

# Iraqi Governing Council Plans Latest Assault on Women's Rights in Iraq

By Jim Lobe | February 5, 2004

Iraq's governing council (IGC) has quietly approved a plan to replace some existing legal women's rights with Islamic law or "Shariah," according to 44 U.S. lawmakers, who warn Washington of a "brewing women's rights crisis" in the U.S.-occupied country. This comes as women are facing broader assaults on women's rights and political power in Iraq. For example, while three women serve on the IGC, only one is in the cabinet and no women serve on the 24-member constitutional committee. One of the three female members of the IGC, a champion of women's rights, was killed this past fall and her replacement is widely viewed as a conservative. According to the *Rocky Mountain News*, when the adviser on human rights issues for the U.S. Coalition Provisional Authority, Salwa Ali, tried to be a part of the local elections in Baghdad, she found that the neighborhood was plastered with fliers stating that women were not allowed.

In a letter sent to President George W. Bush on February 2, the national political leaders, led by Representatives Carolyn Maloney, Eddie Bernice Johnson, and Darlene Hooley, complain the move will reverse legal guarantees for Iraqi women, who were among the most liberated in the Arab world. "To prevent this order from taking effect, we strongly urge you and your administration to take steps now to protect the rights of Iraqi women," wrote the lawmakers, who represent both the Republican Party and the Democrats.

The White House had no immediate comment.

The letter follows earlier reports from Amnesty International, Human Rights Watch, and other human rights groups critical of the Bush administration's failure to adequately protect women's rights in occupied Iraq.

The lawmakers were referring to IGC resolution 137, approved by the 25-member body Dec. 29, which replaces Iraq's 1959 personal-status legislation with religious laws to be administered by clerics from the country's different religious faiths, depending on the sect to which the parties in any dispute belonged. That change could affect everything from the right to education, employment, and freedom of movement, to property inheritance, divorce, and child custody, according to the letter's authors.

The resolution must still be approved by the de facto government in Iraq, the Coalition Provisional Authority (CPA), headed by Ambassador L. Paul Bremer III, in order to become legally binding.

In a letter to Bremer on Jan. 30 MADRE, a New York-based international rights advocate for women, argued that IGC's action lacked transparency and was taken without any public debate or open consultation, with only a

minority of council members present. "In less than 15 minutes of discussions, the IGC—none of whose members were elected by Iraqis—passed Resolution 137, effectively abolishing women's legal rights in 'liberated' Iraq," said MADRE's associate director, Yifat Susskind. "Under the direct authority of the Bush administration, the IGC has privileged sectarianism over inclusiveness and violated core principles of democratic governance," she said.

Iraqi women are also protesting the resolution, according to recent press reports. "This will send us home and shut the door, just like what happened to women in Afghanistan," Kurdish lawyer Amira Hassan Abdullah told the *Washington Post* last month. "The old law wasn't perfect, but this one would make Iraq a jungle. Iraq women will accept it over their dead bodies."

The IGC's action, according to various reports, came at the behest of conservative Shiite members of the IGC when Abdul Aziz Hakim, a Shiite who heads the Supreme Council for the Islamic Revolution in Iraq (SCIRI), chaired the body. Secular and Kurdish members of the council have since argued against the measure.

## Change Likely to Be Ratified

While the CPA is considered highly unlikely to ratify the change, women's rights advocates are concerned that Muslim conservatives could push it through the transitional government to which sovereignty is supposed to be returned by the CPA no later than June 30th.

Shia clerics are not only expected to increase their representation in the government, but they might be supported by conservative Sunnis, as well. Since the ouster of former president



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Saddam Hussein by U.S.-led forces last April, religious conservatives in both Shia and Sunni parts of Iraq are said to have become increasingly prominent and influential.

“Although this law would not go into effect until after Jun. 30, 2004 ... we will be unable to stop the implementation of these types of harmful laws,” said the lawmakers’ letter to Bush. “It is imperative that we act now to reverse this decision, or the lives of Iraqi women will be worse because of America’s actions. We cannot allow that to happen.”

The lawmakers said they were particularly angered by a column on women’s rights by Deputy Defense Secretary Paul Wolfowitz in the Feb. 1st edition of the *Washington Post*. Wolfowitz is currently in Baghdad reviewing the military and political situation there.

The column, “Women in the New Iraq,” argued, “women must have an equal role and more women should be included in Iraqi governing bodies and ministries,” but failed to mention the growing controversy over Resolution 137 or the threat to women’s rights it poses.

“I would hope that Mr. Wolfowitz and this administration aren’t viewing this situation through rose-colored glasses,” said Maloney. “There is a women’s rights crisis on the horizon, and we must take action.” In the post-war period, she went on, “women have been brutally attacked and discouraged from participating in civic activities. The governing council’s rash move has started Iraqi women down a dangerous slippery slope that ends in a human rights crisis. The time to act is now or never.”

“After making tremendous strides for equality and parity in Iraqi society, the women there are now being forced to

fight yesterday’s battle anew as some elements in their society attempt to roll back the hands on the clock of progress,” said Johnson. “It would be utterly ironic if the women of Iraq were forced to grapple with an age-old regime of oppression even more despotic than the one we liberated them from during the war,” she added.

The Bush administration had originally planned to oversee the writing and ratification of a new constitution before handing sovereignty back to an Iraqi government. While U.S. lawyers are continuing to work with the IGC on an interim charter that reportedly includes equal rights for women and minorities, there is no guarantee the principles enshrined in it will be incorporated in a new constitution. The early draft of the interim charter calls for at least 40% of the membership of any interim legislature and constitutional convention to be women, but IGC officials have indicated that 20% is what will probably be agreed on.

In its letter, MADRE argued the resolution not only threatens women’s rights, but might also worsen growing sectarian tensions in Iraq. The proposal “would mean the introduction of separate provisions and rules for each of the various sects in Iraq, and will thus threaten the fabric of Iraqi civil society,” it adds.

Zakia Ismael Hakki, a retired judge, told the *Washington Post* the resolution will “send Iraqi families back to the Middle Ages. It will allow men to have four or five or six wives,” she said. “It will take away children from their mothers.”

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