcare disparities still disproportionately affect women and girls, especially in resource-poor settings or where cultural norms prioritize services for males. The limitation affects women's capacity to be empowered and work to achieve financial independence, as well as make sound choices about their lives and health» [228, p. 116].

Political and economic barriers constitute obstacles to women's legal empowerment in Islamic states. Even international conventions and national constitutions may provide frameworks for equality, the reality of women's participation in public and economic life remains limited in some Islamic states. As it was mentioned earlier, women are frequently underrepresented in political and leadership positions, which reduces their capacity to influence laws and policies that affect gender equality [128]. The absence of women's voices in governance perpetuates male-centered legislative agendas, ensuring that issues such as personal status reform, gender-based violence, and labor rights remain marginalized in policy debates [68].

Political underrepresentation also intersects with broader issues of economic inequality. Women in many Islamic states face wage gaps, occupational segregation, and restrictions on employment in specific sectors. The lack of economic empowerment reduces women's financial independence, thereby weakening their power in both political and domestic spheres [331].

This leads to the conditions, where «the gender pay gap, unequal access to resources, and discriminatory employment opportunities perpetuate women's disenfranchisement from the economy. Indeed, economic inequality denies women independence and a high quality of life, as well as the capacity to fight for their rights and contribute to society to their full potential» [228, p. 116].

Sociopolitical instability is another critical barrier to women's legal empowerment in many Islamic states, as conflict and political upheaval frequently dismantle or weaken the institutions necessary to protect and enforce women's rights. Wars, revolutions, and internal unrest often lead to the suspension of constitutional guarantees, the collapse of judicial mechanisms, and the prioritization of security concerns over human rights.

«Women's rights and gender parity are critically threatened by conflict, political upheaval, and humanitarian crises. The turmoil and collapse of legal and social systems and the displacement of persons disrupt societal norms and inequalities that disproportionately disadvantage women and girls, creating additional obstacles to gender equality. An effective risk mitigation programming and policy framework to enhance gender protection and inclusion must be responsive to the above-mentioned risks. Eliminating these barriers necessitates multiple coordinated interventions, ranging from legal reforms to changes in social norms and the active involvement of all actors, such as government, civil society, and international organizations, to create the conditions conducive landscape for the realization of the Sustainable Development Goal 5, which aims to "Achieve gender equality and empower all women and girls", established by the United Nations in 2015 as part of the 2030 Agenda for Sustainable Development. The global gender landscape indicates the variety of hurdles and setbacks

in attaining full gender parities along geographical, legal, social, and political realms» [228, p. 116-117].

According to W. Leal Filho and others, «what is yet another issue, some states have an informal legal system coexisting with a formal one, leading to two systems that frequently contradict each other (for instance, in the family law or inheritance, among other aspects, the customary or religious law may deny women their rights due to legal loopholes). Culturally, deeply entrenched stereotypes and norms prevent women from reaching their full potential in any area of action» [258].

M. Barreiro-Gen and others pointed out that «gender roles and the previous conceptions of male and female personality and skills capabilities may limit women's movement, access to education, or job opportunities, leading to dependence and inequality perpetuation. Finally, social stigma and the phenomenon of victim-blaming cause the survivors to stay silent and the perpetrators to enjoy impunity. Intersectionality with other identity factors makes gender inequality a complicated matter that requires a balanced and carefully developed approach. Politically, the insufficient representation of women in the decision-making areas in comparison to men results in limited integration of the gender perspective into law and policymaking. Political resistance to gender equality reforms due to conservative beliefs and vested interests presents a considerable barrier. Even if women are sufficiently represented at the top, the structure of political institutions might be designed in such a way that it is difficult for females to introduce changes» [83].

M. Islam and others concluded that «these barriers, whether legal, social, or political, combine to form an intricate network where any progress in gender equality must address several parallel paths. Eliminating such obstacles can be achieved only through legal reform, policy measures, and wider societal transformation that will help eradicate long-standing prejudices and predispositions, as well as smart, strategic political campaigns aimed to ensure the full incorporation of gender dimensions in the overall frame of governance and policy-making» [228, p. 117].

Thus, women's legal empowerment in Islamic states remains significantly constrained by barriers that operate simultaneously at international, regional, and domestic levels. The interaction between legal frameworks, culture, and religion influences these barriers. Patriarchal interpretations of Sharia, combined with entrenched social norms around family honor and guardianship systems, reinforce structural inequality and restrict women's participation in education, employment, and public life. Reforms have been introduced, but they often face resistance justified as preserving Islamic or cultural values. This interplay demonstrates that legal reform alone cannot dismantle discrimination unless it is accompanied by broader shifts in societal attitudes and institutional practices.

It should also be stressed that the barriers vary in different Islamic states. Some states have managed to make progress in areas such as women's political participation, access to education, and labor rights. Some others have moved even backward under conservative religious interpretations or political instability. Still, there are common problems across Islamic and Muslim-major states: weak enforcement of existing laws, resistance to reforms, and strong social and cultural constraints. These shared obstacles continue to limit women's ability to use the rights guaranteed to them by legal norms. Understanding the differences between states and the challenges they face in terms of women's legal empowerment is important for developing effective policies and legal strategies that focus not only on improving laws but also on addressing the cultural and institutional realities that affect women's rights in Islamic states.

3.3. The role of the civil society in the implementation of women's rights in Islamic states

Social movements and advocacy play an important and decisive role in bridging the gap between law in theory and law in practice. They represent the agency of women and civil society actors who, through collective mobilization, negotiation, and pressure, push for reforms within political and legal systems. Advocacy and grassroots activism

act as catalysts for change, shaping public opinion and demanding accountability from authorities, in contexts where state institutions often face challenges in implementing international conventions on women's rights.

This subsection examines the impact of such movements and advocacy efforts on the protection and promotion of women's rights in Islamic states. The purpose of the analysis is to show how civil society actors have contributed to reforms in areas such as family law, political representation, protection against gender-based violence, etc. It aims to identify the challenges they face, such as repression, accusations of «westernization», or internal divisions between secular and religious feminist voices. Through this approach, the subsection highlights advocacy and activism as indispensable drivers of women's legal empowerment in Islamic states, complementing international and regional legal frameworks.

C. Tilly, and L. Wood understand social movements «as collective, organized, and sustained actions undertaken by groups of people to achieve specific social or political goals, including legal reforms» [403, p. 7]. P. Vilardo and M. Wepprecht define social movements as «an organized effort by a large number of people to bring about or impede social, political, economic, or cultural change» [436]. Also, it could be defined as «a collective effort by a group of people to promote or resist change in society, often aiming to address issues of social justice, equality, and rights. These movements typically emerge when individuals or groups feel marginalized or oppressed and seek to create awareness, influence public opinion, and ultimately enact policy changes. Social movements can vary in size, scope, and strategies, often harnessing grassroots organizing and advocacy to mobilize support for their causes» [364]. According to K. Williams and V. Houghton, «social movement aims to create change in society, politics, or economics by campaigning, protesting, or advocating. Social movements are groups of people who share the same ideas about what they believe is important, campaigning for change by protesting, advocating, or making speeches. Often these changes happen in society (e.g., civil rights), politics (e.g., workers' rights), or the economy (e.g., anti-austerity) » [455].

«Advocacy refers to targeted strategies and campaigns aimed at influencing decision-makers, laws, and policies, often conducted by non-governmental organizations or coalitions» [447, p. 11]. Advocacy could be defined as «any action that speaks in favor of, recommends, argues for a cause, supports or defends, or pleads on behalf of others» [449]. «Human Rights advocacy has historically proven to be a successful means of reducing human rights violations» [157]. «Human rights advocacy is any activity that aims to create or implement human rights norms, law, or policy. Effectively using information and shifting power dynamics is at the heart of human rights and social justice change» [363].

Social movements may operate broadly at the societal level, while advocacy focuses more on concrete interventions in the legal and political spheres. Both forms are closely connected: social movements often provide the momentum and legitimacy, while advocacy transforms demands into structured legal and policy proposals.

