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To cite this article: Hanan Abu Mukh & Oqab Jabali (05 Jul 2025): Empowerment through choice: Palestinian women's attitudes towards marriage rights in Islamic Sharia and CEDAW, Journal of Gender Studies, DOI: [10.1080/09589236.2025.2530004](https://doi.org/10.1080/09589236.2025.2530004)

To link to this article: <https://doi.org/10.1080/09589236.2025.2530004>



Published online: 05 Jul 2025.



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RESEARCH ARTICLE



Empowerment through choice: Palestinian women's attitudes towards marriage rights in Islamic Sharia and CEDAW

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ABSTRACT

In the Palestinian context, where sociopolitical challenges and ongoing conflict are deeply intertwined with the unlawful Israeli occupation, issues of marriage rights become even more complex, further hindering women's pursuit of their autonomy and rights. The Israeli occupation, which violates international human rights law – including the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Elimination of All Forms of Racial Discrimination (CERD) – exacerbates the violation of Palestinians' fundamental rights. This reality underscores the urgency of advancing women's rights in Palestine, as the occupation not only restricts broader human rights but also compounds the specific challenges women face in realizing their full autonomy and equality under international law. Through the lens of legal pluralism, feminist jurisprudence and intersectionality, this qualitative study investigates Palestinian women's perspectives on marriage and divorce. Palestinian women navigate a pluralistic legal system where Sharia, national laws, and international human rights standards intersect, shaping their marital rights. While some view Sharia as protective, others advocate for reform, strategically invoking frameworks like CEDAW. Islamic feminism and *maqasid al-Sharia* play a key role in reinterpreting religious laws to promote gender justice. However, patriarchal norms, family pressure, and socio-political barriers limit women's autonomy in marriage and divorce.

ARTICLE HISTORY

Received 31 October 2024
Accepted 1 July 2025

KEYWORDS



Autonomy; CEDAW; divorce rights; feminism; Islamic Sharia; marriage rights

SUSTAINABLE DEVELOPMENT GOALS

SDG 5: Gender equality

Introduction

Despite international commitments to gender equality, including provisions outlined in Article 16 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (United Nations, 2017), Palestinian women continue to encounter significant barriers in realizing their rights related to marriage and family relations (Hattab & Abualrob, 2023). Article 16 mandates the elimination of discrimination in marriage matters, emphasizing women's right to freely choose a spouse, enter into marriage with full and free consent, and establish equal rights and responsibilities within marriage and at its dissolution

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(Vijayarasa, 2022). However, cultural norms (UN Women, 2018), societal pressures (Human Rights Watch, 2018), and the complexities of both traditional and contemporary legal frameworks in Palestine (Welchman, 2000) often undermine these rights, restricting women's autonomy in choosing their partners (Hemat & Sekandary, 2022) and creating an unequal distribution of responsibilities within marriages (Muhammad & Kassim, 2016). These challenges persist despite Palestine's 2014 accession to CEDAW (Ahmed & Nurazmallail, 2018), revealing a significant gap between international commitments and local implementation (Adam, 2021; Shadi & Hayashi, 2017).

This study aims to examine Palestinian women's perspectives on these provisions of Article 16, with a particular focus on how they perceive the alignment, or lack thereof, between these international rights and the realities of Palestinian society and legal practices. By exploring their lived experiences, the research seeks to identify the challenges Palestinian women face in asserting their rights and how these challenges impact gender equality within the context of both traditional norms and contemporary legal structures. This analysis will highlight the ways in which societal values and legal frameworks intersect, often complicating women's ability to fully realize their rights to autonomy and equality in marriage.

In Palestine, marriage and divorce laws are shaped by both Islamic legal principles and (CEDAW), resulting in a complex legal framework. Palestine, comprising the West Bank and Gaza Strip, is home to 2.9 million people, with 80% to 99% being Muslim. Despite UN recognition, some states deny its statehood due to ongoing conflict with Israel (Roth, 2023). Palestinians face human rights violations, including forced eviction and arbitrary arrests, highlighting national insecurity and marginalization (Amnesty International, 2019). Marriage and divorce patterns in Palestine and the West Bank highlight key regional differences in the frequency and timing of these events. According to the Palestinian Central Bureau of Statistics (PCBS, 2023), Palestine recorded 43,430 registered marriages in 2023, with the West Bank accounting for 24,263. The crude marriage rate for Palestine was 8.1 per 1,000 people, while the West Bank had a slightly lower rate of 7.6. Regarding divorce, Palestine recorded 9,564 registered divorces, with 5,302 occurring in the West Bank; the crude divorce rate followed a similar trend, with Palestine's overall rate at 1.8 and the West Bank slightly lower at 1.7 (PCBS, 2023).

The significance of this study lies in its potential to amplify Palestinian women's voices, offering valuable insights into their perspectives on marital rights within both Sharia law and CEDAW frameworks. By documenting these viewpoints, the research will contribute to a deeper understanding of how cultural, legal, and social factors influence women's rights in Palestine. The findings will also inform policymakers, activists, and legal practitioners about the specific challenges Palestinian women face, which can lead to more effective advocacy and the development of legal reforms aligned with international human rights standards. Ultimately, this study aims to contribute to the broader discourse on gender equality in conflict-affected regions, underscoring the need for legal frameworks that balance cultural sensitivities with women's empowerment and rights.

Research questions

To advance this aim, the study is guided by the following research questions:

- (1) How do Palestinian women perceive the intersection of Islamic Sharia and CEDAW in shaping their marital rights and freedoms?
- (2) In what ways do legal, cultural, and social factors influence women's ability to exercise equality in marriage and during its dissolution?
- (3) How do women evaluate the effectiveness and limitations of both Sharia law and CEDAW in protecting their rights within the Palestinian legal context?

