

INTERNATIONAL LEGAL MECHANISMS FOR ADVANCING WOMEN'S RIGHTS IN ISLAMIC STATES: THE ROLE OF GLOBAL AND REGIONAL INSTITUTIONS

UDC 341

DOI <https://doi.org/10.32782/ehrlrichsjournal-2025-12.07>

ALLA TAYLOR

Postgraduate Student at the Department of International and European Law

National University "Odesa Law Academy", Ukraine

Protection from Violence Officer

Norwegian Refugee Council

ORCID: 0009-0005-1085-4776

Abstract. This article examines the role of international and regional institutions in development of women's rights in Islamic states, focusing on the effectiveness of legal instruments and the challenges associated with their enforcement. The research highlights the contributions of the United Nations (UN), UN Women, the Organization of Islamic Cooperation (OIC), the League of Arab States (LAS), and African regional institutions, analyzing their strategies, legal frameworks, and policies aimed at advocating women's rights in Islamic societies. The promotion and protection of women's rights within Islamic states have been a subject of growing importance in international law, especially the intersection of global human rights norms and Islamic legal traditions. It was found that the international treaties such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and regional legal frameworks provide mechanisms for advancing gender equality and women's rights empowerment, but their implementation remains complex due to historical traditions, cultural norms, and religious interpretations.

Some states have made significant progress in legal reforms, particularly in areas such as education, economic participation, and political engagement, but we can observe that many challenges still exist. These include reservations to international treaties, weak enforcement mechanisms, and socio-cultural barriers that limit women's full legal autonomy. We can see the role of regional organizations is particularly critical. Institutions like the OIC and LAS aim to balance human rights obligations with religious and cultural considerations. However, the effectiveness of these organizations is often hindered by their non-binding resolutions and the varying levels of commitment from member states.

The findings indicate that international and regional institutions have contributed to raising awareness and fostering legal reforms, but significant gaps remain in implementation. It was found that there is a need for a context-sensitive approach that respects cultural and religious values but at the same time improving legal protections for women. Developing institutional frameworks, increasing advocacy efforts, and promoting legal education are important steps toward ensuring greater gender equality in Islamic legal systems.

Key words: women's rights; Islamic law; international law; gender equality; human rights; Sharia law; legal reforms; international organisations; United Nations.

МІЖНАРОДНО-ПРАВОВІ МЕХАНІЗМИ ЗАХИСТУ ПРАВ ЖІНОК В ІСЛАМСЬКИХ ДЕРЖАВАХ: РОЛЬ ГЛОБАЛЬНИХ ТА РЕГІОНАЛЬНИХ ІНСТИТУЦІЙ

УДК 341

DOI <https://doi.org/10.32782/ehrlrichsjournal-2025-12.07>

АЛЛА ТЕЙЛОР

аспірантка кафедри міжнародного та європейського права

Національного університету «Одеська юридична академія», Україна

Співробітник з питань захисту від насильства

Норвезької ради у справах біженців

ORCID: 0009-0005-1085-4776

Анотація. У статті розглядається роль міжнародних і регіональних інституцій у розвитку прав жінок в ісламських державах з акцентом на ефективності правових інструментів та викликах, пов'язаних з їхнім застосуванням. Дослідження висвітлює внесок Організації Об'єднаних Націй (ООН), структури ООН-Жінки, Організації ісламського співробітництва (ОІС), Ліги арабських держав (ЛАД) та африканських регіональних організацій, аналізуючи їхні стратегії, правові рамки та політику, спрямовані на просування прав жінок в ісламських суспільствах. Питання просування та захисту прав жінок в ісламських державах набувають дедалі більшого значення в міжнародному праві, особливо на перетині глобальних норм прав людини та ісламських правових традицій. Було виявлено, що міжнародні договори, такі як Конвенція про ліквідацію всіх форм дискримінації щодо жінок та регіональні правові норми, забезпечують механізми для просування ґендерної рівності та розширення прав жінок, але їх реалізація залишається складною через історичні традиції, культурні норми та релігійні тлумачення.