In Islamic states, these processes are particularly significant but challenging at the same time because the legal systems are influenced not only by international human rights obligations but also by Sharia-based jurisprudence and deeply rooted cultural traditions. Advocacy and social movements, therefore, navigate between universal standards of women's rights and locally accepted religious and cultural arguments. This duality creates a unique form of rights activism, where reform is pursued both by appealing to global frameworks and by reinterpreting Islamic principles to support equality [285].

When examining the role of social movements and advocacy in the development of women's rights, it is important to address the phenomenon described in contemporary research as Islamic feminism. «The term "Islamic feminism" is used to describe a global, transnational movement of scholars and activists who are engaged in developing a feminist re-interpretive schema of the Islamic tradition» [284].

According to H. Lodi, «rather than taking a secular approach to women's rights, Muslim feminists find their arguments grounded in religion. Many name the Quran as the guidebook that endorses their beliefs, even though this sacred text has often been

manipulated by others to serve a patriarchal purpose. From an academic perspective, three key methods distinguish how mainstream Muslim feminist scholarship tends to interpret the Quran: historical contextualization, which involves recognizing that the Quran was revealed in a particular time and place to a tribal and patriarchal society. Then there's intratextual reading; comparing Quranic verses and themes with one another rather than reading them in isolation. Finally, there's the tawhidic paradigm, a theory conceptualized by pioneering Muslim feminist A. Wadud, which emphasizes God's unity and incomparability. This theory refutes sexism, which places men «above» women, and claims that only God has absolute knowledge thereby no reading of the Quran is its final or absolute interpretation. These frameworks allow for continuous and contemporary re-readings of the holy book» [261].

H. Jawad believe that «traditional Islam and feminism are very difficult to reconcile, as they represent two different perspectives. Hence, labels such as "Islamic feminism" or "feminist Islam" are not correct. Feminism is a human ideology, while Muslims see Islam as a *dīn*, as living one's life in accordance with divine law. There is a difference between the notions of ideology and *dīn*. Ideology refers to the individual's efforts to formulate values with a view to establishing a system based on reason unaided by revelation. In our understanding of Islam, *dīn* is a far more comprehensive term, encompassing the totality of life and implying a primary orientation toward the divine as the source of final authority. To talk of a religious ideology, such as Islamic feminism or feminist Islam, is a fundamental contradiction in terms and betrays confusion about the essence of religion, which is divine revelation» [233].

According to A. Mhajne, «Islamic feminism emerged in the 1990s due to secular and religious women's concerns about Islamist movements' attempts to impose and promote a conservative interpretation of Islam. It aspires to challenge patriarchal interpretations of the Quran and hadith (the sayings of the prophet Muhammad) with more moderate interpretations to promote women's equality in an Islamic context. Islamic feminists take a more progressive approach than the one embraced by conservative clerics and dominant religious groups. Islamic feminism has been effective

at carving out more space for women's participation in conservative religious cultures in the region» [277]. D. Kandiyoti describes these strategies as «part of "patriarchal bargains", pushing women to compromise to increase their security and advocate for more rights. Women in the MENA have had to strategize in a way that takes into account the specific sociopolitical constraints they are operating within» [244].

According to F. Sadiqi Islamic feminisms constitute a very diverse set of feminisms which share one important thing: the reform of Arab family laws that are still based on Islamic jurisprudence. Because family laws are also a state issue, reform does not depend only on the feminists' movements, pressure from democrats, and in particular the push from religious leaders, but also on political will. This is so because the family laws are related to citizenship, emancipation, the legal apparatus, and intellectual debates; they have a political, social, intellectual, religious, and liberal significance. That's why their reform is never simple. But Islamic feminism takes it upon itself to target these aspects. Islamic feminists know that it is not easy, but they want to involve all these actors in the reform of the family law [342].

«As some research on religious women's organizing in the MENA shows, framing religiously women's activism is essential for success in conservative societies. Women activists, especially women who utilize their religious knowledge and authority as a tactic for framing their demands for gender equality, can effectively create a bottom-up approach and open more space for women's participation. Utilizing religious frameworks is particularly effective because the Quran, Sharia, and hadith, are used to justify patriarchal control of women and their bodies. In an experimental study, which addresses the influence of progressive reinterpretations of the Quran on public opinion about women's role in public life in Egypt, researchers found that Islam can also be used as a tool for women's empowerment» [277].

The development of women's movements in Islamic states has been deeply tied to broader political and social transformations of the 20th and 21st centuries. In the early 20th century, reformist women's movements began to emerge in several Muslim-

majority states, drawing inspiration from both Islamic modernist thought and global debates on women's rights.

«Most analysis of women's rights movements in the MENA tends to start from the beginning of the 20th century, with clear turning points, such as in the Arab Republic of Egypt with the 1919 revolution – hundreds of Egyptian women joined protests against the British occupation, which led to the British losing most of its control over the North African country – and the establishment of various unions like the Egyptian Feminist Union (EFU) in 1923. However, some thinkers place great weight on earlier efforts, such as those of Turkish women during the Ottoman Empire period in the face of its modernization agenda» [468].

«However, there is consensus that feminism and the emergence of nationalist movements to fight colonialism are intertwined, and in many instances, particularly in North Africa, independence is aligned with educational, social, and political outcomes for women. Although, these were often subsumed within wider initiatives for social justice» [206].

The 2011 Arab Spring marked another turning point. Women were highly visible in protests across the region, from the Republic of Tunisia and the Arab Republic of Egypt to the Republic of Yemen and the State of Libya, demanding political change, dignity, and social justice. In the Republic of Tunisia, this mobilization contributed to constitutional reforms that enshrined gender equality and women's political representation. In the Arab Republic of Egypt, while women played a critical role in the uprisings, subsequent political instability and the resurgence of authoritarianism limited progress on women's rights. In the Republic of Yemen and the State of Libya, armed conflict and societal fragmentation severely undermined women's empowerment, with many activists facing violence and exclusion. «Women proved to be both agents for change as well as victims. Connected to this is the development of technology and social media, which have helped activists communicate their issues and connect with others while raising international awareness of their various concerns» [199]. These

divergent trajectories underscore both the potential and fragility of women's movements in times of political upheaval.

«The Arab Spring was a product of unequal rights, wealth distribution, and discrimination, resulting in the overthrow of long-standing leaders and triggering civil wars, some of which are still ongoing. It also had an impact on regional women's movements in two important ways. Firstly, there was an increased street presence of women across all age groups, beliefs, ethnicities, and social statuses during the mobilizations. The protests in the Lebanese Republic, the Republic of Iraq, and the Republic of the Sudan, for example, were labelled "althawrah untha", meaning the revolution is female. The strong imagery of women in the resolutions also became symbols of the unfolding movements. However, the change that initially occurred did not give women a seat at the table, and they were excluded from decision-making roles after the uprisings, with the governments possessing little to no female representation. In addition, women were excluded from the bodies drafting the new constitutions, while discussions took place about women's roles belonging in the domestic sphere. There were also efforts to roll back progressive family law, and politically motivated violence against women emerged» [199].

The impact differed in North Africa, compared with the Middle East. This difference is because more women have been elected or appointed than in the past. And typically, women's issues have been used to further political gains in the Maghreb, particularly to counter Islamist momentum. The appointment of Tunisia's first female prime minister, for example, was called out by some as mere symbolism [195].

«The Arab Spring also changed women's rights movements going forward, with these gender-based rights playing center stage when urging democratic reforms and more interaction with Islamic feminists» [199].

«Even though political Islam has deep historical roots, its rising tide has been associated with the 1980s after the 1979 Islamic Revolution and the rise of the Afghan Mujahideen after the soviet invasion of Afghanistan, among other events. The Muslim

Brotherhood movement was also growing, particularly in the Arab Republic of Egypt» [301].

«Islamism had a reputation for regressive attitudes and policies towards women; The Muslim Brotherhood in Egypt, for instance, increased pressure to implement more conservative laws. However, changing political regimes and state vulnerability also ushered in new voices. Leftists and Islamists often found themselves on the same side of the political spectrum as secular and Islamic feminists did. Much had changed since the Brotherhood's inception, when there were specific views on women's role in society, to there being negotiables and non-negotiables on women's rights» [33].

