# The Plight of Iraqi Women, 10 years of suffering

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The Human rights conditions in Iraq remain extremely poor, especially for journalists, detainees and opposition activists and Iraqi women. Iraqi women are invisible, let alone their human rights. This paper presents the situation of Iraqi women prior and post the US-invasion in 2003.

From the 60s until the beginning of the 90s, Iraqi women enjoyed equal rights in regard to education, health and employment. During oil the boom in the 70s, Iraq used its wealth to build a modern Iraq. Education was free for girls and boys. Both were rewarded for their scientific knowledge and progress. Boys and girls were sent abroad for higher studies. Health service was too free for all and men and women were equally employed by governmental institutions. Foreign companies invested in the country and build a new Iraq.

As in the whole of the Arab World, the mainstream culture in Iraq used to be basically patriarchal. However, the new Iraq of the 70s and 80s was the opportunity to undermine some of the patriarchal prejudices against women. One of the main goals of the former Iraqi head of government Sadam Hussain was to give all girls a basic education, which was part of a national project to eliminate illiteracy among women. More importantly, there were important moves to improve the family law regarding divorce, marriage age etc. Iraqi women did thus not feel any differences when they entered schools or employment and felt safe on their way to work. The privileges, Iraqi women enjoyed, began to deteriorate with the sanctions in 1990.

The US-invasion and occupation of Iraq finally worsened the already deteriorating freedom of women and prepared the floor for extremists. Religious practices unknown to the Iraqis, Sunni as well as Shiite, before. From this time on women had to fear for their life and suffered of insecurity at all levels, something they had never experienced before. This paper will show the rights and privileges Iraqi women enjoyed before the invasion and how it deteriorated after 2003, in particular under the current government of Al Maliki.

Since 2003, Iraq has thus turned from an enlightened, progressive and rich country into a middle age Europe in the 13<sup>th</sup> and 14<sup>th</sup> century (Dark Age). Gender divisions emerged that had been unknown for decades. Particularly women, especially the poor, feel the difference.

### Introduction

Generally speaking, Arab societies are known for gender segregation and discrimination. Of course all Arab constitutions declare to treat citizen equal, regardless sex, religion and ethnic background. Reality is another thing. In practice Arab governments manifest that personal relations are of no constitutional concern. Personal affairs are left to religion and its different schools of interpretations of the Quran, especially regarding marriage, divorce, custody of children and inheritance. In this regard, the Sharia law and the additional Urf law (the tribal and custom law) can help to solve family problems. Gender relation are referred to a patriarchal family and a patriarchal religious interpretation of the Quarn where women are worth less than men. A woman's moral behavior is associated to the tribal code of honor. Within his framework, Arab women's function is reduced to production and reproduction of children. In case she is suspected with immoral behavior she will be punished and in some cases killed. All Arab women are guilty until they prove otherwise.

When Arab governments take over power (mostly by force), its intention is to develop all levels of the society. The gender issue is considered as one of the most important aspects. These new governments basically intent not to provoke any tribal or religious discontent, since most Arab governments obtain their support from their tribe or family. However, the Iraq of the 70s and 80s had adopted structural measures to promote women's rights at all levels. Since 1958s until 1990, literacy campaigns to eradicate illiteracy among females had been given a priority. In the 60s, 70s and 80s, the Iraqi government thrived for equal education for males and females as thus eradicate social segregation against women. Progress was made until the first Gulf war in 1991 and the implementation of the most comprehensive economic sanctions. Despite the critics of his political conduct or oppression Sadam Hussein, it remains a fact that Iraqi women were far safer under his rule than under the current "elected" government under Al Maliki, much to the surprise and shock of the enlightened independent and liberal thinking Iraqi and Arab men and women.

This paper will next focus on the Iraqi women progress since the 1958 until 1990 under the constitution and the public rights and life of Iraqi women in the rural and urban areas of Iraq.

