



COMMISSION ON THE STATUS OF WOMEN

ISSUE: *Striking a Balance Between Religious Traditions and Gender Equality*

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Table of Contents

Introduction	3
Definition of key terms	4
General Overview	5
Major parties involved.....	6
Timeline of key events	7
Previous attempts to solve the issue	8
Possible solutions	9
Appendices/Bibliography	10

Introduction

Although religion has been playing a crucial role in influencing cultural, ethical, and social norms in societies, in most cases it has been found to have a connexion to the culture that essentially undermines the rights of women in key issue areas like education, marriage, inheritance, clothing and involvement in politics. In certain places entrenched practises grounded on religious interpretations have worked to legitimise unequal treatment and disempowerment women to access all the rights they deserve and to engage in the wider world. Meanwhile, religion, as well, is a source of identity, community, and moral orientations to billions of individuals throughout the world, which makes tackling this challenge highly sensitive and complicated.

The Commission on the Status of Women (CSW) is therefore consequently challenged to work towards gender equality without cutting into religious freedom right as laid out in the international law and security of right to human rights enshrined in the Universal Declaration of Human Rights. To find this balance it is necessary to note that development of women rights cannot be forced where cultural customs are refused or denied since this may be seen as a way of striving to succeed or face a backlash. Rather, it was prospective reform that needed to entail dialogue, cooperation, and reworking of traditions in terms that were respectful of not only the principle of equality but also of the diversity of religious identities. This weight is fundamental in a way that the rise to gender equality is achieved not just in theory but also maintained in practise to build inclusive societies where empowering women lives hand in hand with the respect of cultural and spiritual legacy.

Definition of key terms

Gender Equality: This is the situation where all members of these genders find equal opportunities, resources, rights, and protection in the law and in actual practise.

Religious Traditions: Beliefs, practises and rituals that are held based on religious groups and associate with laws, social norms and expectation of culture.

Freedom of Religion: The right to profess, to practise, to change, or to abstain, voluntarily without compulsion, a religion, which is guaranteed in Article 18 of the Universal Declaration of Human Rights (UDHR).

Cultural Relativism: This doctrine of interpreting and explaining practises through the individual cultural and social environment, instead of through general norms.

Secularism: Division of religious organisations within state organisations, the creation of a neutral clause in the official policy of the state and the right to the individual.

Patriarchy: A societal arrangement where men are the main source of authority as much as shown through the religious or cultural setups restricting the role and rights of women.

Intersectionality: Interwovenness of social groups like gender, religion, social classes and ethnicities, forming intersecting systems of discrimination or under-privilege.

Customary Law: Rules or customary practises of daily life that have generally been agreed upon by religion, and that regulate issues like marriage, inheritance, or the relationship between characters.

Discrimination: Inequal or unfair treatment of a person defined by their gender, religion or other identity markers which is usually institutionalised in law or tradition.

Empowerment: This is the act of making women more agency and more decision-making as well as more partakers in everything there is in life and even in the religious and cultural life.

General Overview

Historical background

The conflict of the religious tradition and gender equality consists of long-term historical bases. Over thousands of years religious beliefs have been used as potent source of moralities, rules, and social living. Most religious texts and interpretations however were written in patriarchal societies, in which men had dominion and control and women were mostly backward or responsibility bound. Arranged marriage, lack of craving education on the part of women and a limit on their legal and political action can be tracked to religious law interpretation. As an example, in certain Christian cultures women used to be historically stigmatised in terms of holding leadership positions in churches and in most Islamic environments, the belief in Sharia has curtailed rights of inheritance and testimonies among women. Equally, the South Asian Hindu customs at once supported the child marriage at that of widow's remarriage. Although these practises were historical, they are still affecting modern technologies.