In other areas, like the Kingdom of Saudi Arabia, the picture is less complex, and women's rights activists have paid the price with their freedom for campaigning for the right to carry out seemingly innocuous activities like driving.

«There is some research to suggest that women are playing a more significant role in Islamist political movements in the MENA, such as Hizbollah in the Lebanese Republic and Egypt's Muslim Brotherhood, creating strong women's branches and pushing for broader political participation and representation in their movements' leadership» [12]. The Carnegie Endowment Foundation says these women still reject Western feminism and maintain Islamist values but could be the vehicle for women's rights to be promoted in the region, rather than other feminist movements [49].

The history of women's movements in Islamic states illustrates that activism is neither linear nor uniform. Gains have often been followed by setbacks, and progress in one area, such as education, may coexist with regression in another, such as family law. However, these movements have left a lasting impact on public discourse, expanding the space for debate about women's rights within Islamic frameworks and international legal commitments. They also laid the foundation for contemporary advocacy networks that continue to push for reform under often challenging political conditions. This historical lens is essential for understanding current advocacy efforts and the prospects for legal empowerment in contexts where both Islamic and international norms converge and compete.

The historical trajectory of women's social movements in Islamic states has not remained confined within national borders. Over the past several decades, regional and transnational advocacy networks have emerged as crucial actors in advancing women's rights, often filling gaps left by weak domestic institutions and limited enforcement of international treaties. These networks connect local struggles to global frameworks, amplify women's voices beyond state boundaries, and provide resources and strategies for navigating restrictive legal and political environments. Such advocacy networks have been particularly significant in Islamic states, because they frame women's rights not only through international human rights law but also in relation to Islamic values and cultural contexts, making their efforts more legitimate and resonant within local societies [286, p. 51].

Moving forward with some examples, a notable one is Women Living Under Muslim Laws (WLUML). «It is a transnational feminist solidarity network established in 1984 to address the challenges faced by women living in communities where laws or customs are derived from Islamic references. It links women living in states where Islam is the state religion, or secular states with Muslim majorities, as well as in states where minority Muslim communities are governed by minority religious laws» [452].

Unlike many organizations that operate solely at the state or international level, WLUML connects grassroots activists, academics, and legal practitioners across different regions to share strategies and build solidarity. Its primary focus is on documenting and resisting discriminatory legal systems that justify gender inequality under the guise of religion, while also highlighting the diversity of interpretations within Islamic traditions. The network emphasizes the importance of supporting women in local contexts while amplifying their voices in international forums, thereby bridging the gap between grassroots activism and global advocacy [186].

WLUML has been particularly active in responding to regressive shifts in family law within several Islamic states, including the Republic of the Sudan. Its reports have documented attempts to reinforce patriarchal guardianship norms, restrict women's rights in marriage and divorce, and legitimize early marriage under religious

justification. In response, WLUML has supported local women's rights organizations by providing comparative legal analysis, resources, and transnational solidarity campaigns to resist such reforms [409].

Other example is organization called Women's Islamic Initiative in Spirituality and Equality (WISE). The WISE is a nonprofit faith-based organization founded by Daisy Khan to promote Muslim women's rights based on the spiritual precepts and practices central to Islam [90]. It is a global, faith-based feminist movement that emerged to challenge patriarchal interpretations of Islam and to create new spaces for women within religious scholarship and community leadership. Unlike secular advocacy groups, WISE grounds its work in Islamic theology, promoting the view that Islam inherently supports principles of justice, dignity, and equality for women. By emphasizing reinterpretations of sacred texts through a gender-sensitive lens, WISE positions itself as both a religious and legal actor, advocating for reforms that strengthen women's rights in family law, education, and political participation. This approach allows the initiative to resonate in contexts where religious legitimacy is essential for legal and social change [467].

Founder and Executive Director of WISE, D. Khan, has released a book «30 Rights of Muslim Women». The book aims to educate women on how to express their rights within Islam [457]. One of WISE's most significant contributions has been the training of women scholars in Islamic jurisprudence, enabling them to become authoritative voices in interpreting Sharia. This initiative seeks to counterbalance centuries of male-dominated legal scholarship that has often marginalized women's perspectives. Through such training programs, WISE provides women with the tools to directly engage in legal debates on issues such as guardianship, divorce, and inheritance. The organization actively campaigns against harmful practices justified in the name of religion, such as child marriage, framing these as violations of both human rights and Islamic ethics. Its advocacy has influenced discussions in states like the Islamic Emirate of Afghanistan, where child marriage remains a contested issue, and

has provided religiously grounded arguments that reformers can use in legislative debates [18].

Another organization worth mentioning is Equality Now. It is a global legal advocacy organization that has played a central role in challenging discriminatory laws and practices affecting women, including in Muslim-majority states. With a strong emphasis on legal reform, the organization works to identify areas where national family and personal status laws conflict with international human rights obligations. Its program on discriminatory family laws focuses on structural inequalities embedded in inheritance, marriage, divorce, and custody regulations, which are often justified through selective interpretations of Sharia. Equality Now's approach combines rigorous legal analysis with international advocacy, engaging governments, regional bodies, and civil society to push for legislative changes that strengthen women's rights. Equality Now provides recommendations for governments across the MENA region [458].

«Since 1992, Equality Now has existed to end violence and discrimination against women and girls, using the power of the law to bring about systemic change. The advocacy work of Equality Now has resulted in the repeal of more than 50 sex discriminatory laws, including recently in the Syrian Arab Republic, Switzerland, the Lebanese Republic, and the Hashemite Kingdom of Jordan. Meanwhile, its work has been instrumental in the enactment of laws against all forms of violence against women, including rape, sex trafficking, and harmful practices such as child marriage, "honour" crimes, and female genital mutilation» [308].

A notable example of Equality Now's work is its advocacy around inheritance and property rights in the Kingdom of Morocco. The organization has published reports highlighting the contradictions between constitutional guarantees of equality and the continuing application of inheritance rules that favor male heirs. By framing these contradictions as both a violation of international law and a barrier to national development, Equality Now has supported local women's movements and legal professionals pushing for reform [298].

«Equality Now is a catalyst for the Hurra Coalition. It is a diverse, intersectional group of active women's rights organizations in the MENA region that works on reforming family laws nationally in compliance with international human rights standards. Equality Now has been progressively building this MENA coalition since April 2019. Following a regional convening in the State of Qatar, the Hurra Coalition was launched in September 2023. Hurra means "free (woman)". As the name denotes, the coalition aims to free women and girls from all discriminatory family laws. It is designed to support and develop a diverse and inclusive women's rights movement. The coalition identified women's rights organizations interested in joining forces to advocate for reform in family law in their respective states in the region. More specifically, the Hurra Coalition empowers members to develop and implement campaigns to reform family law in these key thematic areas: child marriage, child custody and guardianship by divorced mothers, and distribution of marital wealth. One of the main priorities of the Hurra Coalition is to empower youth to advocate for women's rights in the MENA, amplify their voices, and refine their skills» [208].

It is important to mention the Centre of Arab Women for Training and Research (CAWTAR). Established in 1993, CAWTAR is a non-profit, non-governmental regional organization, enjoying an international legal personality. CAWTAR is a unique organization in the Arab States region, as it specializes in promoting women to meet development challenges. It is dedicated to the empowerment of Arab women as a critical social capital for good governance and prosperity in the region through generating knowledge and enhancing the capacity of Arab institutions. The CAWTAR system of governance is led by the board of trustees, composed of the Arab Gulf Programme for Development, the Tunisian Government, the United Nations Development Programme UNDP, the International Planned Parenthood Federation IPPF, the United Nations Population Fund UNFPA, the League of Arab States, and the World Bank [99].

Transnational campaigns have further amplified women's rights advocacy across Islamic states. Initiatives such as the 16 Days of Activism against Gender-Based

Violence, created in 1991 by activists, are coordinated by the Center for Women's Global Leadership [304]. It has been adopted by activists in many states, for example, the Republic of Tunisia, the Islamic Republic of Pakistan, and the Kingdom of Morocco. These campaigns link local concerns about domestic violence and sexual harassment to international legal standards, increasing pressure on governments to adopt or strengthen national legislation.