Motives for Palestine's accession to CEDAW

CEDAW establishes comprehensive obligations for signatory states to eliminate gender discrimination through legal reforms, policy measures, and cultural transformation (Orta, 2023; Vijeyarasa, 2022). It mandates equal pay, educational access, and the dismantling of restrictive gender stereotypes (Duguri, 2020; Sen, 2019). While driving legislative advancements globally, its provisions on family law often intersect with Sharia's frameworks governing marriage, divorce, and inheritance (Hattab & Abualrob, 2023; Robinson, 2021). Islamic jurisprudence, rooted in Quranic principles and Hadith, defines gender roles while affirming women's dignity (Al Aghbari et al., 2024; Al-Rasbi & Anwar, 2024), with contemporary scholars emphasizing its adaptability through feminist reinterpretations and context-sensitive applications (Sofiandi et al., 2024). The interaction between international rights norms and Islamic legal traditions underscores the need for dialogue-oriented approaches that reconcile CEDAW's equality mandates with Sharia's ethical foundations, particularly in family law where interpretive flexibility exists (Aissaoui, 2024).

Palestine's 2014 accession to CEDAW was both a strategic and principled move, reflecting its commitment to women's rights and enhancing its legal and political standing amid a complex socio-political context (Hattab & Abualrob, 2023). By joining CEDAW, Palestine embraced international women's rights standards while navigating the challenges of occupation (Longobardo, 2014). The accession provided a legal framework to combat discrimination and advance women's rights in education, work, health, and political participation (Shadi & Hayashi, 2017).

Beyond legal reforms, CEDAW accession served Palestine's broader political objectives, allowing engagement with international human rights frameworks without requiring explicit state recognition – an important factor in Palestinian sovereignty debates (Fazaeli & Hanisek, 2021; Sakran & Hayashi, 2017). It also enabled Palestine to leverage international mechanisms for legal recourse, strengthening protections for Palestinian women despite occupation-related obstacles (Shehab & Marni, 2018).

Furthermore, Palestine's commitment to CEDAW aligns with its broader goal of sustainable development, recognizing that empowering women is essential for long-term economic and social progress (Rudolf, 2020). This engagement enhances its international standing, facilitates global support for gender equality, and supports efforts to address critical issues such as low educational attainment, labour market discrimination, domestic violence, and challenges in marriage and divorce (Rana & Perrie, 2019; United Nations, 2017).

Since ratifying CEDAW in 2014, Palestine has enacted measured legal reforms while maintaining reservations on Articles 9(2) and 16 regarding nationality and family law (United Nations, 2017). The amended Penal Code (2018) abolished reduced sentences for 'honor killings' (Article 98) and recognized marital rape (Article 293), though enforcement

remains inconsistent due to patriarchal judicial attitudes (Human Rights Watch, 2018). Labor Law revisions (Decree-Law No. 14/2019) mandated gender equality in employment (Article 2) and extended paid maternity leave to 14 weeks (Article 107), representing direct CEDAW implementation. The draft Family Protection Law (2021), though stalled, proposed innovative measures like protection orders – a reform advocated by the Women’s Center for Legal Aid and Counselling (WCLAC, 2021). Institutionally, the Supreme National Committee for CEDAW Implementation (Presidential Decree No. 1/2015) coordinates compliance, while specialized gender units in key ministries operationalize reforms (UN Women, 2018).

Sharia courts have selectively incorporated CEDAW principles, with some judges waiving husband consent for khula divorces, though this remains discretionary rather than systematic (Shehada, 2009, p. 48). Persistent challenges include widespread judicial exceptions to the minimum marriage age and only 6% implementation of 2019–2023 CEDAW Committee recommendations (PCBS, 2023, p. 12), illustrating the gap between formal compliance and substantive change under occupation constraints.

By acceding to CEDAW without full statehood and with key reservations, Palestine presents a unique case of ‘strategic norm engagement’ (Fazaeli & Hanisek, 2021), where the treaty serves as both a rights-based tool and a diplomatic instrument. This dual function amplifies the complexity of implementation, as it intersects with religious courts, political fragmentation, and contested sovereignty. The theoretical lens of legal pluralism helps unpack this intersectionality, revealing how international norms are selectively internalized or resisted within hybrid systems of authority.

Islamic principles of marriage and divorce

Islamic law provides a comprehensive framework for marriage that emphasizes mutual consent, spousal equity, and familial stability while incorporating mechanisms for adaptation to contemporary needs (Dupret, 2017). In Palestine, this system operates through a unique hybrid legal structure that synthesizes divine principles (Sharia) with human jurisprudence (fiqh), manifested in the amended Jordanian Personal Status Law governing the West Bank and the adapted Egyptian Family Law applied in Gaza (Al-Sharmani, 2017; Welchman, 2000). This legal duality reflects both the enduring influence of traditional Hanafi jurisprudence and progressive reforms addressing modern gender equality concerns.

The Palestinian legal framework demonstrates this synthesis through several key provisions. Article 12 upholds the Islamic requirement for mutual consent in marriage (nikah), though in practice, cultural norms often temper women’s autonomy despite evolving Hanafi interpretations that grant mature women greater independence from guardians (wali) (Hemat & Sekandary, 2022). Article 130 facilitates women’s access to divorce through khula (conditional upon returning the mahr), representing an important intersection of classical Islamic principles with contemporary rights discourse (M. I. Mehmood & Hashim, 2021). Post-divorce protections like the iddah (waiting period) with mandated financial support (nafaqah) further illustrate how Palestinian law blends Sharia’s protective measures with modern welfare considerations.