Present situation

The equality of the genders nowadays is an officially proclaimed human right of the 21 st century, supported by the treaties such as the Convention on the Elimination of All the forms of the discrimination of the women (CEDAW) and the Beijing Declaration and Platform of Action. However, in most of the territories, religious practises continue to affect women rights. In certain states such as Saudi Arabia and Iran the dressing and movement and even the role of women in one society are dictated by religiously inclined laws. The heavy restrictions on women in Afghanistan in the area of education and employment can be attributed to the Taliban in controls. Meanwhile, religion does not inhibit gender equality in all places. The religious teachings are being subjected to reinterpretations in few contexts in order to empower women. Likewise, family law reforms in Tunisia and changes in the same area and Moroccan inheritance regulations indicate that religion does not have to be anti-equality. Religious movements organised by women are also stepping up as a strong voice of reinterpretation of holy books and focus on ethics of justice, dignity and compassion. Nonetheless, the international scandals like the niqab or hijab prohibition in European society manifest the ambiguity of the choice of women, the definition of their culture, and the policy of states.

Future Outlook

The issue in the future will be whether to encourage gendering equality without offending and marginalising religious communities. Such issues as reproductive rights, growing female leadership in the religious world, and the fit between the rules of religious families and the international human rights limits are likely to be involved in future discussions. Due to the rising globalisation

and migration, there will be rising debate on whether secular laws ought to curb religious practises that are perceived to be discriminatory.

The future will be highly influenced by technology and education. Women in religious associations are scrutinising traditional understanding and are insisting on equality with increased access to knowledge. Expanding social media has also helped women to organise and express themselves on the global platform boosting the activism on the ground. Nevertheless, it can also be resisted, as in the emergence of conservative movements that are protecting old fashioned gender roles under the umbrella of faith.

Key challenges

Some of the current challenges that the CSW has to be aware of are as follows:

1. Striking Balance of Rights -There should be gender equality, freedom of religion is honoured, which is also guaranteed by the international law.
2. Cultural Resistance - Other communities are said to find the international pressure to reform threatening their identity, thus they might become a backlash.
3. Legal Duality- In most states, religious laws are alongside pertinent bodies of law through which there are contradictions between the rights of women in matters of marriage, divorce, and inheritance.
4. Global Polarisation - Part of the states emphasise universal gender equality standards, whereas other protect religious exceptions, and consensus is challenging to reach at the UN.
5. Intersectionality - There is no one size fits all answer to these issues as women will experience any of them according to their classes, their ethnic backgrounds, and their location.

Major parties involved

Countries

Saudi Arabia - The legal system is very Sharia oriented. It is the centre of the conversation on religion and the rights of women due to restrictions of dress, guardianship and restrictions of participation in politics.

Iran - Since the year 1979, laws that are based on Islamic jurisprudence restrict the rights of women in marriage, custody, dress and access to public. The latest protests (e.g., after the death of Mahsa Amini in 2022) draw worldwide attention to the problem.

Afghanistan - During the Taliban rule, women are severely limited in education, employment, and movement, and thus, the country is among the most radical cases of gender inequality in religious terms.

Tunisia - A liberal model in the Arab world. Tunisia has already rewritten family law, and eliminated the so-called marry-your-rapist clauses, and is deliberating on inheritance equality, so it is a model of reform.

Morocco - Recently amended the Moudawana (family code) to increase the rights of women in the areas of marriage, divorce, and custody without jeopardising religious legitimacy.

France – Representative of the other dilemma: denying religious expression, including the wearing of the hijab in government-funded institutions, brings up questions of whether equality and freedom of religion are compatible among women.

Sweden / Norway / Canada - Recurrent champions of full gender equality in the UN, taking vigorous positions in CSW deliberations.

Organisations

Commission on the Status of Women (CSW) - Main organ that talks about women rights within the UN system.

UN Women - Works around the world to empower women, sometimes having to reconcile human rights standards with cultural sensibilities.

Office of the High Commissioner of Human Rights (OHCHR) - Observes the violation of women rights in the name of religion.

Organisation of Islamic Cooperation (OIC) - A group of Muslim majority nations tends to focus on religious and cultural exemptions of global gender equality standards.