While regional and transnational advocacy networks create broad frameworks and solidarity, national-level women's movements and grassroots initiatives often serve as the direct agents of change in Islamic states. These organizations work within specific political, cultural, and religious contexts, promoting their strategies according to domestic legal systems and social norms. They provide essential links between international commitments and the lived realities of women. The strength of grassroots advocacy lies in its ability to mobilize local communities, challenge discriminatory practices on the ground, and influence national policy debates.

For example, in the Kingdom of Morocco, organizations such as the «Union de l'Action Féminine and the Association Démocratique des Femmes du Maroc» for decades campaigned for reforms in personal status law, advocating for women's right to divorce, custody, and inheritance on equal terms. Their strategies combined grassroots mobilization, academic research, and appeals to Islamic principles of justice, which proved persuasive in a religiously conservative society. The outcome was a landmark reform that established greater equality within marriage and expanded women's legal standing in family disputes, demonstrating how sustained domestic advocacy can reshape deeply entrenched laws [139, p. 67-68].

In the Hashemite Kingdom of Jordan, women's organizations such as the Jordanian National Commission for Women have been instrumental in pushing for amendments to discriminatory legislation, including the abolition of Article 308 of the Penal Code, which allowed rapists to escape punishment if they married their victims. This reform, achieved in 2017 after years of campaigning by grassroots and professional women's groups, highlights the role of domestic advocacy in aligning national laws

with international human rights obligations. Importantly, these campaigns often relied on strategic alliances with international organizations and media, amplifying domestic voices at the global level [236].

Grassroots initiatives also play a vital role in conflict-affected states such as the Republic of Yemen and the Islamic Emirate of Afghanistan, where formal institutions are weak or non-functional. In the Republic of Yemen, women's networks like «Women4Yemen» have documented human rights violations, advocated for women's participation in peacebuilding, and highlighted the gendered impact of the war [374].

«As one of the most perplexing prohibitions under Saudi law, the driving ban on women had, over the years, triggered subversive action, but it was when the sea change started that Loujain al-Hathloul and Eman Al Najan bore the wrath of the kingdom. Shortly before the ban was lifted, the two campaigners, who have been outspoken on human rights issues, were detained. They have since been released after immense international attention» [468].

«Nasrin Sotoudeh is a renowned Iranian women's and human rights lawyer who, in 2019, was shockingly sentenced to 38 years in jail and 148 lashes for spying, spreading propaganda, and insulting Iran's supreme leader. She defended women who publicly took off their hijab in 2018, an act authorities have equated with treason. She remained under sentence for some time and steadfast in her opposition to forced hijab» [468].

Finally, digital activism and diaspora-based advocacy have become central tools in shaping policy debates within Islamic states. Social media campaigns such as *#MosqueMeToo* or *#Women2Drive* in the Kingdom of Saudi Arabia demonstrate how grassroots voices can reach global audiences, influencing both domestic debates and international pressure [456]. Diaspora-based advocacy organizations, often operating in Europe or North America, have used their transnational platforms to shed light on violations in states like the Islamic Republic of Iran, the Islamic Emirate of Afghanistan, and the Federal Republic of Somalia, creating sustained visibility for women's rights issues that might otherwise be suppressed at home. These digital and

transnational forms of advocacy illustrate the evolving strategies through which women's movements adapt to authoritarian contexts and expand the reach of their demands.

Social movements and women's rights activists in Islamic states often face challenges, such as political and legal repression of civil society organizations. Many governments maintain strict control over the registration, funding, and activities of NGOs, especially those working on politically sensitive issues such as gender equality. Laws regulating foreign funding, like those in the Arab Republic of Egypt, have been used to restrict the operations of women's organizations by labeling them as «agents of foreign influence» [141]. In the Kingdom of Saudi Arabia, activists face surveillance, imprisonment, or harassment for advocating reforms to guardianship systems or protesting discriminatory laws. These restrictions severely limit the capacity of women's groups to operate independently and to connect with international human rights mechanisms [426].

Another recurring obstacle is the accusation of «Westernization», often used to delegitimize women's movements. Advocacy for gender equality is frequently framed by conservative actors as an attempt to impose Western values incompatible with Islamic traditions. This narrative has been particularly prominent in debates over CEDAW reservations, inheritance reform, and sexual and reproductive rights. «An example of the political impact of these organizations came in 2021. Through intense lobbying, alongside other local conservative organizations, they succeeded in making Turkey withdraw from the Istanbul Convention. The Istanbul Convention is the Council of Europe's convention for preventing and combating violence against women and domestic violence» [231].

The challenges are particularly acute in conflict-affected states such as the Republic of Yemen, the Federal Republic of Somalia, and the Islamic Emirate of Afghanistan, where advocacy for women's rights faces not only political repression but also serious security threats [413]. In the Republic of Yemen, women's rights activists have been targeted by armed groups and face restrictions on movement due to

insecurity. In the Federal Republic of Somalia, fragile state institutions and ongoing violence limit the reach of grassroots women's organizations, which often depend on international funding and support for survival. The Islamic Emirate of Afghanistan presents the most dramatic example: since the Taliban's return to power in 2021, nearly all formal women's advocacy structures have been dismantled, and women activists operate at extreme personal risk, often in underground networks or in exile. It highlights how political instability and armed conflict severely curtail women's ability to claim and defend their rights [340].

The linkage between grassroots activism and international advocacy networks will remain important for strengthening women's rights across Islamic states. National movements often lack resources and protection, but partnerships with international organizations such as Amnesty International, UN Women, and Human Rights Watch can amplify local voices, provide legitimacy, and offer protective mechanisms against repression. It reinforces accountability mechanisms by drawing attention to violations in international forums. Such connections may help ensure that women's rights issues in Islamic states are recognized as part of the global human rights agenda even while remaining sensitive to local contexts [298].

Looking ahead, women's movements in Islamic states hold considerable potential to bridge universal human rights standards with culturally grounded arguments. Activists can make reform efforts more resonant and legitimate in local societies by framing demands for gender equality within Islamic jurisprudential traditions and national cultural contexts. Another promising area is the expansion of digital spaces and youth-led activism. Social media platforms have become vital tools for mobilizing communities, sharing testimonies, and challenging restrictive laws. Digital advocacy provides a new arena for women's rights campaigns that can circumvent state-controlled media and traditional political barriers with younger generations increasingly connected and politically engaged.

The analysis of social movements and advocacy in Islamic states demonstrates that women's rights progress has been closely tied to the ability of social movements

and women's rights activists to navigate between universal human rights frameworks and local cultural or religious contexts. From early reformist movements in the 20th century to the digital campaigns of the present day, advocacy has consistently shown that meaningful change often requires both domestic legitimacy and international support. Grassroots initiatives and advocacy networks serve as the driving force that transforms these commitments into tangible rights protections.

3.4. Prospects for legal reforms of women's rights in Islamic states

Reforms in the field of women's rights are among one of the critical issues facing Islamic states today. Legal systems are influenced mainly by international human rights commitments and by domestic laws grounded in Sharia principles. Because of this dual framework, any attempt to improve women's rights through legal reform requires careful negotiation between international standards of equality and cultural or religious traditions. Scholars point out that without effective reform, the guarantees of equality and non-discrimination provided in international treaties remain largely symbolic, as they cannot be meaningfully used by women in practice [435].

Looking at recent developments, it is clear that a lot of progress has been achieved, however, it is uneven in different states. Some Islamic states, such as the Republic of Tunisia and the Kingdom of Morocco, have introduced important changes in areas like family law and political participation. At the same time, other states show a very different trajectory. The Islamic Emirate of Afghanistan, following the Taliban's return in 2021, has rolled back most of the earlier progress in education and public participation, excluding women from public life [313]. This contrast demonstrates how reforms can advance, stall, or regress depending on the broader political and legal environment.

