



The Issue of Women's Rights in Religious Courts

Women's rights have long been an issue all around the world, with several positive developments noted in recent years. It is encouraging to note that in many countries, women are gaining greater equality across core areas of life, such as the workplace, and there is an increasing level of female political representation. However, a number of reports and articles published earlier this year have suggested that there are only 10 countries in the world which offer full equal rights for women.

The recent Taliban takeover of Afghanistan has once again brought to light the controversies surrounding women's rights in those countries which operate under religious laws. Women within Afghanistan suffer from issues such as a lack of civil liberty and rights which can be enforced through the legal system of Shari'ah courts. These systems deal with both civil and criminal law.

An example of an issue that can arise within such courts would be that of women working. In many modern religious states, a woman is not able to take a job without the permission of her husband. In Jordan, if a woman takes a job against her husband's wishes, she waives her right to *nafaqa* which is the financial maintenance or support that is a part of the Islamic marriage contract. This could be enforced through the use of a religious court.

Furthermore, most countries which apply the Hanafi school of Islamic law allow a man to divorce his wife at will, without reason yet women are denied the same right. This is a clear representation of the legal inequality of men and women under religious law. Additionally, it could be contrary to the right to equality within marriage.

The very first article of the UN Declaration of Human Rights states that "all human beings are born free and equal in dignity and rights". If women are denied these rights and have these restrictions imposed by religious courts, this right is not met.

This is a difficult topic to approach as religious laws are an intrinsic part of culture and practices. However, it is important that women's rights are maintained globally, regardless of the religious or legal systems in place. Please approach this issue with delicacy and care.

Points to consider

- How can equal rights be ensured without disrespecting traditional laws and cultural norms?
- Where does the distinction lie between upholding religious laws and denying rights?
- To what extent can restrictions be placed upon sovereign governments?

Useful links

- <https://www.hrw.org/news/2021/09/29/list-taliban-policies-violating-womens-rights-afghanistan>
- <https://www.bbc.co.uk/news/world-27307249>