Деякі держави досягли значного прогресу в правових реформах, особливо в таких сферах, як освіта, економічна участь та політична активність, але ми можемо спостерігати, що багато перешкод все ще існують. До них належать застереження до міжнародних договорів, слабкі механізми правозастосування та соціокультурні бар'єри, які обмежують повну юридичну самостійність жінок. Ми бачимо, що роль регіональних організацій є особливо важливою. Такі організації, як ОІС та ЛАД, прагнуть збалансувати дотримання прав людини з релігійними та культурними аспектами. Однак ефективності цих організацій часто перешкоджають необов'язковості їхніх резолюцій і різний рівень прихильності держав-членів.

Результати дослідження свідчать, що, хоча міжнародні та регіональні інституції сприяють підвищенню обізнаності та просуванню правових реформ, залишаються значні прогалини в імплементації. Було виявлено, що є потреба в контекстно-орієнтованому підході, який враховує культурні та релігійні цінності, але водночас покращує правовий захист жінок. Розвиток організаційних структур, посилення адвокаційних зусиль і сприяння правовій освіті є важливими кроками на шляху до забезпечення більшої ґендерної рівності в ісламських правових системах.

Ключові слова: права жінок; ісламське право; міжнародне право; ґендерна рівність; права людини; шаріат; правові реформи; міжнародні організації; ООН.

The promotion of women's rights within Islamic states has become a critical subject in international law, reflecting the intersection of global human rights standards and regional legal traditions rooted in Islamic jurisprudence. The role of international and regional institutions in improving gender equality within Islamic legal frameworks is quite challenging due to variations in national legislation, cultural norms, and interpretations of Sharia law. Organizations such as the United Nations (UN), UN Women, the Organization of Islamic Cooperation (OIC), the League of Arab States (LAS), and some regional institutions have sought to implement legal mechanisms to enhance women's rights, significant legal and socio-political barriers remain. This article explores the existing international legal institutions, assesses their effectiveness in Islamic states, and identifies unresolved issues requiring further research.

Extensive research has been conducted on the role of international human rights law in shaping domestic legal systems in the Islamic states. Scholars such as M. Baderin and A. Mayer have examined the compatibility of Islamic law with international human rights standards, particularly the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) [1]. However, gaps remain regarding the enforcement of these frameworks in Islamic states. Studies by Z. Mir-Hosseini, A. An-Na'im, and M. Ssenyonjo highlight the challenges of integrating gender-sensitive legal reforms within Sharia-based jurisdictions [2, p. 9]. There are some studies by Ukrainian scientists in this sphere such as H. Behrouz, S. Zinko, O. Besedina, T. Beiva, V. Nesterenko.

Furthermore, the role of regional organizations, for example the League of Arab States and the African Union, remains an underexplored area in the context of women's rights in Islamic states [3]. This article seeks to contribute to the existing scholarship by analyzing the impact of global and regional legal institutions on women's rights within Islamic states, with a focus on practical implementation.

The purpose of this research is to evaluate the effectiveness of international and regional institutions in promoting women's rights in Islamic states through legal mechanisms, and assess the extent to which international human rights norms, particularly CEDAW and relevant UN resolutions, have been implemented in Islamic states. Purpose of the article is to analyze the role of regional organizations, such as the Organization of Islamic Cooperation, the League of Arab States, and the African Union, in shaping national policies on women's rights.

This research adopts a comparative legal analysis, focusing on case studies from selected Islamic states to evaluate the impact of international and regional legal frameworks. The study utilizes primary legal sources,

including international treaties, national legislation, and judicial decisions, as well as secondary sources such as scholarly articles and reports from human rights organizations.