This subsection aims to examine how reforms are being implemented in Islamic states, what barriers they face, and what prospects exist for the future. The subsection

will show how international norms interact with domestic debates and how women's rights can be strengthened through legal and social reform.

According to M. Khalid, «while Islam provides many rights and protections for women, the application of these principles varies greatly across different societies. In some cases, cultural practices have overshadowed religious teachings, leading to the oppression of women. Practices such as child marriage, honor killings, and female genital mutilation, which are not condoned by Islamic scripture, have often been wrongly associated with Islam due to their prevalence in certain regions where Islam is practiced. Another challenge is the rise of patriarchal interpretations of Islamic texts. Some conservative scholars have historically justified limiting women's roles based on selective readings of the Quran and Hadith. However, there is a growing movement among Muslim scholars, particularly women, who are reinterpreting these texts in ways that emphasize equality and justice» [248].

M. Sharafeldin highlighted that «even though all these state laws are claimed to be based on the same Islam and the same Sharia, none of them is identical to another. Issues such as a wife's obedience, divorce, male guardianship, polygamy, minimum age of marriage, and inheritance are handled differently in each of these laws. That is because they are all based on different schools of Islamic jurisprudence created by "human" lawyers across the ages. Not only that, but the history of all Muslim family laws, since they were codified under the modern nation state, has been one of continuous reform and evolution – but only when the state decided that it was convenient to do so. If these laws were indeed sacred and eternal, precluding their reform, they would not have been so different from one another, nor would they have changed as recent history has shown us» [355].

T. Syamanta noted that «many Muslim-majority nations are making progress in reforming Islamic family rules, increasing women's opportunities for education and employment, and addressing gender-based violence. These advancements are being driven by both grassroots movements and government-led programs. Although there have been significant gains, there are still difficulties in harmonizing Islamic legal

precepts with modern concepts of gender equality and women's rights. Interpretations of Islamic law exhibit a wide range of perspectives and are subject to ongoing debate, with conservative interpretations frequently dominating in legal settings. In addition, there are social and cultural difficulties, institutional resistance, and opposition from conservative groups that hinder significant legislative reforms and the adoption of gender-sensitive interpretations of Islamic law. The dynamic conversation around gender and women's rights in Islamic legal systems demonstrates the ongoing challenges for fairness, parity, and respect in societies where Muslims form the majority» [379, p. 42].

One of the most visible areas of reform in recent years has been family and personal status law, which directly affects women's rights in marriage, divorce, custody, and inheritance. Morocco's Moudawana reform in 2004 is often cited as a milestone, as it granted women greater rights in marriage, limited polygamy, and improved divorce procedures. The Republic of Tunisia has also advanced by debating reforms to inheritance law to align with constitutional guarantees of equality, although these reforms remain controversial. At the same time, Iraq's proposed Ja'fari Personal Status Law in 2014, which would have lowered the minimum marriage age to nine in certain cases, shows how reforms can also threaten progress. These contrasting developments highlight the fragile and contested nature of legal change in this field [412].

Political participation has seen gradual improvements in several Islamic states. The Hashemite Kingdom of Jordan introduced quotas to increase women's representation in parliament [36]. Morocco's electoral reforms have raised the proportion of women in elected office. The Republic of Tunisia remains a leading example in North Africa, where women have held significant parliamentary seats and cabinet positions since 2011. Women's participation in politics remains restricted in states like the Kingdom of Saudi Arabia and the State of Kuwait, where their influence in decision-making is still limited [82]. Despite the challenges, there is a growing trend of governments recognizing the need for reform and women's representation to achieve international legitimacy and respond to domestic social movements.

Labor law reforms have also been part of broader modernization strategies. For example, the State of Qatar has adopted reforms related to maternity protections and non-discrimination in the workplace, although enforcement remains limited [324]. Similar efforts have been made in the United Arab Emirates, where policies promoting gender equality in employment have been linked to broader economic diversification plans. Barriers persist in states such as the Republic of Yemen, where conflict and weak governance prevent the adoption of meaningful protections for women in the workforce. We can see that reforms are often motivated by international scrutiny and economic needs, but their sustainability depends on domestic institutions and cultural acceptance.

The prospects for reform vary widely across Islamic states. In North Africa, debates on inheritance and personal status laws suggest the possibility of further progress, particularly in the Republic of Tunisia and the Kingdom of Morocco. In the Gulf, economic modernization agendas may continue to drive labor law reforms that indirectly benefit women, as seen in the State of Qatar and the UAE. At the same time, in conflict-affected states such as the Islamic Emirate of Afghanistan, the Federal Republic of Somalia, and the Republic of Yemen, the prospects for reform remain bleak. These variations underscore the need for a nuanced understanding of reform trends [352].

While reforms are working mostly towards the progress of women's rights, there are some challenges and barriers that occur. Several Islamic states have adopted laws aimed at strengthening women's rights, but the gap between legislation and implementation remains wide. One of the most persistent challenges is the lack of institutional capacity and resources to enforce reforms. Another challenge lies in the ambiguity of constitutional and statutory provisions. In many Islamic states, equality clauses in constitutions are conditioned by references to Sharia or «public morals», which provide judges and lawmakers with discretion that often undermines women's rights. This tension between international commitments and constitutional references to religion creates uncertainty and resistance in implementing reforms [11].

Sociocultural resistance also continues to limit the effectiveness of legal changes. Laws on women's rights are frequently perceived as externally imposed or as undermining «Islamic values», leading to opposition from religious leaders and conservative groups. Such resistance often results in partial implementation, with reforms applied inconsistently or diluted during enforcement [359].

The political context also significantly affects implementation. In conflict-affected states such as the Republic of Yemen, the Federal Republic of Somalia, and the Islamic Emirate of Afghanistan, legal norms on women's rights often collapse amid institutional breakdowns.

The fragmentation of monitoring and accountability mechanisms remains a serious barrier to the implementation of reforms towards the improvement of women's rights. Many states lack independent institutions to oversee implementation, and where bodies exist, they often lack enforcement powers or political independence. For example, the Kingdom of Bahrain's Supreme Council for Women has been active in promoting gender equality strategies, but critics argue that its work is constrained by political considerations and limited jurisdiction [149]. Without strong accountability structures, reforms risk remaining on paper, with limited impact on women's lived realities.

«In spite of the difficulties above, we do find examples of recent positive reforms in family laws and practices around the Muslim world. For example, often using Islamic arguments and jurisprudence we find states like: the Kingdom of Morocco, the People's Democratic Republic of Algeria, and the Republic of Tunisia removing the wifely obligation of obedience to the husband; the Arab Republic of Egypt setting a minimum age of marriage at 18; Saudi, the Lebanese Republic, and the Kingdom of Bahrain passing laws fighting domestic violence against women; the Republic of Tunisia banning polygamy; the Republic of Iraq giving mothers the right to keep custody of their children after remarriage; the Republic of Indonesia and Malaysia securing women's share in matrimonial assets upon divorce or death; the People's Democratic

Republic of Algeria giving full custody and guardianship over children for divorced mothers» [355].

J. Joseph notes that «the fight for gender equality and women's rights is ongoing, with cultural shifts, policy reforms, and grassroots activism playing pivotal roles in advocating for change. It's important to continue supporting and uplifting the voices of women worldwide to ensure their rights, safety, and equality. Recent years have seen significant legal reforms and shifts in various states aimed at enshrining women's rights more firmly in law. These changes represent progress in the ongoing global struggle for gender equality, although the pace and extent of reforms vary widely by region. These legal reforms, while significant, are steps in the ongoing journey towards achieving full gender equality worldwide. Continued vigilance and advocacy are necessary to ensure these laws are effectively implemented and to address both new and enduring challenges facing women's rights» [237].

Speaking about pathways and opportunities for constitutional reform has emerged as one of the most promising pathways for advancing women's rights in Islamic states. Embedding explicit guarantees of equality and non-discrimination within constitutions provides a stronger foundation for subsequent legal and policy reforms. Constitutional drafting or amendment processes could provide promising opportunities, particularly if equality clauses are formulated without broad references that limit rights [212].