### <u>Part 1:</u>

#### The situation of Iraqi women between 1960 and 1990.

The report "CODEPINK" (1) writes that from 1958 to the 1990, Iraq provided more rights to women than most of its neighboring countries. The 12 years of severe sanctions reduced these opportunities. Before the occupation women were active in many aspects of the society. Dr. Nadia Al-Ali writes in her article about Iraqi women under Sadam Huseein's rule that "women were once among the most educated in the region, participating in all sectors of the labor force and playing an important role in the public life." (2) "Now that situation has dramatically changed 'since the invasion of the U.S in 2003".

The new Iraq of 1958 under King Faisel declared in its new constitution that "the people are the source of all powers." "Citizens are equal before the law in their public rights and obligations, and there shall be no distinction between them by reasons of race, origin, language, religion, or belief." As for civil liberties, "Freedom of thought and expression are guaranteed and shall be regulated by law.... Freedom of the individual and the inviolability of the home are safeguarded, and shall not be violated except according to the requirements of public safety. These principles shall be regulated by law.... Freedom of they do not violate public order or are contrary to public morals" Furthermore, "Islam is the Religion of the State." (4) In this regard, the Iraqi government of Abdel Khareem Qasim and Abdel Salam Arif had shifted power away from the Shari'a courts regarding women. It introduced a "Personal Status law (ILPS) that "granted equal inheritance and divorce rights, relegated divorce, inheritance and marriage to civil instead of religious courts provided for child support. Shari'a was still allowed to adjudicate cases that ILPS did not cover, and polygamy was permitted under certain circumstances". (5)

In 1972, under the Ba'ath party the Iraqi economy began to flourish geared by the Western thirst for oil, and the nationalization of the oil industry created job opportunities that women were encouraged to fill in. Gender equality in education, "civil service jobs, and equal pay for equal work, maternity benefits and freedom from workplace harassment" became the focus of the government. (6) It was thus provided that in case of war men would be called to the fronts. Therefore, when the Iraq-Iran (1980-1988) war broke up, Iraqi men went to the front, women worked and Iraqi women assumed positions that were predominantly filled by males.

In 1970, the Ba'ath party established the "General Federation of Iraqi Women (GFIW). Its key tasks were "Operating mainly through "female–based community centers to offer educational, job-training, and other social programs". More importantly "the government passed laws to ensure literacy for the entire population, between the age of 6 and 45. Women were given the right to vote in 1980 and to be elected to the National assembly, although the number of female representatives remained small. Around the same time, laws on divorce, polygamy, and inheritance further improved women's rights" (8)

The new constitution of the 1990 furthers provided the access for all citizens to education and free healthcare. The campaign against female illiteracy succeeded to drop illiteracy rates from 91% in 1957 to 12% in 1990. (9) Thus in 1990 Iraqi women in Iraqi universities and research centers made up more than 30% of faculty members. About 67 % of the teaching staff in primary, secondary, and high schools in Iraq were women during the eighties. Iraqi women in the U.S. who supported the U.S.-invasion on Iraq misinformed the U.S government, claiming that Iraqi women under Sadam were deprived of all human basic rights. One Iraqi woman explained the tension between the Iraqi women inside and outside the green Zone as follows "I told these women, look all the women here are over 35 years old. We all have had college and degrees. Our education was free. I was in the college of pharmacy. In that college, women were in the majority". My answer was "We have to tell the truth. Not everything was bad". "Assertions made by Iraqi women in support of the invasion, saying that women were denied access to tertiary education, are absurd."(10)

# Part 2

### The implications of the sanctions against Iraq on Iraqi women

The achievements of Iraqi women began to decrease with the UN sanctions against Iraq. Prior to the sanctions, the Iraqi government had been among the most generous in the Arab World. Even the private sector was open to women. In this context, Iraqi women had the possibility to strive for progress regardless social and patriarchal boundaries contrary to critics by the "the free world".