Significant tensions emerge in reconciling these Islamic legal principles with CEDAW’s gender equality mandates, particularly concerning three key areas: spousal guardianship

(wilaya), polygamy regulations, and divorce procedures (Polfus, 2020, 2024). While Islamic law requires mutual consent for marriage validity, it maintains distinct gender roles in dissolution processes – permitting men unilateral talaq while requiring women to pursue judicial divorce (tafriq) or khula (Polfus, 2020; Sibouazza, 2024). Similarly, classical Islamic jurisprudence allows polygamy under strict equity conditions, directly conflicting with CEDAW’s categorical prohibition.

Palestinian legal institutions have developed nuanced approaches to these tensions. Courts increasingly employ maqasid al-Sharia (the higher objectives of Islamic law) to reinterpret traditional provisions through equity-focused lenses (Abu-Odeh, 2004). Notable reforms include mandatory judicial review of polygamous unions, expanded grounds for women-initiated divorce, and child welfare-oriented custody determinations that balance maternal custody (hadana) with paternal guardianship (wilaya) (Jaffal et al., 2022). Women’s rights organizations play a pivotal role in this evolution, strategically navigating between Islamic legal discourse and international human rights frameworks to advocate for progressive interpretations (Hasso, 2011).

The implementation gap between legal provisions and social practice remains a persistent challenge. While Palestinian law incorporates increasingly gender-sensitive interpretations of Islamic principles, patriarchal cultural norms and the political realities of occupation continue to constrain women’s full enjoyment of marital rights (Hattab & Abualrob, 2023). This disconnect highlights the complex interplay between religious law, state legislation, and societal values in shaping women’s lived experiences.

Ongoing reform efforts focus on several key areas: further streamlining divorce procedures for women, strengthening protections against child marriage, and developing more equitable inheritance frameworks. Comparative studies from other Muslim-majority jurisdictions implementing CEDAW, such as Indonesia’s conditional polygamy restrictions and Morocco’s family law reforms, offer valuable models for Palestine’s continuing legal evolution (Maret, 2024). These developments suggest a gradual but significant transformation in Islamic family law interpretation – one that maintains fidelity to religious principles while responding to contemporary understandings of gender justice (Aldi et al., 2024).

Reconciling CEDAW with Islamic law in Palestine

Efforts to harmonize international human rights frameworks with Islamic legal traditions remain a subject of ongoing debate. Some Muslim-majority countries have introduced legal reforms that accommodate both religious and international principles, such as requiring judicial oversight in polygamous marriages or expanding women’s access to divorce (Jaffal et al., 2022). Comparative legal experiences from Indonesia and France offer insights into how states can balance religious values with gender equality commitments (Maret, 2024).

In Palestine, women’s rights organizations play a crucial role in advocating for legal reforms that bridge the gap between CEDAW and Islamic jurisprudence. By engaging in dialogue with religious scholars, legal practitioners, and policymakers, these groups seek to develop interpretations that uphold both gender justice and Islamic ethical principles (Hasso, 2011; Johnson & Kuttub, 2001). The Palestinian legal system’s reliance on maqasid

al-Sharia (higher objectives of Islamic law) provides a potential avenue for advancing women's rights while maintaining religious legitimacy (Hajjar, 2004).

Existing studies have richly documented the doctrinal tensions between CEDAW and Islamic family law, yet few have examined how Palestinian women themselves experience and interpret these tensions in practice. Moreover, the role of maqasid al-Sharia in shaping women's legal strategies remains underexplored in the Palestinian context. This study addresses this gap by analysing how women's agency manifests within and across plural legal systems, drawing on both rights-based and faith-based discourses to pursue marital justice.

Theoretical and contextual foundations

This study is situated at the intersection of legal pluralism and feminist jurisprudence, where Palestinian women navigate competing frameworks of Sharia law, national legislation, and international human rights standards. The complex legal landscape in Palestine reflects what Griffiths (1986) terms 'deep legal pluralism', where the Jordanian Personal Status Law (amended) in the West Bank and Egyptian-derived family law in Gaza operate alongside religious court interpretations and customary practices (Welchman, 2000, p. 45). Legal pluralism in this context does not merely denote the coexistence of parallel legal systems, but rather reflects a dynamic negotiation of authority, legitimacy, and legal meaning among Sharia-based jurisprudence, colonial-era statutes, and international human rights obligations. As Griffiths (1986) distinguishes between 'weak' and 'strong' legal pluralism, Palestine exhibits a deep form of the latter, where non-state and transnational norms exert real influence on legal practice and decision-making. This study builds on this understanding by examining how Palestinian women engage with, reinterpret, or resist these overlapping frameworks in the domain of marriage and divorce.

This multiplicity creates both opportunities and constraints for women's marital rights, as evidenced by recent studies documenting how Palestinian women strategically invoke CEDAW provisions while negotiating traditional kinship structures (Al-Sharmani, 2021; Hattab & Abualrob, 2023). The occupation further complicates this dynamic by fragmenting jurisdictional authority and impeding consistent law enforcement (Tamimi et al., 2022), resulting in what Shehada (2009) describes as 'hybridized rights claiming' - a practice where women selectively combine religious, national, and international legal discourses to assert agency.