Regional frameworks also offer important tools for guiding reforms. Even the enforcement of these frameworks currently remains weak, their value lies in their cultural and religious legitimacy, which allows reformist actors to frame gender equality not as an external imposition but as consistent with regional commitments [335, p. 3].

Judicial reinterpretation also represents a key pathway for change. Courts and legal scholars in several Islamic states have begun to reinterpret Sharia principles in ways that are more compatible with international human rights norms. The reinterpretation of religious law by respected judicial and religious authorities has the potential to shift deeply rooted norms from within, ensuring that reforms are perceived as authentic and legitimate rather than externally imposed.

A. Akhmetova and other researchers emphasize that «successful legal reform for women is not impossible. However, it is contingent on either an amelioration of the background social context for women or the creation of a strong set of accountability and enforcement mechanisms in the absence of such amelioration. A vibrant civil society sector is also necessary, though not sufficient, for this purpose, as well. Policymakers should carefully assess where on the path to these desiderata a state lies, and then tailor a programmatic response most likely to result in progress» [30, p. 117].

Also, it is recommended for reforms to be successful to «support initiatives that target improving background context for women. Efforts to improve the background social context for women are likely to take a considerable amount of time. In the meantime, programming to improve accountability and enforcement of existing law pertaining to women may actually hasten improvements in the background social context, or at least give women alternatives to the parallel legal systems, which are often the bane of their lives. The best way to combat this is by supporting governments that make a demonstrated effort to integrate women into their police forces. It is also recommended to provide funding for training, staffing, and the establishment of centers for women, children, and senior citizens to safely report abuse. This funding and support should be conditional, based on regular monitoring and evaluation of sexual assault and harassment within and by police officers. Measures to decrease corruption in law enforcement, which according to our research has also been shown to impede accountability and enforcement, should also be pursued. Additionally, a focus should be placed on supporting multi-sector collaborations. The work of civil society organizations on their own is not sufficient to facilitate successful legal reforms, but that their partnership with the government can enhance accountability and enforcement» [30, p. 114-117].

M. Sharafeldin states that, «we must accelerate support for women's movements and states embarking on these family-related law reforms. On a legal level, there have been many pathways for reform when states chose to do so, such as reforming substantive family laws, procedural laws, penal codes, administrative decrees,

promulgating new violence against women laws, and activating constitutional guarantees of equality, beside other non-legal interventions. So change is not only necessary but also possible» [355].

A. Akhmetova recommends «providing funding and support to governments to collect data on the legal status of women. Funding for data collection should be focused on efforts that enhance countries' ability to collect multiple pieces of data over time. Supporting these data collection efforts will allow for richer empirical analysis in the future» [30, p. 117].

Speaking about judicial reforms in terms of best practices for advancing women's rights within Islamic legal systems, T. Syamanta and others notes that «efficient strategies and exemplary methods for promoting women's rights in Islamic legal systems require a comprehensive approach that integrates legal changes, community engagement, and programs to enhance skills and abilities. An effective measure is the enactment of legal reforms designed to strengthen women's rights in the context of family legislation. Possible reforms could encompass increasing the minimum age for marriage, empowering women to initiate divorce, ensuring fair allocation of marital assets and establishing legal safeguards against gender-based violence and discrimination. Through the implementation of reforms, women are given the ability to exercise their rights and exercise autonomy over their personal lives by challenging discriminatory practices embedded within Islamic legal systems» [379, p. 46].

Capacity-building programs targeting legal professionals, judges, and religious authorities are crucial in order to ensure the successful execution of legal reforms and to encourage the fair and unbiased resolution of cases related to gender issues in Islamic courts. Training programs focused on women's rights, gender equality, and Islamic jurisprudence provide legal practitioners with the necessary information and abilities to effectively tackle gender bias and discrimination in their professional endeavors. Moreover, endeavors to enhance the presence of women in legal establishments, such as Islamic courts, foster greater diversity and inclusivity in the processes of making decisions [379, p. 46].

In order to advance gender equality and uphold women's rights within Islamic legal systems, policymakers, legal practitioners, and civil society actors can implement a range of proactive measures. Initially, politicians should give greater importance to legal changes that improve women's independence and safeguards within family legislation, such as increasing the minimum age for marriage, providing women the ability to seek divorce, and assuring fair division of marital assets. These reforms should be guided by discussions with women's rights organizations, religious authorities, and grassroots movements to guarantee inclusivity and credibility [379, p. 50].

In terms of legal reforms prospects, A. Custovic notes that «in the context of Islam and human rights, Islamic female theorists maintain that secular concepts cannot be used to empower women in Islam but must come from the Islamic paradigm itself and that women themselves must participate in this empowerment» [130]. «In the narrower context of this discussion, in the inner-Muslim debate, Sharia reform must take place as an element of empowerment, through a process in which the voices of Muslim female theorists and lawyers will now participate. The key argument is that women, given that they are equal to men, have the same interpretive rights and access to the revelation, and the step towards Sharia reform is to build a solid Muslim feminist jurisprudential basis which clearly shows that Islam not only does not deprive them of their rights but demands their rights for them. Otherwise, man stays in a privileged position and then acts as an intermediary between the Revelation and the woman, while in Islam, not only is there no intermediary, but that would mean that the Qur'an is not universal» [129].

T. Syamanta and others stated that «the necessity for ongoing collaboration and debate among feminist researchers, activists, and religious authorities within Islamic legal frameworks is of utmost importance. Through promoting positive interaction and shared comprehension, this collaboration has the capacity to further feminist goals, advocate for gender parity, and safeguard the rights of women in cultures where Islam is the predominant religion. Feminist scholars contribute valuable perspectives and specialized knowledge in the areas of gender analysis, legal theory, and social justice

activism. Their input enhances discussions on the interpretation of Islamic law and the development of initiatives for legal change. Their study and advocacy endeavors aim to question patriarchal interpretations and offer alternative frameworks for comprehending and implementing religious texts, with the goal of supporting women's rights and autonomy» [379, p. 51].

M. Khalid pointed out that in the modern era, the legal status of women in Islam is a topic of significant debate and activism. Many Muslim women are calling for reforms based on the Quran's original emphasis on justice, equality, and individual rights. The rise of Islamic feminism seeks to reclaim women's rights within an Islamic framework, arguing that many of the restrictions placed on women are rooted in patriarchal customs rather than the religion itself. Muslim-majority states are also seeing legal reforms aimed at improving women's rights. States like the Republic of Tunisia, the Kingdom of Morocco, and the Republic of Indonesia have passed laws granting women more autonomy in marriage, divorce, and inheritance, while also promoting greater access to education and employment. In modern times, there is a growing movement toward interpreting Islamic texts in ways that affirm women's rights and gender equality, reflecting the dynamic and evolving nature of Muslim societies [248].

T. Kharroub suggests that «separation of religion and state and a legal system that grants women full rights and freedoms can be incorporated into the commanded change to the dominant patriarchal social and religious systems. While most Muslim scholars reject what they call the external imposition of the universal models of gender equality on Muslim societies, this dichotomous framing of external vs. internal is rather inaccurate and even misleading. These universal models of women's rights are based on basic principles of freedom and equality, and many women and organizations in Muslim states are heavily involved in these international efforts» [249].

M. Islam and others state that advancing gender equality calls for a multi-pronged approach that combines legal reforms, policy interventions, as well as strategies to remove the sociocultural barriers and improve the enforcement of the law. Tailored interventions are needed to remove the deeply rooted challenges impeding the full

realization of women's rights and equality across geographical locations. Well-formulated and sanctioned laws are essential in providing women with the appropriate legal redress and cover. In settings where multiple legal systems apply, there is a need to harmonize customary, religion-based, and formal legal frameworks, particularly concerning marriage, divorce, and inheritance, to promote synergy in the creation of equality-based environments. The incorporation of gender perspectives and requirements in all facets and in all stages of policymaking is critical in revolutionizing gender equality, as it aids in ensuring that gender issues are at the center of all policies, programs, and projects, resulting in substantively equivalent results. Creation and enhancement of institutions focused on gender equality, such as women's commissions that supervise the coordination of gender equality regulations and plans throughout different governmental and non-governmental divisions, are critical [228, p. 116-117].