All women's achievements in the educational, health and employment sectors began to curtail under the imposition of sanctions from the beginning of the 90s on. An Iraqi testified about this impact "It felt as if the earth was shaking. Things were getting out of control so suddenly. I started to realize that there was nothing that could help me. My work had become worthless. When there is no sense in your work, it becomes a burden. However, I still hoped that the world would not let us down. I could not believe that more than thirty countries would bomb us, but it happened! Then, I did not want to believe that the sanctions would last for long, but this has also happened! I realized that nothing is history except our dreams for a better live" (11)

The Iraqi society offered free access to education for all and special attention was paid to women's education. Education became entitlement for all and not a privilege for few. Progressive legislation regarding marriage, divorce, maternity leave, and polygamy improved the role of women in society. The welfare decreased gradually when the sanctions began to take effect. The era of liberalization had ended. When the economy began to wane, the first victims were women. Maternity leave, child care and public employment were undermined. Access to education and shortage in paying salaries, even for the most educated, drove teachers and professors to leave the country in the seek of a better life. Books became a luxury. Families began to hire private tutors to teach their children and the disadvantaged preferred sent their boys to work or beg. Girls had to stay at home and help with in the household. Yasmine Al-Jawaheri writes that "In the vast disorder that had befallen the country under sanctions, women's rights were the easiest to sacrifice". (12) In this regard "illiteracy rate among adult females was 77 percent". (13) Along with these structural effects, the Iraqi family began to decompose. Males were either killed or emigrated in search of a better job. Polygamy became an option for women seeking an "economic security" and "gender imbalances" raised. Patriarchal control began to take over. Women were exposed to increased domestic violence and forced into prostitution and begging. Violence in the streets, abductions and gang activities became widespread. The state of insecurity and fears forced even the most educated women into veils in order to avoid being sexually harassed or attacked. The lack of basic essentials caused high levels of stress, resulting from the inability of people to act upon their circumstances to remove the source of such tensions. (13).

## Part 3: Iraqi women, the occupation and the government of AlMaliki.

The U.S. and Briatin invaded and occupied Iraq under the pretext of "liberating Iraq from its oppressor Sadam Hussein". The majority of the disadvantaged and especially the poor believed it. They believed after Sadam's overthrow everything would come back to normal with economic prosperity and freedom like in the U.S. The occupiers gave the impression to the Iraqi people that they were going to see a light at the end of the tunnel. The media

propaganda created such an illusion. Under this pretext, Iraq was occupied and destroyed. The "current Iraqi constitution" of "new democratic Iraq", led to sectarian and religious divisions that had a disastrous impact on all social layers, especially women.

Two years later, in August 2005, George Bush declared that "we are watching an amazing event unfold, and that is the writing of a constitution which guarantees minority rights, women's rights, freedom to worship in a country that had only known dictatorship". (14) Contrary to Bush's speech, the new Iraqi constitution carried various explosive devices. Many critics considered it as full of contradictions and ambiguity. Similar to the constitution in 1958s the new constitution holds that Iraqi citizens are equal before the law regardless sex, religion and ethnics, adding that no law can be established that contradicts the "principles of democracy". (15) Meanwhile it writes that Islam is the religion of the state but there should be no laws that contradict the "established ruling of Islam". (16) Ibid, a woman from 'Organization of Women's Freedom in Iraq (OWFI)' said that "under this statement, Islamic provisions will turn Iraq into Afghanistan under the Taliban, where oppression and discrimination of women is institutionalized". (17) In this regard, women's personal status is left to interpretations of different groups of Islamic sects and schools according to their own jurisdiction. A female Islamic blogger wrote that "the problem is not with Islam, the problem is with the dozens of interpretations of Islamic rules and principles. In Iraq we see this firsthand because we have ample examples of varying Islamic interpretations from two neighbors- Iran and Saudi Arabia. Who will decide which religious rules and principles are the ones that should not be contradicted by the constitution? Ibid (18).

The fate of Iraqi women reality is made by a body of clerics. The ruling of Islam is left to the new Supreme Court, made of "judges, and expert in Shari'a including clerics". The members must be chosen by the parliament. Whoever has the majority in the parliament, the "ruling of Islam prevail". Ibid (19). As a consequence women's rights are bound to be undermined.

The legal rights of Iraqi women were not the only setback; there are various setbacks on the grounds of education, health and employment and political rights.