European Union (EU) - Advocates gender equality, yet internally has a challenge of inconsistencies in member states in terms of religious expression (e.g. hijab bans).

Human rights watch and amnesty international- Investigate and report on violations of women rights in the name of religion and in many cases they mount pressure on states to abide by CEDAW.

Religious Women Organisations - Faith-based organisations like Musawah (a trans-national movement to equality in Muslim family law) support reinterpretations of religious text to foster equality at a faith-based level.

Timeline of key events

1948 - The Universal Declaration of Human Rights (UDHR) comes into existence, and it defines freedom of religion (Article 18) and non-discrimination (Article 2).

1979 - The Convention on the Elimination of All forms of Discrimination against women (CEDAW) gets adopted. Some states, however, make reservations on the basis of conflicting religious or cultural practises.

1995 - The Beijing Declaration and Platform of Action is adopted which requires governments to question cultural and religious practises that infringe upon the rights of women.

2004 - Morocco modernises its Moudawana (family code), increasing the marriage age, limiting polygamy, and giving women more power over family affairs but retains Islamic perspectives.

2011 - Arab Spring movements bring new discussions in the Middle East and North Africa on the rights of women, religion and democracy. Tunisia comes out as a pioneer in gender reforms.

2017 - Tunisia enacts changes that permit Muslim women to marry non-Muslim

men and discusses the equality of inheritance, which provokes some significant religious controversy.

2019 - In Saudia Arabia women were granted the right to travel without the permission of a male guardian.

2021 -The Taliban returns to power in Afghanistan and reverses twenty years of women's educational, labour, and political empowerment in the name of religious law.

2022 - Protests in Iran After the death of Mahsa Amini in police custody due to allegations of wearing improper hijab. This creates controversy of women rights and religious dressing the world over.

2023 - The European Court of Justice affirms the freedom of the company in the EU to prohibit visible religious symbols in the workplaces (including the hijab), further adding to the discussions about freedom of religion and the rights of women.

2024/2025 - Continued Moudawana reforms in Morocco aim to increase the rights of women to inheritance and custodianship, in a way that reconciles feminist pressures with religious authority.

Previous attempts to solve the issue

International Treaties and Frameworks.

Universal Declaration of Human Rights (1948) - Defined the religious freedom principles (Article 18) and non-discrimination (Article 2). The general language however provided space to allow states to understand rights within the cultural and religious contexts.

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979) - The most broad-based treaty on the rights of women. Although it was widely ratified, most countries, such as Saudi Arabia, Iran, and others, made reservations to the provisions that they claimed to contradict the religious or cultural laws decreasing its usefulness.

Beijing Declaration and Platform for Action (1995) - Requested governments to combat negative cultural and religious practises, particularly those that limit the rights of women in family laws, marriage and political representation. It is a guiding document, however, not binding.

International Organisations and United Nations.

Commission on the Status of Women (CSW) - Consistently tackles the problem of culture and religion in the formulation of women rights. But negotiations tend to stall out in disagreements between liberal states and conservative states on cultural or religious exceptions.

UN Women and OHCHR - Have initiated projects of involving religious leaders in gender equality activities, encouraging the reinterpretation of religious texts favouring the empowerment of women. This has led to mixed results because outreach is local-intensive.

National-Level Reforms

Morocco (2004, 2024-25 in progress) - The changes to the Moudawana (family code) increased the marriage legal age, limited the polygamy, and broadened the divorce and custody rights of women. The present discussions revolve around inheritance and wider equality reforms, but opposition to these changes by conservative groups is still high.

Tunisia (2017) - proposed legislation that enabled Muslim women to marry non-Muslim men and discussed the equality of inheritance. Though acclaimed in

other countries, it caused domestic unrest among religious leaders.

Saudi Arabia (2019) - Reforms that were introduced that weakened male guardianship restrictions meaning that women could travel without a male guardian consent. However, a lot of other limits, as with family law, continue to exist.

