

Iraq: on the draft Constitution and the fight for the rights of women

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Fight for the rights of Iraqi women

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From Tikkun Magazine

“The new Constitution threatens to restore”Islamic Law“and with it a dismantling of the rights of Iraqi women.”

The future of Iraq now lies in the hands of the Iraqi National Assembly after the writing committee of the Iraqi constitution submitted its draft in August 2006. The document will serve as the foundation of the future Iraq.

There are still some outstanding differences to be resolved between the parties, and committee members expressed hope that these would be resolved through amendments agreed in the National Assembly in the next few days.

Heavy is the weight on the shoulders of the women in the National Assembly, who make up 31 percent of its representatives (86 out 275 members) and who must fight for the rights of all Iraqi women, who make up 60 percent of the population. In the critical days before the assembly presents the draft constitution to the Iraqi public to be voted on in a referendum on October 15, these women must wrestle with the ayatollahs in order to guarantee rights that have long been enshrined in secular laws of the past.

For example, in 1970, the new provisional constitution formally made women equal to men before the law, giving them the right to vote, run in politics, attend school and own property. Specifically, Article 19 declared that all citizens were equal before the law regardless of sex, blood, language, social origin or religion. Despite severe political oppression under Saddam Hussein, women enjoyed many rights in education, employment and with regards to inheritance and family laws. Iraqi women were considered to be among the most liberated in the Middle East. But now these rights are being threatened by what appears to be a religious-political government forming in Iraq.

According to the draft constitution, Iraq is considered an Islamic state and no law can contradict the principles of Islam. The Islamic clauses of the constitution would not be applicable in the Kurdish north. Provisions of the constitution were leaked last month, revealing the extent to which Islam may influence future laws. Many women’s groups worried about a phrase that said that followers of any

religion or sect were free to choose their civil status according to their religious or sectarian beliefs. Others complained about a chapter that stated that men and women were given equal rights as long as this did not contradict Islamic law.

Islamic law gives protection to women, but secular governments and laws, time and again, have proven better in protecting women's liberties. Recent history has shown that Islamic states have thrived best when religious institutions were separated from the state administration, as was the case during the Ottoman and Mogul empires.

In contemporary societies, attempts at establishing Islamic states have proven disastrous for women. Government interpretations of Islamic laws have too often discriminated against women. In many countries purporting to draw legitimacy from Islamic law, such as Iran, Morocco and Malaysia, women have struggled for years to ease hard-lined interpretations of certain religious edicts. Meanwhile, in countries like Saudi Arabia, Sudan and Nigeria, women continue to suffer from cruel implementation of religious and traditional laws.

While Iraqis have the right to choose Islam as their source of legislation and inspiration, there must be defensive clauses inserted into the constitution that protect all Iraqis, especially women, from harsh and often harmful applications of Islamic law. Supporters of the draft constitution point to a separate bill of rights, saying it will protect women, and point to constitutional clauses saying no law can contradict democracy or the bill of rights.

Yet will these be enough? Indeed, will women in the National Assembly be able to defend the requirement of maintaining a 25 percent female quota in all three branches of government? Only time will tell.

Women are worried. As negotiations took place over the constitution, Iraqi women took to the streets to defend their rights, carrying banners and chanting slogans of freedom. Sharouk al-Ababji of the Iraqi Women's Network recently told the Al-Iraqiyya television station that the motivation behind the group's demonstrations was that, "We want a civil law. We want to strengthen women's rights in the constitution. We want women to be active members of the political process and in the reconstruction of Iraq."

The women of Iraq are counting on their sisters in the National Assembly to ensure that women's issues not become fodder to be traded for political gain by the assembly's male majority. All eyes will be on what comes out of the assembly chambers in the days to come. Let us hope that the voices of the courageous women who marched in Baghdad with almost no security will be heard. Let us hope that their rights will be guaranteed once and for all.

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Women meet to protect rights in the Iraqi constitution

Iraqi Center for Women Rehabilitation & Employment - ICFWRE

"A brief report of a conference on women's rights and personal status law recently held in Baghdad."

The fourth regional conference of Iraqi Center for Women Rehabilitation & Employment (ICFWRE) was held in Al-Hamraa Hall Al-Monsur Mellia Hotel on 23 September 2006, under the slogan of, "Our unity in the personal status law".

The themes of the conference were:

1. Iraqi women rights between reality and ambition (by Dr. Azhaar Al-Sheikhli) our last women minister speaking about Iraqi women rights and what she achieved or was allowed to achieve from commanding assembly to the current constitution, thus her analytical experience as an ex-minister of women in a very critical period and as a director of Ahid Al Iraq now.
2. The parliament's member under quota (Aleea' AL-Ansari, head of Bent Al-Rafeedain in Babylon - writer & novelist).
3. Unit 41 in the Iraqi constitution, Dr. Amar Tarq Al-Ani a member of administrative board in ICFWRE and a Dr. in Alnahrain University.
4. The personal status law, (Dr. Sadiq Jaafer) speaking about how the personal code supports women, family and child in marriage, divorce and inheritance.
5. The role of NGO in Iraqi agenda, Mrs. Jenan Mubark speaking about the work of NGO's and the problems that stand against NGO's work and previewed the effective factors in progress operation.

The number of people who attended the conference was 125 participants, there were 100 organizations (20 organizations from southern and northern governorates), 25 VIPs such as the Minister of the Environment Narmeen Authman and the Member of Parliament Baha' Al-A'raji, the Head of Legal Committee, NGO's representative in Parliament, six satellite channels, three general supervisors, a number of Iraqi University representatives, the Ministry of Industry and others.

A survey was distributed and a booklet was also prepared by ICFWRE.

There was a break for lunch then the participants were divided to five work groups and developed the following recommendations:

1. Cancelling unit 41 from Iraqi constitution, at the worst thing is keeping it as a choice and keeping the current personal status law. Unite to be Iraqis free to choose their personal status according to their doctrines, religions and believes or consulting to the personal status law no. 188 modified in 1959.
2. Working to make necessary changes to develop personal status law. Offering a proposal to modify the current code by achieving the equality between man & woman as for the kinds of divorce.
3. The modified proposal is dividing the money of husband & wife equally when they were divorced at the condition that this division is to the money earning after marriage except the inheritance and donation (gift).
4. They were agreed to form a network consisting of a number of legal and political characters and organizations working on unit 41 of the constitution and personal status law, to unify the law and reach to the decisionmakers by carrying out work strategies for the net only.
5. It was planning to hold conference in Kurdistan to unify all or most of the Iraqi organizations working on PSL to press on the Parliament to fix in Constitution.
6. A huge exhibition - many governorates participate with their handicrafts to speak about our Iraqi heritage.

P.S.

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