According to J. Godwin, «the reform of existing laws to remove discriminatory provisions can be more effective when accompanied by the strengthening of institutional capacities to enforce laws that provide for gender equality and protection from gender-based violence and to provide expanded access to justice for women and girls. Legal frameworks can empower women to participate as full and equal citizens of Arab States and thereby accord them dignity and respect. Promoting gender justice requires multipronged efforts and the engagement of multiple stakeholders. A key principle is to ensure support to national and local actors who can embrace this goal and make it sustainable. Measures are required to ensure that laws that protect and empower women and girls are enforced into practice, at all levels, from the individual to society at large. Even if women achieve equal legal rights, gender justice may still not be realized because of the ongoing impacts of discriminatory gender norms in society. Broader initiatives should accompany revisions of laws to ensure society moves toward gender equality. For example, it is important to work with men and boys to challenge harmful attitudes towards women that perpetuate violence and discrimination» [174, p. 18].

Based on the research presented and the perspectives offered by international and regional scholarship, it is possible to formulate recommendations that could guide future reforms in the field of women's rights protection in Islamic states. While the diversity of legal systems, political contexts, and cultural traditions prevents the adoption of a single model, several common recommendations can be identified that would promote the legal empowerment of women and align national frameworks more closely with international human rights standards:

1. The first recommendation focuses on the implementation of incremental reforms. In practice, sudden or radical changes often provoke political and religious resistance, reducing their chances of acceptance and implementation. A gradual process of aligning national legal systems with international standards could build legitimacy and allow time for public debate.

2. There is a need to strengthen institutions aimed at the protection of women's rights. The establishment of specialized courts, women's councils, and independent human rights commissions could provide women with accessible and credible mechanisms to enforce their rights.

3. Access to justice could potentially be expanded. This includes the creation of legal aid programs for women, the inclusion of more women in the judiciary, and systematic training for judges and lawyers on gender-sensitive legal interpretation. «Government officials, law enforcement agencies, and judicial authorities need to be trained to address gender-based violence effectively and provide support to women who experience abuse» [61, p. 286].

4. Promotion of constitutional guarantees of equality, with an emphasis on closing loopholes that make women's rights conditional on Sharia principles or public morals. While references to religion in constitutions will remain, it is essential that equality clauses are drafted in a way that ensures enforceability and prevents vague interpretation of laws.

5. Cooperation of local government and international actors could be more open and encouraged. «Civil society organizations that advocate for women's rights should

be supported and encouraged to work actively in this direction and achieve the set goals» [61, p. 286].

6. To promote gender equality and empower women, there is a need to raise awareness among the public and stakeholders about women's rights and gender equality. This can be achieved through education campaigns, public dialogues, and media engagement. «Legal literacy campaigns directed not only at women but also at men can transform societal attitudes toward gender equality. Awareness initiatives that frame women's rights within Islamic values can mitigate resistance and foster broader public support» [61, p. 286].

7. Integration of international monitoring mechanisms with domestic accountability systems could be pursued. This would create a two-level system of oversight, strengthening both compliance and transparency.

The analysis presented shows that legal reforms in the sphere of women's rights in Islamic states are necessary and important for further development. The importance of reform lies not merely in adopting new legal texts, but in ensuring that guarantees of equality are transformed into enforceable rights and accessible mechanisms of legal protection. At the same time, we can observe that reforms face persistent challenges. These include conservative resistance grounded in religious or cultural justifications, weak institutional capacity to enforce newly adopted laws, and recurring political instability in conflict-affected states. This suggests that legal reforms in Islamic states are a gradual and contested process, influenced as much by external advocacy and international monitoring as by internal dynamics. Despite these barriers, the prospects for reform remain tangible.

CONCLUSION

The research conducted has led to the successful resolution of a significant scientific task, essential for both science and practical applications, resulting in the following conclusions:

1. The research on the genesis and development of women's rights in the Islamic states reveals inherent discrepancies due to non-uniform interpretation of the uniform Sharia law across different states. This has led to fundamental variations in the legal status of women. The concrete situation in each state is determined by a complex interplay of religious revelation, historical evolution, and contemporary interpretations of law. Islamic jurisprudence has historically been shaped by diverse interpretations and political influences as well. The challenge remains in balancing religious tradition with the need for legal modernization, ensuring that the core principles of justice and fairness in Islamic law are upheld in contemporary societies.

Various approaches to defining the concept of women's rights were examined. Women's rights could be defined as legal, social, economic, and cultural entitlements that promote gender equality and ensure women's ability to participate fully in society. These rights encompass a wide range of protections, including the right to education, employment, property ownership, political participation, personal autonomy, etc. Historically, women's rights have been influenced by cultural, religious, and legal frameworks that either reinforced gender disparities or contributed to progress toward equality. Despite international commitments, disparities persist in many regions, influenced by legal traditions and socio-political structures that either facilitate or hinder the realization of women's rights.

2. It has been revealed that the legal status of women in Islamic states has been the subject of substantial scholarly engagement, however, certain gaps in the literature are still present. Scholars researching Islamic law in the context of human rights can generally be grouped into two distinct approaches, each employing its own methodology. On one side are Muslim scholars who examine Islamic legal traditions

through the lens of classical jurisprudence, often grounded in religious epistemology and internal hermeneutics. On the other side are Western scholars who analyze human rights from the standpoint of international legal theory, frequently applying secular methodologies and focusing on the evolution of international human rights instruments.

3. The difference between the terms «Islamic countries» and «Islamic states» was established, as they are not legally or conceptually identical. Both terms are often used interchangeably in public discourse, however in legal scholarship, they carry distinct meanings. «Islamic countries» refers broadly to countries with Muslim-majority populations, irrespective of whether Islamic law plays a central role in the governance or legal system. This category may include secular or hybrid legal systems where Islam is influential socially or culturally, but not necessarily enshrined in legislation or constitutional provisions. «Islamic states» could be defined as states that explicitly recognize Islam as the state religion and incorporate Islamic law (Sharia) into their legal or constitutional systems, either as a source or the principal source of legislation. These states may implement Sharia in various areas of law, including family, criminal, or constitutional law, and often declare this orientation in their constitutional frameworks.

A novel framework for the classification of Islamic states based on the development level of women's rights has been proposed to illustrate the practical application of legal systems concerning women's rights. To ensure that the classification of states was objective, it was offered to use the following indicators: access to education; economic participation and equal access to employment; political participation; legally enshrined anti-discrimination guarantees; marital and family rights (equal rights for men and women in marriage, fair divorce procedures, strong legal protections in custody matters, etc.); women's access to health care, reproductive rights, maternal mortality, and gender-related health indicators; access to justice and legal remedies; gender-based violence. The Gender Inequality Index (GII), the Global Gender Gap Index (GGGI), and the World Bank's gender statistics collectively served as essential empirical tools to group Islamic states as well.

Having identified the legal, institutional, and empirical indicators used to assess the development of women's rights in Islamic states, a comparative classification of states was conducted based on their demonstrated levels of legal progress and practical implementation. Based on these criteria, it was proposed to distinguish the following groups: leading, progressing, emerging, and low-developing states.

This approach can be valuable for both academic research and policymaking. Additionally, it could be utilized by NGOs and INGOs in their work. It provides a foundation for comparing legal trends, identifying areas in need of reform, and supporting efforts to align national laws with international standards. The classification also aids in understanding broader regional patterns and the challenges faced in transforming the legal status of women across Islamic states.