Religious movements.

Musawah (formed 2009) - An international movement campaigning equality and justice in Muslim family law, applying Islamic precepts to present the concept of gender equality within their religion.

Christian, Jewish, Hindu, and Buddhist feminist movements - Have also advocated readings between religious texts in a bid to endorse the dignity and leadership of women. Such initiatives are effective on a local level but tend to be opposed by the conservative religious leaders.

Limitations of Past Efforts

With such efforts, the developments are at an unequal pace. State reservations hurt international treaties such as CEDAW. Reforms are likely to be opposed unsolicited at the national level. Grassroots movements have worked effectively in increasing awareness, but they do not have the strength to implement change on a systemic level. The inability of universal human rights norms to be in agreement with the respect given to religious traditions still stands in the way of significant breakthroughs at the UN level.

Possible solutions

The inclusion dialogue with religious leaders is one of the strategies that can be encouraged. Given the fact that religious leaders tend to be dominant members of their communities, the involvement in the debate about gender equality can help rebrand traditions to make them consistent with human rights standards. It is possible to deepen cooperation with faith-based organisations and progressive religious leaders who already promote equality by the CSW and UN Women. Interfaith conversations might also be a place where best practises across religions can be exchanged, misconceptions can be minimised, and gender justice can be shown to be rooted in spiritual values and not perceived as external forcing.

The other possible remedy is to promote context-sensitive reformation of laws that would address both the religious traditions and women rights developments. Instead of foisting a universal legal paradigm, governments might seek to undertake incremental reforms that are culturally acceptable and enhance the access of women to justice, inheritance, education and political participation. An example of how religiously rooted systems can adjust to their expansion of equality whilst preserving legitimacy is the reforms to the Moudawana (family code) in Morocco. UN might assist in such processes with technical support and by making sure that dual legal systems maintain the minimum international human rights standards.

Another measure is the shift of attitudes in the society concerning the rights of women in religious systems through education and awareness campaigns. Education has been among the most effective long term empowerment strategies, as it provides women with the interventions to be able to advocate themselves in their religious and cultural settings. Stereotypes about gender justice and the compatibility of faith and equality can be overcome by public campaigns about success stories of women leaders who have managed to reconcile faith and equality, and by grassroots level educational initiatives that would encourage both men and women to view gender justice as a way of staying consistent with religious teachings. Social media is also associated with giving women a platform to be heard and broadcast their inclusive stories to broader audiences.

Protection of the freedom of religion as well as preservation of the rights of women is also critical. Both gender equality and religious freedom are supported by the international law, yet, the situation gets pretty uncomfortable in the cases when one is exploited to the detriment of the other. The CSW might come up with principles that would guide governments and policy formulation in this balance by emphasising that religious freedom can never be used to

justify systematic discrimination. Tracking systems may be implemented to detect and deal with instances of discriminatory actions being camouflaged as religious requirements. An approach that is more respectful of cultural diversity can exist, but it is not a universal model, and can still be used to promote equality.

One of the key strategies is the maximisation of international collaboration on this matter. States may be advised to rethink or withdraw reservations to CEDAW based on the religious traditions since these restrict the effectiveness of the treaty. The CSW may also form a special working group on religion and gender equality to enable the secular and religiously influenced states to communicate. Additionally, financing and technical assistance may be channelled to local women activists groups that promote reform within religious systems, which give voice to local voices that tend to be more instrumental in bringing enduring change.

Lastly, solutions should be intersectional. Ladies are not confined in isolation; their treatment frequently is determined by factors overlapping: ethnicity, class, or minority religious status. A blanket policy would not take into consideration these realities. Rather, CSW resolutions and international policies must consider the reality that minority and marginalised women are frequently victims of two-tiered discrimination; not only by patriarchal religious standards but also by social or political marginalisation. Intersectionality can help make solutions more responsive and inclusive of the multifaceted experience of women.

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