Theoretical insights from Islamic feminism (An-Na'im, 2002; Mir-Hosseini, 2006) prove particularly salient for understanding participants' divergent views on Sharia. Islamic feminism offers a critical epistemological framework that centres women's agency within Islamic tradition, advocating for gender justice through reinterpretation (ijtihad) grounded in Qur'anic ethics and social justice. 'Rights-based ijtihad', as articulated by Ayesha, refers to a hermeneutical approach that prioritizes gender equality, justice (adl), and public interest (maslaha) in re-reading classical fiqh. This approach enables reinterpretations of contentious issues like unilateral divorce or polygamy in ways that remain faithful to Islamic values while fulfilling CEDAW's mandates. The current study uses this lens to assess how women navigate, adopt, or contest such reinterpretations in real-life marital disputes.

As demonstrated in Al-Husseini's study of marriage patterns in Ramallah, younger Palestinian women increasingly employ *maqasid al-Sharia* (the higher objectives of Islamic law) to reconcile religious identity with gender equality aspirations. This aligns with global scholarship on CEDAW implementation in Muslim-majority contexts, which highlights how women's rights advocates reinterpret fiqh principles through what Ayesha (2018) terms 'rights-based ijihad' (p. 147). The current study extends this discourse by revealing how Palestinian women's lived experiences reflect Collins' (2019) intersectional matrix of domination, where gender oppression interacts with occupation-related constraints and class disparities to shape marital choices. As Matar (2019) notes in her analysis of Palestinian women's activism, these multidimensional struggles necessitate legal frameworks that acknowledge both Islamic ethical traditions and universal human rights imperatives – a tension central to this investigation.

In doing so, the research not only contributes to empirical understandings of women's marital rights under occupation, but also advances theoretical discussions on Islamic feminist jurisprudence and norm translation. It highlights how Palestinian women are not merely subjects of competing legal systems, but active agents reshaping them through situated, strategic engagements with law, religion, and human rights norms.

Methods

Research design

This study employs a qualitative thematic analysis to explore how Palestinian women perceive their marriage rights under Article 16 of CEDAW and how these rights align with societal and legal practices. A case study approach is used, allowing for an in-depth examination of personal experiences and social contexts that shape women's perspectives on marriage, autonomy, and legal protections. This approach is particularly useful in understanding complex social phenomena where individual experiences and narratives provide meaningful insights into larger societal trends. Thematic analysis helps identify recurring patterns and insights within the collected data, offering a nuanced understanding of the intersection between personal agency and societal pressures. By focusing on lived experiences, the study aims to provide a detailed exploration of how Palestinian women navigate cultural, familial, and legal frameworks related to marriage rights.

Participant selection and recruitment

To ensure diversity in perspectives, the study purposefully selected four Palestinian women from different demographic backgrounds. Purposive sampling was employed to recruit participants who represent a range of marital statuses, geographic locations, and socioeconomic backgrounds. This method ensures that the study includes individuals whose experiences are most relevant to the research questions. The selection criteria were based on the following factors:

- (1) **Marital Status:** The study includes unmarried, married, and divorced women to capture varied experiences and perspectives on marriage rights.

- (2) **Geographic Location:** Participants come from cities, suburban, and villages or rural areas, providing insight into how social and legal structures differ by region and influence marriage practices.
- (3) **Educational Background:** The study considers women with different levels of education to examine the role of awareness in shaping perceptions of marriage rights and legal literacy.
- (4) **Engagement with Legal and Social Issues:** At least one participant has direct experience with legal processes related to marriage and divorce, offering critical insight into the legal application of CEDAW provisions.

The decision to limit this study to four participants was guided by several methodological and practical considerations inherent to qualitative research. First, given the exploratory nature of this investigation into Palestinian women's experiences with marriage rights under CEDAW Article 16, a small sample size enables the researcher to conduct a thorough, nuanced analysis of each participant's narrative. This approach aligns with the qualitative research paradigm that prioritizes depth over breadth, seeking rich, contextual understanding rather than statistical generalizability. Second, the study employs purposive sampling to select information-rich cases that represent key demographic variations (age, marital status, education, and residency). Third, the principle of data saturation – the point at which no new substantive themes emerge – was found to occur within these four interviews. This suggests that additional participants would likely have provided redundant information regarding the core research themes. Finally, the sensitive nature of discussing marriage rights within Palestinian cultural contexts necessitated a limited number of participants to ensure sufficient time and capacity to conduct multiple interview sessions if needed.

Data collection

Data was gathered through semi-structured interviews, allowing participants to share personal experiences while ensuring key research themes were addressed. Semi-structured interviews were chosen to balance structure with flexibility, enabling participants to discuss aspects of their experiences that they found most significant. Interviews focused on two aspects of Article 16 of CEDAW:

- **Clause (b):** The right to freely choose a spouse and enter marriage with full consent.
- **Clause (c):** The right to equal responsibilities during marriage and upon its dissolution.

Interviews were conducted in Arabic, recorded with participant consent, and transcribed for analysis. Thematic prompts explored women's autonomy in marriage decisions, the influence of family and societal norms on spouse selection, perceptions of equality in marital rights and divorce, and awareness of CEDAW provisions and their application in practice. Each interview lasted between 25 and 35 minutes, allowing for an in-depth exploration of personal narratives. Follow-up questions were used to clarify and expand on responses, ensuring a comprehensive understanding of each participant's experiences.

Data analysis

Transcribed interviews were analysed using Braun and Clarke's (2006) six-step thematic analysis framework. The process began with familiarization with the data, which involved reading the transcripts multiple times to identify key narratives and gain a deep understanding of participants' experiences. Next, initial coding was done by assigning preliminary labels to relevant excerpts based on emerging themes. The third step focused on searching for themes, where recurring topics related to marriage rights, gender norms, and legal barriers were identified. Afterward, the themes were reviewed to refine categories, ensuring coherence and eliminating any redundant codes. In the fifth step, the final themes were defined and named, ensuring they aligned with the research questions. Finally, the report was produced by synthesizing the findings, incorporating supporting quotes and interpretations, and ensuring the analysis aligned with the theoretical framework.