Of a political ground, the constitution of the occupier gave women 25% of the seats in the "National Assembly" in which it is considered to be the real gain for Iraqi women. Iraqi female constitute about 55-65% of the Iraqi population. During the 1980s Iraqi women were able to vote and held 20% of the seats in the parliament and some women even obtained prominent cabinet positions. However, the majority of the parliamentarian women belong to

the conservatives Shia parties. Their function is not to defend women's rights; on the contrary they follow the mainstream patriarchal ideology. For instance, Dr. Jenan AlUbaedey, "defends polygamy and wife beating as long as a husband does not leave a mark" (21)

Regarding education, though education for males and females is free, only primary education is "mandatory". As young girls dropping school, some women advocated that secondary education should be mandatory but in vain.

With regard to employment, an Iraqi University professor showed in her survey that at least 85% percent of educated women are unemployed due to the deteriorating security. Around 11% of adult women are employed compared to one-third of men. (22)

A report established 2008 by women commission fact Sheet on Iraqi women demonstrates the bleak reality of Iraqi women since 2003. It holds that around 4,5 million Iraqis have been displaced inside Iraq since 2003, which is the largest number of displacements in Middle East since 1948. (23)

About 83 percent of the displaced are women and children. In 2010, one out of every eight displaced families is headed by women, 71% of whom would be able to work yet cannot find employment. Single mothers are worse off. They face social stigmas and are treated inhumanely if they try to get an employment or additional educational opportunities. About 33% of women has not received any humanitarian assistance since 2003; 76% of widows do not receive a pension and sometimes they are forced to go into temporary marriage with one of the bureaucrats who distribute the funds. In s sense it is a flourishing of sex exploitation of Iraqi women. Today, 52% of women are unemployed; 55% displaced and 55% have been subjected to violence. Around 47% of the children in household headed by women do not attend school. (24)

Women have also been subject to kidnapping, murder and rape by the occupying forces, religious militias, gangs and Special Forces and the Iraqi forces. In Basra, a southern Iraqi big governorate, for example 40 women were mutilated and killed by the religious militia only because of the way they dressed.

Rape is increasing and committed by all the armed forces. In an article published by 'the guardian' on 25th Feb 2013Haifa Zangneh cites the Iraqi MP Mohamed –al-Dainy, stating that 1, 053 cases of rape by the occupying troops and Iraqi forces have been documented between 2003 and 2007" (25). The dark figures are much higher and by now most women are

escorted by men if they need to go out. Honor killings have also increased since the USinvasion. Around 4000 thousand women are reported missing or disappeared, "one-fifth of whom are under 18". It is believed that they have been trafficked. "The US State Department reports that Iraqi women and girls are believed to have been internally and internationally trafficked for sexual exploitation". (26) In 2007, prostitution among internally displaced women and girls increased, especially in cases where the breadwinner had been killed, imprisoned or disappeared. About 15% of Iraqi widows are seeking a "temporary marriage" or "sex work for protection or financial support" and (27) 50 thousand Iraqi women and girls were forced into prostitution in neighboring countries such as Syria and Jordan.

Ordinary Iraqi women suffer from systematic discrimination with no protection of their rights, which affects all aspects of life, including education, employment and social relations. Their legal position is undermined with the pretext of religion and traditions. They are treated during day when they go to work or schools. They need to be protected and accompanied by men in order to be safe. There is no security for ordinary Iraqi women, let alone Iraqi women detainees. Iraqi women detainees are supposed to fall under the rules of International law, however they are exposed to discrimination and abuse like sexual harassment and rape.

After the occupation of Iraq and the election that followed, an elected Iraqi government came to power and establish a new law under the auspices of the 'liberators of the U.S. and Britain'. Thus, Iraqi women prisoners must be treated according to the standard of care and dignity but how Iraqi are women detainees really treated in the newly "liberated" Iraq?

On the 22<sup>nd</sup> of February 2013, the Iraqi channel "Al Sumaria" broadcasted a 52 minutes program called "Women behind Bars", which revealed how Iraqi women prisoners are treated.