The Arab region has recently experienced fast progress according to human development indicators, but continues to lag behind in certain measures. Women in the region have experienced a paradox of inequality. While education and health outcomes have seen positive improvement in recent decades, these have not translated into increased participation in political and economic life, or increased safety in the private sphere [6, p. 27]. The Most recent regional update on the Beijing Platform for Action notes a number of key achievements in the sphere of international treaties, legislation, education, health, economic empowerment, engagement with civil society and gender-responsive budgeting but challenges and obstacles remain.

The LAS has played a critical role in establishing regional legal frameworks for gender equality. The Arab Charter on Human Rights recognizes women's rights, but its impact is limited due to weak enforcement mechanisms and non-compulsory provisions [4]. Some LAS's members have taken steps toward gender reforms, but unfortunately disparities remain within national legal systems [9]. Women living in the LAS member states continue to face discriminatory attitudes and structures, many of which are institutionalized in legal frameworks and social systems, thereby creating state sanctioned discrimination. Furthermore, increased and prolonged conflict in the region has created specific gendered concerns and further impeded women's ability to live their lives fully [5, p. 61]. The member states of the League of Arab States have adopted international and regional frameworks that promote gender equality and women's empowerment, but the translation of these frameworks into domestic policy has been uneven. In addition, violence against women, female economic empowerment, political participation, and reproductive health can be sensitive issues for member states [5, p. 59].

The United Nations plays a significant role in promoting women's rights in Islamic states through various legal instruments, policy initiatives, and advocacy efforts [7]. As the leading international organization for human rights, the UN has developed frameworks that influence national policies and legal reforms in Islamic states. One of the most significant contributions of the UN is the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), adopted in 1979 [11]. CEDAW remains the most comprehensive international treaty addressing gender equality, with many Islamic states having ratified it, albeit with reservations to articles perceived as inconsistent with Sharia law [1]. Despite the fact that many Islamic states have ratified CEDAW, numerous reservations remain, particularly concerning family law, inheritance, and guardianship. The UN Human Rights Council and the Committee on the Elimination of Discrimination Against Women have issued periodic reviews highlighting areas where national laws fail to meet international obligations [4]. However, enforcement mechanisms remain weak due to state sovereignty concerns and varying interpretations of Islamic legal principles.

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. 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 [8]. Additionally, the UN Human Rights Council (UNHRC) plays a crucial role by issuing resolutions and conducting universal periodic reviews that positively influences the progress of women's rights in Islamic states [13]. The UN's legal advocacy, policy guidance, and technical support, play a significant role in addressing gender inequalities and ensuring that women's rights continue to improve within the legal frameworks of Islamic states.

The Organization of Islamic Cooperation plays a significant role in improving the policies on women's rights in Islamic states by providing a platform for dialogue and cooperation among its 57 member states. Recognizing the importance of gender equality, the OIC has adopted several initiatives aimed at improving women's legal status, but at the same time respecting Islamic principles. One of the most notable frameworks is the OIC Plan of Action for the Advancement of Women (OPAAW), adopted in 2016. This document outlines commitments to advancing women's education, economic participation, and protection against violence [2]. However, since OIC resolutions are non-binding, their implementation depends on the willingness of individual member states to incorporate these principles into their national legal frameworks.

The OIC also actively collaborates with international and regional organizations to promote women's rights. The Independent Permanent Human Rights Commission (IPHRC), established in 2011, serves as an

advisory body within the OIC and provides recommendations on gender equality and legal reforms [10]. The OIC also engages with UN Women and the UN Human Rights Council to harmonize global human rights standards with Islamic values. OIC's role is instrumental in fostering dialogue and policy development, the effectiveness of its initiatives largely depends on state cooperation and political will within the Islamic world.

African regional institutions play an important role in promoting women's rights in Islamic states, particularly in North and West Africa, where legal systems often blend Islamic law with customary and statutory frameworks. The African Union (AU) has been a leading advocate for gender equality through the Maputo Protocol on the Rights of Women in Africa [15]. This treaty, which supplements the African Charter on Human and Peoples' Rights, guarantees women's rights in areas such as marriage, inheritance, and protection against gender-based violence. However, enforcement remains inconsistent because of cultural resistance and the coexistence of Sharia-based laws in some member states [12, p. 632].