Ethical considerations

All participants provided informed consent before participating. To protect their identities, pseudonyms were used, and sensitive information was anonymized. Ethical approval was obtained from the university's ethics committee, ensuring adherence to research ethics guidelines concerning confidentiality, voluntary participation, and data security. Participants were given the option to withdraw at any time without consequences, reinforcing the voluntary nature of their involvement.

Participants

The study includes four Palestinian women, each offering unique insights shaped by their backgrounds, experiences, and perspectives on marriage rights:

- (1) **Participant A:** A young, unmarried professional living in a major city, with a university education and strong family ties. Her perspective reflects a blend of progressive and traditional views on marriage, including the right to freely choose a spouse, and highlights her concern over societal expectations regarding marriage age and family approval.
- (2) **Participant B:** A married woman in her mid-30s from a rural area, with limited formal education. Her experiences underscore the impact of traditional values, where family influence plays a significant role in marriage decisions. Her insights address both personal challenges and the societal pressure faced by women in rural settings, including the emphasis on parental consent in marriage.
- (3) **Participant C:** A divorced mother in her 40s who resides in an urban environment and is highly engaged in community work. Having gone through marriage dissolution, she brings a critical perspective on legal protections and rights during and after marriage. Her experiences highlight the challenges in achieving fair treatment during divorce proceedings, as well as the societal stigma associated with divorce.
- (4) **Participant D:** A newly married woman in her mid-20s, living in a suburban area, who has completed higher education. Her views reflect a balance of modern and

traditional influences, focusing on autonomy in marriage choices and navigating marital responsibilities. She discusses her awareness of CEDAW's provisions and the gaps she perceives in local practices concerning marital equality.

This structured selection ensures that the study captures diverse experiences while maintaining analytical depth. The findings contribute to understanding how Palestinian women experience and interpret their marriage rights under Article 16 of CEDAW, reflecting both challenges and potential areas for legal and social reform.

Positioning the study within existing research

While previous research has extensively explored Palestinian women's experiences of marriage within the contexts of patriarchy, legal pluralism, and social norms, much of this work has focused on broad sociological trends or legal analyses. This study contributes a novel perspective by using a qualitative, case-based approach to centre the lived experiences of women from diverse backgrounds – urban, rural, educated, and legally engaged – thereby highlighting the micro-level realities often overshadowed in macro-level studies. By specifically engaging with Article 16 of CEDAW, the research adds to the literature by examining how international legal frameworks intersect with localized cultural and legal systems from the viewpoint of affected individuals. The thematic analysis allows for a grounded understanding of how women interpret, internalize, and navigate marriage rights amid varying levels of awareness, agency, and institutional support. This participant-driven approach not only affirms findings from earlier studies but also deepens them by revealing how individual women articulate their rights in relation to both traditional expectations and international norms.

Results

1- participants' accounts on the right to freely choose a spouse

When discussing the right to freely choose a spouse and marry with full and free consent, participants shared a range of perspectives, reflecting various personal experiences and cultural dynamics. Participant A emphasized the importance of autonomy in marital decisions, stating that 'it is essential for women to have the freedom to choose their partners. This right is fundamental to our autonomy and happiness'. Her response highlights the significance she places on personal agency when it comes to choosing a spouse.

In contrast, Participant B expressed that family pressure often limits women's ability to exercise this right. She explained, 'In my experience, there's always this expectation from family to marry someone they approve of. It's hard to voice my preferences when I know my family has a different vision for my future'. This underscores the influence of cultural and familial expectations, which can overshadow individual desires and preferences.

Participant C shared her belief in the foundational importance of consent in marriage, saying, 'For me, consent is not just a formality; it's the foundation of a successful marriage. Without full and free consent, I don't think a marriage can thrive'. Her statement reflects a strong conviction that mutual agreement is vital for the success and sustainability of marital relationships. Lastly, Participant D voiced

a desire for autonomy in choosing her partner, asserting, 'I want to be able to make my own choices when it comes to love and marriage. I believe every woman should have that right, regardless of societal norms'. Her statement reinforces the advocacy for personal freedom and the right to make independent choices in the context of marriage.

When discussing their attitudes towards Sharia and CEDAW regarding marriage choice, participants expressed diverse viewpoints. Participant A believes that Sharia allows for personal choice in marriage. She stated, 'I think Sharia promotes the idea of personal choice in marriage. It recognizes that both men and women should have the freedom to select their partners'. Her perspective indicates a positive interpretation of Sharia as supporting individual agency.

In contrast, Participant B criticized certain interpretations of Sharia that limit women's choices, saying, 'Some readings of Sharia can be very restrictive for women. They often overlook our right to choose and impose outdated norms instead'. This critique reflects her concern about how traditional interpretations can undermine women's autonomy in marriage decisions. Participant C respects Sharia but believes it should adapt to modern needs. She commented, 'While I appreciate the guidance Sharia provides, I feel it must evolve to address contemporary issues. Women's rights should be at the forefront of these discussions'. Her view highlights the need for reform within religious frameworks to better align with current societal values.

Participant D expressed the belief that Sharia should emphasize women's rights in marriage, stating, 'I want to see Sharia explicitly support women's rights to choose their spouses. It should promote equality and respect for our choices'. This statement underscores her advocacy for a more progressive interpretation of Sharia that prioritizes women's autonomy.