The program addressed the plight of women in the Iraqi jails under the government of AlMalki. The interviewer, Ms. Huda Ghandoor had not been allowed to visit the prison in a district called AlBeladiat. Mrs. Ibtihal al-Zaidi the Iraqi minister for women avoided to answer questions related to honor crimes after female detainee leaves the prison. She avoided answering questions related to cases of torture and rape. On the contrary, she began to praise the high standards of Iraqi prisons and how much efforts and money are invested to improve the status of Iraqi prisons. Iraqi women activists informed the interviewer that there have been cases of women detainees being raped and tortured, especially in Al Khademya. They also complained about the lack of transparency when they investigated cases of reported rape.

Women detainees who have no support are forced to buy their freedom for sex with a jailor or an investigator. Women of simple crimes are mixed with detainees suspected of prostitution. Thus many women have been lured into prostitution after their release from prison. Here the testimony of an Iraqi women who has been raped in the Iraqi prison:

Ayah is a former prisoner who spent 4 years in prison. Her crime is that her brother was accused of being a terrorist. She has been taken away from the family house. She was lured into the police car and the police man started hitting her on the way to the police station. At first she was interrogated by an officer, who left her alone in the cell. A policeman came and asked her to take off her clothes. When she refused he began to beat her until all her clothes were removed. She screamed but no one came to her rescue. The man raped her and left. On the next day she told the officer what happened to her but instead of listening to her he accused her of lying. This happened while she was only in pretrial detention without any prove that she was hiding her escaped brother. She complained to the officer on the next day but she was told off. Ayah wept when she recalled the rape. She also told horrific stories of other women's prisoners. There was a woman who tried to convince other women to comply with the sexual harassment because maybe this would help to be released. Some women complied.

Another former woman prisoner was first abused by her own husband and relative to sign fraud papers. She was again abused by her investigator and jailor. When her, her husband and cousin came to the detainee center she smelled alcohol and heard sears. Her husband and male relatives were tortured in front of her eyes, an officer approached Hanan and asked her to collaborate either giving in or her daughter or otherwise she would face the same fate as her husband. She refused and was raped. She and her 4 years son were left in a room without covers for 5 months suffering from cold and neglect. She told of another young woman that escaped from rapists in the street and asked the police for protection. Instead of helping, the police raped her too. Mrs. Delall Al Ruba'yai, a women's activist, told about the case of an Iraqi young woman detained for two and a half years for alleged prostitution. She was pregnant of seven months. The case is well known to the Iraqi Minister of Justice Hasan Al Shamery and the Minister of human rights Mr. Mohamed Al Soudani. There are more horrific stories like the one of a woman pregnant of twins who was beaten. The first child was born, the second came the next day. Another woman was held in detention together with her two children under inhuman conditions. Her children were taken away and she did not know what had happened to them.

Apart from abusive officers and investigators, crowded prisons, lack of sanitarian facilities and trained staff, Iraqi women detainees suffer from ill-treatment. Many women are awaiting their capital punishment and many of them are joined by their children. There are about 27 children held with their mothers in prison. As an Iraqi social activist Mrs. Sana Edwar said in this regard that "all Iraqi citizens are contaminated. Our task is to rehabilitate the Iraqi society at this stage. Criminals need to be rehabilitated in order to become beneficial for himself /herself citizen when he or she leaves prison." Social workers and NGOs activists unanimously agreed that there are to prevent human rights activists from visiting the prisons especially women's prisons. The officials do not cooperate and there no transparency. If activists insist, the meetings are monitored and restricted. (28).

#### Part 4 Iraqi Kurdish Women

The abuse of Iraqi women's rights is not only limited to Arabs, also Kurdish women are discriminated and abused, especially after the occupation. The Iraqi Kurdish society is as patriarchal as the mainstream culture of Arab societies. They have undergone a decreasing situation since the imposition of a no fly zone in the North of Iraq in 1991. Kurdish women have been exposed to violence by its male dominated society. Kurdish women lives are determined by the two major political parties (the PUK: "Patriotic Union of Kurdistan" and KDP: Kurdistan Democratic Party) that control the political process in this part of Iraq. Once the two parties took power, hundreds of women were murdered in honor killings for not wearing hijab and girls could not attend school. Both parties have started "continued attempts to suppress the women's organizations". (29) However, in 2000-2002, the two parties tried to abolish honor killings and mutilation, forced marriages, female circumcision" (30) "Female genital mutilation (FGM)" is widely practiced in the rural Kurdish areas. At least "40% of Kurdish rural women are circumcised. (31)