4. Universal human rights instruments form the cornerstone of international law concerning women's rights and their application within Islamic legal contexts. Some treaties are formal sources of international law binding on states parties, while others are non-binding declarations, expressions of intent, etc. Key instruments include the Convention on the Elimination of All Forms of Discrimination Against Women, the Universal Declaration of Human Rights, the Convention on the Rights of the Child, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Political Rights of Women, the Convention on the Nationality of Married Women, and some others. CEDAW is considered the cornerstone of women's rights. It defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination. The comparative analysis of international legal norms and their implementation across Islamic states reveals a pattern of selective adherence, based on constitutional references to religion, sociocultural norms, and political considerations. Many Islamic states have ratified major human rights treaties but with reservations mainly related to family law, gender equality, and legal autonomy. It highlights the ongoing tension between international standards and domestic frameworks. Despite that, the influence of these treaties remains significant. When substantial reservations

accompany ratification, these instruments still provide a legal foundation for reform efforts by civil society, policymakers, and international monitoring bodies.

5. Regional legal instruments play a significant, albeit frequently underexamined, role in the advancement of women's rights in Islamic states. The concept of «regional norms» in international law encompasses not only legally binding instruments, such as protocols and conventions adopted within a regional framework, but also soft law mechanisms, including declarations, action plans, and codes of conduct that guide state behavior in specific areas. Among the most influential reginal legal instruments are: the Arab Charter on Human Rights, the Cairo Declaration on Human Rights in Islam, the Gulf Declaration of Human Rights, the Plan of Action for the Advancement of Women adopted by the Organization of Islamic Cooperation, the Covenant on the Rights of the Child in Islam, the African Charter on Human and Peoples' Rights, the Protocol to the African Charter on the Rights of Women in Africa (Maputo Protocol), the African Youth Charter, and the ASEAN Declaration on the Elimination of Violence Against Women and Children and some others.

Regional norms function as a bridge between global and national legal systems and international treaties establish a universal framework for achieving gender equality. These regional standards are usually adapted to the specific cultural, religious, and political environments of Islamic states. They are set out in various charters, protocols, declarations, and regional policy frameworks adopted by intergovernmental organizations. Such norms provide additional mechanisms for implementing international obligations and for aligning global human rights principles with regional traditions and legal interpretations. In Islamic law, where Sharia strongly influences national legislation, regional legal norms can support reform by framing women’s rights in terms aligned with local values, thus increasing their legitimacy and practical use.

6. The promotion of women’s rights at the international and regional levels is achieved through the active engagement of specialized organizations that influence discourse, monitor compliance, and support reforms within national legal systems. These organizations could be intergovernmental, non-governmental, or

regional. They contribute to supporting gender equality and promoting women's rights. Organizations provide normative guidance, technical assistance, and advocacy tailored to diverse contexts, including those of Islamic states where cultural and religious considerations are crucial to legal development. Methods and approaches for promoting women's rights vary depending on the type of organization. Intergovernmental organizations, such as the United Nations and its specialized agencies, primarily rely on legally binding treaties, monitoring mechanisms, and policy frameworks that set universal standards for gender equality. INGOs, such as Amnesty International or Musawah, operate mainly through advocacy, research, and grassroots mobilization, influencing public opinion and pressuring governments to implement reforms. Regional bodies, such as the OIC or the Arab League, act as intermediaries, creating norms and policy documents tailored to the cultural, religious, and political contexts of their member states.

7. Effective implementation of legal norms for the protection of women's rights in Islamic states requires a multi-dimensional approach that integrates legal, institutional, and societal mechanisms into a coherent and mutually reinforcing framework. The backbone of effective implementation of women's rights guaranties includes such components: legal integration, whereby states incorporate international and regional commitments into domestic legislation; establishment of institutions (states must create and support effective public bodies, courts, and national human rights institutions that provide women with access to justice and protection against discrimination); policy and program development (governments are expected to introduce specific policies in relevant areas, such as gender-based violence prevention, women's political participation, equal access to education, etc.); reporting and monitoring obligations; civil society participation, which is indispensable for meaningful implementation.

8. The barriers to women's legal empowerment in Islamic states are multiple, intersecting, and vary considerably across jurisdictions. Some states have made progress in areas such as women's political participation, access to education, labor rights, etc. Some others have moved even backward under conservative religious interpretations or

political instability. The conclusion has been made that the barriers to women's legal empowerment in Islamic states include: reservations to international treaties, that directly limit the domestic effect of global human rights commitments; weak regional accountability; limited legal protections; ambiguity of some constitutional provisions related to women's rights; religious texts interpretation that widely varies; legal reform resistance due to the perception that such reforms threaten established cultural, social, or religious traditions; weak institutional capacity; gap between central legislation and its local application; access to justice and limited legal aid services; cultural and societal norms; family and community control; political and economic barriers; sociopolitical instability in some Islamic states.

9. Social movements and advocacy on women's rights in Islamic states occupy a particularly significant yet challenging position at the same time because the legal systems are influenced not only by international human rights obligations but also by Sharia-based jurisprudence and deeply rooted cultural traditions. Advocacy and social movements, therefore, navigate between universal standards of women's rights and locally accepted religious and cultural arguments. Such movements promote reforms within political and legal systems through collective mobilization, negotiation, and pressure. Advocacy and grassroots activism act as catalysts for change, shaping public opinion and demanding accountability from authorities, in contexts where state institutions often face challenges in implementing international conventions on women's rights.

10. Legal reforms of women's rights in Islamic states are necessary for further progress. The significance of reform lies not only in passing new laws but also in ensuring that guarantees of equality are transformed into enforceable laws and accessible mechanisms of legal protection. Based on the review of the current state of legal norms for women's rights, existing reforms in this area, and the perspectives offered by international and regional scholarship, recommendations that could guide future reforms in the field of women's rights protection in Islamic states were formulated.

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APPENDIX 1

LIST OF PUBLISHED SCIENTIFIC WORKS ON THE TOPIC OF THE THESIS

Articles in scientific publications included in the list of scientific specialized publications of Ukraine

1. Луцан А. В. Захист прав жінок в умовах збройних конфліктів. *Право і суспільство.* 2022. № 6. С. 299-306. URL: http://pravoisus pilstvo.org. ua/archive/2022/6_2022/45.pdf. DOI: https://doi.org/10.32 842/2078-3736/2022.6.45.

2. Arakelian M. R., Lutsan A. V. Protecting women's rights in Qatar: legislation, progress and challenges. *Держава та регіони.* Серія: Право. 2023. №4 (82). P. 282-287. URL: http://www.law.stateandregions.zp.ua/archive/4_2023/46.pdf. DOI: https://doi.org/10.32782/1813-338X-2023.4.44.

3. Taylor A. International legal mechanisms for advancing women's rights in Islamic states: the role of global and regional institutions. *Ehrlich's Journal.* 2025. №12. P. 52-56. URL: https://journals.chnu.chernivtsi.ua/index.php/Ehrlich/article /view/146/124. DOI: https://doi.org/10.32782/ehrlichsjournal-2025-12.07.

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Publications certifying the approbation of the thesis and additionally reflecting the scientific results of the thesis

6. Луцан А. В. До питання сучасного стану прав жінок в Саудівській Аравії. *Європейські орієнтири розвитку України: науково-практичний вимір в умовах воєнних викликів*: матеріали Міжнар. наук-практ. конф. (Одеса, 26 квітня 2024 р.) / за заг. ред. С. В. Ківалова; відп. за вип. М. Р. Аракелян. Одеса: Фенікс, 2024. С. 223-225. URL: https://dspace.onua.edu.ua/server/api/core/bitstreams/3e6acded-82d5-4380-a5bc-00d21d0bc991/content.

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13. Taylor A. V. A few thoughts on the barriers to women's legal empowerment in Islamic states. *Права людини в період збройних конфліктів:* міжнар. наук.-практич. конф., присвяч. Міжнародному дню прав людини, який відзнач. міжнародною спільнотою 10 грудня. (31 жовт. 2025 р.) / відп. ред. М. Р. Аракелян.; уклад. Х. Н. Бехруз та ін. Одеса: НУ «ОЮА», 2025. Р. 140-142. URL: https://dspace.onua.edu.ua/items/a65fb48c-97ef-416b-96e3-9e30437bace7. DOI: https://doi.org/10.32837/11300.31068.

Information about the approbation of the thesis results

The conclusions and provisions of the thesis were discussed at the meetings of the Department of International Law and European Law of the National University «Odessa Academy of Law».

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