Regarding their attitudes towards CEDAW, Participant A views CEDAW as supportive of women's rights in marriage. She explained, 'CEDAW is crucial because it clearly states that women should have equal rights in marriage, which I think is empowering'. This acknowledgement indicates her appreciation for the international framework aimed at protecting women's rights. Participant B supports CEDAW as a necessary step for empowerment, saying, 'CEDAW provides a guideline for our rights. It's a global standard that we need to implement in our local contexts to empower women'. Her view emphasizes the importance of international norms in enhancing local practices.

Participant C sees CEDAW as a model for gender equality, stating, 'I believe CEDAW sets a benchmark for what gender equality should look like. It offers a clear framework that we can strive for'. This statement reflects her commitment to aligning local laws with international standards of equality. Finally, Participant D believes CEDAW offers vital support for women's choices, asserting, 'CEDAW helps us assert our rights and pushes for the recognition of our choices in marriage. It's essential for women to have this backing'. Her perspective illustrates the significance of CEDAW in promoting and protecting women's rights.

2- participants' accounts on equality in rights and responsibilities during marriage

When discussing the theme of equality in rights and responsibilities during marriage, participants' accounts revealed a variety of perspectives, as shown in Table A2.

Participant A articulated her belief in equality, stating, 'I believe in equality, but I wonder how realistic it is within traditional family structures. I know there's still a societal expectation that, as a woman, I'll manage most of the household responsibilities even if I work'. This highlights the tension between her ideals and the practical realities imposed by societal norms. Participant B shared her experience, saying, 'In my marriage, I primarily manage the household and family responsibilities. In my community, it's still common for women to take on this role, and I feel it's expected of me'. She recounted a moment during a brief separation when her family encouraged her to reconcile, reflecting on how this experience made her realize that her rights were perceived as secondary to the concept of family unity. This illustrates how cultural expectations can undermine individual rights.

Participant C expressed a desire for shared responsibilities, stating, 'While I wanted equal responsibilities, especially with children and finances, this didn't play out during my marriage or divorce. After my divorce, I found myself shouldering most of the responsibilities alone'. She described the challenge of obtaining fair legal support, emphasizing her belief that the system does not prioritize women's rights in such cases. This indicates a disconnect between her expectations and the reality faced by women in similar situations.

In contrast, Participant D reported a more optimistic view of her current situation: 'Right now, my husband and I share responsibilities and make decisions together, but I'm aware this could shift if we face societal pressures, like those around child-rearing'. Her cautious optimism underscores the awareness that while equality is achievable, external pressures may threaten its sustainability in the future.

When discussing their attitudes towards Sharia and CEDAW regarding marital responsibilities, participants provided diverse perspectives that reflect their understanding of these frameworks.

Participant A described Sharia as a guiding force, stating, 'I see Sharia as providing guidance for marital roles. It has principles that can help create balance in a marriage'. However, she also emphasized the need for modernization: 'But it's clear that Sharia needs reform to ensure equality. We can't just rely on tradition when so much has changed in society'. Participant B acknowledged the traditional roles assigned by Sharia but expressed openness to change. She said, 'Sharia has historically assigned roles within marriage, but I believe it can evolve. There's a need to adapt these roles to reflect modern relationships better'. This viewpoint highlights her recognition of Sharia's impact while advocating for its relevance in contemporary society. In contrast, Participant C took a more critical stance, remarking, 'Sharia has its strengths, but it often falls short in promoting equality. It could better define roles to ensure that both partners are treated fairly'. Her comment underscores a desire for clearer guidelines that support equal responsibilities.

Regarding CEDAW, Participant A expressed appreciation, stating, 'I appreciate CEDAW for emphasizing equal responsibilities in marriage. It provides a framework that aligns with my values'. This sentiment was echoed by Participant B, who noted, 'CEDAW sets a global standard for equality in marriage. It's crucial for women's empowerment and rights'. Participant C reflected on the importance of CEDAW in advocating for shared responsibilities, saying, 'CEDAW is essential for establishing equal roles. It pushes us to

challenge the norms that have limited women for too long'. This perspective highlights CEDAW's role as a vital instrument for promoting gender equality.

3- participants' accounts on equal rights at marriage dissolution

In exploring the views of Palestinian women on equal rights at marriage dissolution, [Table A3](#) below shows that participants expressed a range of insights regarding the role of Sharia and CEDAW in ensuring these rights. Participant A emphasized strong support for equal rights during divorce, highlighting the importance of fairness in the process and the need for justice for women in such situations. She firmly believes that both partners should be treated equally.

Participant B acknowledged the societal challenges that hinder the enforcement of equal rights in divorce. While she supports the notion of equality, she recognized that cultural norms and societal expectations may create barriers for women seeking equitable treatment during the dissolution of marriage. This awareness of societal influences adds depth to her perspective.

In contrast, Participant C valued fair treatment in divorce according to both Sharia and CEDAW frameworks. She pointed out that both systems should provide protections for women's rights, stressing the importance of being treated justly, regardless of the legal context. This dual recognition of traditional and international frameworks highlights a nuanced understanding of the legal landscape.

Participant D also supported equal rights in divorce processes, emphasizing that achieving these rights is essential for women's empowerment. She indicated the importance of legal structures that reinforce equal rights, reflecting a desire for reform within existing frameworks to better support women.

When discussing their attitudes towards Sharia and CEDAW regarding divorce rights, participants presented a range of opinions that highlight their diverse experiences and insights.