Both parties are now challenged by the rise of Islamic political parties. Reports write that "women who committed suicide by self-immolation in the Kurdistan region of Iraq increased from 36 in 2005 to 133 in 2006, and murders of women rose from four in 2005 to 17 in 2006. Incidents involving violence against women in the Kurdistan area have increased by 18 percent, between March and May 2006." (31) In 2011, 720 cases of systematic torture have been reported and 3766 cases of violence against women in the south of Kurdistan. It also

reported that 76 women were killed or committed suicide, while 330 others set themselves on fire and 63 were subjected to sexual abuse. (32).

## Assessment

Iraqi women have faced two wars, sanctions, occupation and now face a sectarian government and the right of clerics to decide their personal destiny. The lack of infrastructure, the rise of Islamic sectarian groups, insecurity and fear have turned the majority of Iraqi women into prisoners of their own house. Women are out of work because of lack of the electricity. Due to the collapse of the "formal economic sector", the female heads of household have cannot earn their living and a "non- sectarian wave of assassinations against academics, journalists, and scientists has not spared women".

Since the rise of Islamic fundamentalism in Iraq, there has been increased in the practice of "Mutaa-a" which is a temporary marriage, mainly among the most disadvantaged families. Most of the Shia clerics on the contrary to the Sunni, accept it as a practice of Islam. It is, in effect, an Iranian practice. It was imported by Iraqis who lived in Iran and embodied in the Islamic Shia parties.

Apart from that, Shia's Iraqi women are involved in religious studies classes in about 100 Mosques in Baghdad. No wonder that the situation of Iraqi women has deteriorated. While urban Kurdish and Sunni women protested against the scraping of secular laws, the women in Najaf (shia populated district) backed it. The power has been transferred from secularists into the hands of clerics and tribal communities, who financially support mosques, schools, libraries and other public institutions. The failure of the Al-Maliki government to develop the infrastructure and meet the basic needs of the Iraqi population, has worsen the situation of Iraqi women on all levels of the society.

Poverty, daily deprivation and insecurity have deeply affected the gender relation. Nadja Al-Ali said in an interview that "the close-knit relationships within Iraqi families are being sundered by envy and competition in the struggle for survival. Nuclear families are becoming more important than extended families. Some women have stopped visiting relatives to avoid embarrassing families too poor to offer visitors food, an important aspect of Iraqi culture." (code Pink).

To conclude, Iraqi women deserve a better life and better conditions than what the so called liberators called "liberation of Iraqi women". Iraqi women's rights and position need te be addressed by all human rights organizations in the World. There is a deliberate silence against the violation of women's rights in Iraq. The plight of Iraqi women has deepened and worsened due to occupation and under Al-Maliki government. The foreign occupiers have strengthened religious groups and the patriarchal conservative mainstream culture.

### **Footnotes**

- Marjorie P. lasky, "Iraqi Women under Siege", CodePink Women for Peace.1-20 pages. <u>http://www.wilpf.org/files/peace tables toolkit/IraqiWomenReport.pdf</u>
- 2) Ibid. Ibid
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- 8) Ibid. Ibid.
- The situation of Iraqi women during war and occupation 2003-2013. Paper by BrusselTribunal.org. Belgium.
- 10) Nadja Al-ali, "Iraq's women under pressure", http://www.fmreview.org/FMRpdfs/Iraq/18.pdf
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- 12) Ibid. Ibid.
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(31) Women, Children and Youth in the Iraqi Crisis, A Fact Sheet. January 2008. Women's Commission fact Sheet on Iraqi Women, Children and Youth.

(32) Sarah leah Whitson, Middle east & North Africa Director. Iraq: Kurdistan security forces Torture Detainees, July 3, 2007.