Sub-regional organizations such as the Economic Community of West African States (ECOWAS) and the Arab Maghreb Union (UMA) have also developed policies addressing gender equality. ECOWAS, for example, has integrated women's rights into its broader human rights framework, emphasizing the protection of women against harmful traditional practices. The African Court on Human and Peoples' Rights has ruled on gender-based discrimination cases, contributing to the judicial reinforcement of women's rights [14]. Despite activity of the above-mentioned organisations, challenges exist in correlating these regional efforts with national laws, especially in states where Islamic jurisprudence influences legal interpretations. There is a significant need in strengthening the role of these institutions through better enforcement mechanisms and increased cooperation with international bodies. That would influence a lot the process of advancing women's rights in Islamic states across Africa.

Analyzing input and activity of the international and regional institutions we can make conclusions that they play an important role in improving the legal landscape for women's rights in Islamic states, but their effectiveness is often constrained by cultural resistance, and different levels of commitment among member states. Frameworks such as CEDAW, the Arab Charter on Human Rights, and the Maputo Protocol provide important legal foundations, however, their implementation remains inconsistent because of reservations and conflicting interpretations of Sharia law.

The role of the above-mentioned international institutions is complicated by the need to balance international human rights standards with local customs and religious doctrines. We can observe that despite the challenges, progress has been made through advocacy, legal reforms, and policy initiatives. Significant steps have been made in the direction of increasing women's participation in public life, equal access to education, and addressing gender-based violence. However, many Islamic states continue to grapple with structural barriers that limit the full realization of women's rights, including restrictive family laws, economic disparities, and political underrepresentation. Strengthening the enforcement mechanisms of international and regional legal instruments, growing collaboration between governments and civil society, and promoting culturally sensitive reforms are essential steps toward achieving gender equality in Islamic states.

REFERENCES

1. UN General Assembly (1979). Convention on the Elimination of All Forms of Discrimination Against Women. United Nations. Treaty Series. Vol. 1249. 18 December 1979. Retrieved from: <https://www.refworld.org/legal/agreements/unga/1979/en/13757>.
2. Organization of Islamic Cooperation. (2021). OIC women and development report. Progress towards the Implementation of the OIC Plan of Action for the Advancement of Women (OPAAW). OIC Publications.
3. African Union strategy for gender equality and women's empowerment. (2025). African Union. Retrieved from: <https://au.int/en/articles/au-strategy-gender-equality-and-womens-empowerment>.
4. League of Arab States (1994). Arab Charter on Human Rights. Retrieved from: <https://www.refworld.org/legal/agreements/las/1994/en/10672>.
5. International Institute for Democracy and Electoral Assistance. (2017). Regional organizations, gender equality and the political empowerment of women.
6. Vishwanath, T. (2012). Opening Doors: Gender Equality in the Middle East and North Africa. Washington, DC: World Bank.
7. United Nations. (2024). Iran must prioritize women's rights, right to life, and improve transparency, says UN expert. Retrieved from: <https://www.ohchr.org/en/press-releases/2024/11/iran-must-prioritise-womens-rights-right-life-and-improve-transparency-says>.