Participant A expressed a sense of fairness in Sharia, stating, 'I consider Sharia fair in terms of divorce rights. It provides women with certain protections, and I appreciate that'. This perspective reflects a belief that Sharia offers some measure of support for women in the divorce process. In contrast, Participant B criticized Sharia's provisions, noting, 'I find Sharia's divorce provisions outdated. They don't reflect the realities that women face today'. This viewpoint indicates a recognition that while Sharia may have been relevant in the past, it requires reform to meet contemporary needs.

Participant C acknowledged the fairness of Sharia but emphasized the need for better implementation: 'I think Sharia is fair, but we need better application of rights. Too often, women don't receive the protections they deserve when it comes to divorce'. Her statement underscores the importance of having equitable laws and ensuring they are effectively enforced. However, participant D offered a more cautious perspective: 'I believe Sharia's provisions can be restrictive. They may not always serve the best interests of women, particularly in how divorce is handled'. This sentiment reflects a concern about the limitations imposed by Sharia on women's rights.

Regarding CEDAW, Participant A found value in its principles, stating, 'CEDAW reinforces women's rights in divorce. It's a significant step towards ensuring that women are treated fairly'. This perspective emphasizes the positive impact that CEDAW can have on

legal protections for women. Participant B echoed this sentiment, describing CEDAW as ‘a critical tool for legal protections during divorce’. Her acknowledgement of CEDAW’s role highlights its importance in advocating for women’s rights within the legal framework.

Participant C further emphasized CEDAW’s advocacy role, stating, ‘I support CEDAW’s role in advocating for divorce rights. It helps to empower women and ensure that their voices are heard’. This viewpoint underscores the belief that CEDAW serves as a vital mechanism for promoting gender equality. Finally, Participant D asserted, ‘I see CEDAW as essential for safeguarding women’s divorce rights. It provides a necessary framework that can guide legal reforms’. This perspective reflects a strong endorsement of CEDAW’s importance in shaping fair divorce practices.

Discussion

This study delves into the complex dynamics of marriage rights as experienced by Palestinian women, highlighting their perspectives on autonomy, equality, and the relevant legal frameworks governing marriage and divorce. Utilizing a qualitative thematic analysis, the research draws upon personal narratives gathered through in-depth interviews with four Palestinian women from diverse backgrounds. By capturing their voices and insights, the study provides a nuanced understanding of the interplay between personal agency and societal expectations, offering valuable context for the ongoing discourse on gender equality and women’s rights in Palestine.

Legal pluralism and marriage rights

Palestinian women operate within a deeply pluralistic legal system where Sharia law, national legislation, and international human rights standards coexist. As Griffiths (1986) describes, ‘deep legal pluralism’ manifests in Palestine through the Jordanian Personal Status Law in the West Bank, Egyptian-derived family law in Gaza, and religious courts’ interpretations (Welchman, 2000). This fragmented legal landscape creates both constraints and opportunities for women seeking marital rights.

Participants expressed divergent views on Sharia, with some viewing it as a source of protection and others advocating for reform. This aligns with Shehada’s (2009) concept of ‘hybridized rights claiming’, where women strategically invoke different legal frameworks – including (CEDAW) – to assert their rights. Palestine’s 2014 accession to CEDAW reflects the state’s engagement with international women’s rights standards despite ongoing political challenges (Hattab & Abualrob, 2023). Participants acknowledged CEDAW’s role in promoting gender equality in marriage and divorce laws, echoing Al-Sharmani’s (2021) findings that Palestinian women actively negotiate their rights within competing legal structures. However, enforcement remains inconsistent due to jurisdictional fragmentation exacerbated by occupation (Tamimi et al., 2022).

Islamic feminism and gendered interpretations of Sharia

Islamic feminism provides a critical lens for understanding how women interpret and challenge religious norms governing marriage and divorce. Participants reflected diverse perspectives on Sharia, with some advocating for reinterpretation to align with

contemporary gender equality ideals. This supports An-Na'im's (2002) argument that Sharia is not static but subject to evolving interpretations. Younger women increasingly reference maqasid al-Sharia (the higher objectives of Islamic law) to advocate for more egalitarian marital relationships, mirroring Al-Husseini's (2020) study of shifting marriage patterns in Ramallah. This aligns with global Islamic feminist scholarship, where scholars such as Mir-Hosseini (2006) emphasize 'rights-based ijihad' – a feminist jurisprudential approach that reinterprets fiqh principles in favour of gender justice.

Intersectionality and the lived realities of Palestinian women

The study's findings resonate with Collins' (2019) intersectionality framework, illustrating how Palestinian women's marital choices are shaped by the interlocking influences of gender, social class, and political oppression. Participants highlighted how family pressure and patriarchal norms restrict their autonomy, echoing Matar's (2019) work on Palestinian women's activism. The strong influence of familial expectations often limits women's ability to assert their preferences, highlighting the challenges they face in navigating these pressures (Al-Husseini, 2020). While some participants had the resources to assert agency within marriage negotiations, others faced greater limitations due to economic dependence and conservative family structures. This reinforces the need for legal reforms that address not only gender discrimination but also socio-political barriers that shape Palestinian women's lived experiences.

Marriage dissolution and women's rights

The findings indicate a significant concern for equal rights in divorce, reflecting a collective aspiration for fairness in marriage dissolution. While some participants view Sharia as providing equitable guidance in divorce (Participant A), others advocate for better application (Participant C) or reforms to outdated provisions (Participant B, Participant D). This underscores the ongoing debate within Islamic jurisprudence regarding women's rights in divorce. An-Na'im (2002) emphasizes the necessity of evolving interpretations of Sharia that align with contemporary values of equality, suggesting that current practices may not fully support equitable roles.

CEDAW remains a crucial framework for reinforcing women's rights during divorce, offering legal mechanisms for advocacy. Ayesha (2018) discusses how CEDAW provides critical protections for women, and the participants' broad support for it underscores an increasing engagement with international human rights standards. Matar (2019) highlights the emergence of movements among Palestinian women advocating for their rights, reinforcing the finding that increased knowledge and activism enable them to challenge restrictive norms.

Conclusion

This study sheds light on the intricate dynamics of marriage rights from the perspectives of Palestinian women, emphasizing their experiences and insights regarding autonomy, equality, and the legal frameworks governing marriage and divorce. The findings reveal a strong desire among participants for the right to freely choose their

spouses and enter into marriages based on full and free consent, highlighting the importance of both personal agency and the protections afforded by Islamic Sharia and CEDAW.

Participants expressed varying views on the principles of equal rights and responsibilities within marriage, indicating a need for reforms in Sharia interpretations to better align with contemporary understandings of gender equality. This reflects a broader trend among Palestinian women advocating for shared responsibilities, challenging traditional gender roles, and seeking equitable treatment within their marital relationships.

Furthermore, the participants' insights on divorce rights underscore a collective aspiration for fairness and legal protection, revealing critical gaps in both Sharia and local practices concerning women's rights during marriage dissolution. The recognition of CEDAW as a vital framework for safeguarding these rights highlights an increasing engagement with international human rights standards, suggesting a pathway for reform and empowerment.

Palestinian women navigate a pluralistic legal system where Sharia, national laws, and international human rights standards intersect, shaping their marital rights. While some view Sharia as protective, others advocate for reform, strategically invoking frameworks like CEDAW. Islamic feminism and *maqasid al-Sharia* play a key role in reinterpreting religious laws to promote gender justice. However, patriarchal norms, family pressure, and socio-political barriers limit women's autonomy in marriage and divorce.

Ultimately, this research not only amplifies the voices of Palestinian women but also contributes to a deeper understanding of the cultural, legal, and social factors influencing their marital rights. It underscores the necessity for holistic approaches to gender equality that embrace cultural sensitivities while prioritizing women's agency and empowerment, ultimately fostering a more equitable societal framework for all women in Palestine. The study findings highlight the need for legal reforms and increased advocacy to enhance women's agency and legal protections.

The study has several limitations. First, the small sample size of four participants limits the generalizability of the findings to the broader Palestinian female population. Second, the study primarily relies on personal narratives, which, while rich in detail, may not fully capture structural and institutional dynamics influencing marriage rights. Third, ongoing political instability and the Israeli occupation may have constrained participants' willingness to openly discuss sensitive legal and social issues. Finally, the study focuses on qualitative analysis, which, while valuable for exploring lived experiences, does not provide statistical insights into the prevalence of particular perspectives or legal challenges.

Disclosure statement

No potential conflict of interest was reported by the author(s).

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Appendix

Table A1. Perspectives of Palestinian women on marriage rights.

Themes	Participant A	Participant B	Participant C	Participant D
Right to Freely Choose a Spouse (Clause b)	Values the right to choose a spouse and believes it is essential.	Feels family pressure restricts the right to choose a spouse.	Emphasizes the importance of consent in marriage decisions.	Desires autonomy in choosing a partner.
Attitude to Sharia on Marriage Choice	Believes Sharia allows for personal choice in marriage.	Criticizes Sharia interpretations that limit women's choices.	Respects Sharia but believes it should adapt to modern needs.	Feels Sharia should emphasize women's rights in marriage.
Attitude to CEDAW on Marriage Choice	Views CEDAW as supportive of women's rights in marriage.	Supports CEDAW as a necessary step for empowerment.	Views CEDAW as a model for gender equality.	Believes CEDAW offers vital support for women's choices.

Table A2. Participants' perspectives on equality in rights and responsibilities during marriage.

Themes	Participant A	Participant B	Participant C	Participant D
Equality in Rights and Responsibilities During Marriage (Clause c)	Advocates for equality in responsibilities during marriage.	Argues that responsibilities in marriage are often uneven.	Believes responsibilities should be shared equally in marriage.	Notes the disparity in responsibilities during marriage.
Attitude to Sharia on Marital Responsibilities	Sees Sharia as providing guidance for marital roles.	Thinks Sharia needs reform to ensure equality.	Sees Sharia as traditionally assigning roles but is open to change.	Thinks Sharia could better define roles to ensure equality.
Attitude to CEDAW on Marital Responsibilities	Appreciates CEDAW for emphasizing equal responsibilities.	Believes CEDAW sets a global standard for equality in marriage.	Appreciates CEDAW for pushing for shared responsibilities.	Views CEDAW as necessary for establishing equal roles.

Table A3. Participants' perspectives on equal rights at marriage dissolution.

Themes	Participant A	Participant B	Participant C	Participant D
Equal Rights at Marriage Dissolution	Supports equal rights during divorce.	Acknowledges societal challenges in ensuring equal rights in divorce.	Values fair treatment in divorce according to both frameworks.	Supports equal rights in divorce processes.
Attitude to Sharia on Divorce	Considers Sharia fair in terms of divorce rights.	Finds Sharia's divorce provisions outdated.	Considers Sharia fair but calls for better application of rights.	Believes Sharia's provisions can be restrictive.
Attitude to CEDAW on Divorce Rights	Finds CEDAW reinforces women's rights in divorce.	Views CEDAW as a critical tool for legal protection during divorce.	Supports CEDAW's role in advocating for divorce rights.	Sees CEDAW as essential for safeguarding women's divorce rights.