8. UN Women – Arab States. (2015). Arab league presents regional action plan for women, peace and security. Retrieved from: <https://arabstates.unwomen.org/en/news/stories/2015/10/arab-league-presents-regional-action-plan>.
9. Rishmawi, M. (2015). The League of Arab States human rights standards and mechanisms. Society Foundations and Cairo Institute for Human Rights Studies.
10. Mayer, A. E. (2013). Islam and Human Rights: Tradition and Politics (5th ed.). Routledge. Retrieved from: <https://doi.org/10.4324/9780429495120>.
11. Baderin, M. (2003). International Human Rights and Islamic Law. Oxford: Oxford University Press. *American Journal of International Law*.
12. Mir-Hosseini, Z. (2006). Muslim Women's Quest for Equality: Between Islamic Law and Feminism. *Critical Inquiry*, 32 (4), p. 629–645.
13. An-Na'im, A. (2010). Islam and the Secular State: Negotiating the Future of Shari'a. Harvard University Press.
14. Langworthy, M., Naguib, R. (2024). Through the Eye of the Needle: Lessons in Women's Empowerment and Public Policy from the Arab Gulf. In: Naguib, R. (eds). Women's Empowerment and Public Policy in the Arab Gulf States. Gulf Studies. Vol 11. Springer, Singapore. https://doi.org/10.1007/978-981-99-6006-4_7.
15. Human Rights Watch (2023). Middle East and North Africa: End curbs on women's mobility. Retrieved from: <https://www.hrw.org/news/2023/07/18/middle-east-and-north-africa-end-curbs-womens-mobility>.

ВИКОРИСТАНІ МАТЕРІАЛИ

1. United Nations. Convention on the Elimination of All Forms of Discrimination Against Women. Treaty Series. 18 December 1979. Vol. 1249. URL: <https://www.refworld.org/legal/agreements/unga/1979/en/13757>.
2. Organization of Islamic Cooperation. OIC women and development report. Progress towards the Implementation of the OIC Plan of Action for the Advancement of Women (OPAAW). OIC Publications. 2021.
3. African Union. African Union strategy for gender equality and women's empowerment. 2025. URL: <https://au.int/en/articles/au-strategy-gender-equality-and-womens-empowerment>.
4. League of Arab States. Arab Charter on Human Rights. 1994. URL: <https://www.refworld.org/legal/agreements/las/1994/en/10672>.
5. International Institute for Democracy and Electoral Assistance. Regional organizations, gender equality and the political empowerment of women. 2017.
6. Vishwanath T. Opening Doors: Gender Equality in the Middle East and North Africa. Washington, DC : World Bank. 2012.
7. United Nations. Iran must prioritize women's rights, right to life, and improve transparency, says UN expert. 2024. URL: <https://www.ohchr.org/en/press-releases/2024/11/iran-must-prioritise-womens-rights-right-life-and-improve-transparency-says>.
8. UN Women – Arab States. Arab league presents regional action plan for women, peace and security. 2015. URL: <https://arabstates.unwomen.org/en/news/stories/2015/10/arab-league-presents-regional-action-plan>.
9. Rishmawi M. The League of Arab States human rights standards and mechanisms. Society Foundations and Cairo Institute for Human Rights Studies. 2015.
10. Mayer A. E. Islam and Human Rights: Tradition and Politics (5th ed.). Routledge. 2013. URL: <https://doi.org/10.4324/9780429495120>.
11. Baderin M. International Human Rights and Islamic Law. 2003. Oxford : Oxford University Press. *American Journal of International Law*.
12. Mir-Hosseini Z. Muslim Women's Quest for Equality: Between Islamic Law and Feminism. *Critical Inquiry*. 2006. Vol. 32 (4). P. 629–645.
13. An-Na'im A. Islam and the Secular State: Negotiating the Future of Shari'a. Harvard University Press. 2010.
14. Langworthy M., Naguib R. Through the Eye of the Needle: Lessons in Women's Empowerment and Public Policy from the Arab Gulf. In: Naguib, R. (eds). Women's Empowerment and Public Policy in the Arab Gulf States. Gulf Studies. 2024. Vol. 11. Springer, Singapore. URL: https://doi.org/10.1007/978-981-99-6006-4_7.
15. Human Rights Watch. Middle East and North Africa: End curbs on women's mobility. 2023. URL: <https://www.hrw.org/news/2023/07/18/middle-east-and-north-africa-end-curbs-womens-mobility>.