

IRAQI WOMEN UNDER SIEGE

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PREFACE

Not much cause for celebration

As millions of women around the world celebrate International Women's Day on the 8th of March, some women have little to celebrate. This is certainly the case for Iraqi women, whose daily lives have been reduced to the sheer struggle for survival. When a woman leaves her house in today's Iraq, she embraces her loved ones as if she might never return. And many won't. Iraqi women face missiles and random shootings by the U.S. and British forces, terrorist suicide bombs, and criminal mafia-type gangs who regularly kidnap Iraqi men, women and children.

Yet, women suffer, as all Iraqis do, not only the complete absence of security, irregular electricity, insufficient clean water, minimal sewerage system, no adequate healthcare and few jobs in the context of an ongoing economic crisis. They are also exposed to gender-based violence and an increased social conservatism that is largely the result of the way political leaders manipulate women's issues for their own purposes.

Everywhere in the world, women and gender ideologies are used to show the difference between 'us and them': 'our women are liberated while your women are oppressed'. Or, the other way around: 'your women are morally loose while our women are honourable'. Right now Iraqi women are squeezed between the White House's rhetoric of women's liberation and conservative Islamist calls for a return to so-called tradition. The salient point here is that the occupation of Iraq has not resulted in greater equality and freedom for women. On the contrary it has strengthened the forces that try to curb women's rights. Symbolically, the images of female soldiers torturing and abusing male prisoners in Abu Ghraib prison might, in

the long run, negatively affect Iraqis' perceptions about the substance of women's rights in the West. And, unfortunately, the more vigorously U.S. women promote women's rights for Iraq and Iraqis perceive that call as also a part of the occupation's agenda, the greater the backlash against women in Iraq may be.

But let there be no doubt: Iraqi women are not mere victims, passively watching what is happening to their country, their families, their children and to themselves. Iraqi women have long played significant roles in society; they are educated, they work and they organize politically. Iraqi women were the first to mobilize after Hussein's regime fell, coming together as women, as professionals, as activists, trying to improve living conditions as well as advocating for their rights. In spite of the way that chaos and violence restrict their activities and mobility, they struggle on, meeting in each other's houses, establishing refuges where women can learn skills to make a living, providing free health care, legal advice, and literacy and computer classes. Iraqi women also organize workshops, conferences, sit-ins and demonstrations to get their voices heard and to influence the political process.

This carefully researched report tries to tackle some of the myths, misconceptions and even outright lies about Iraqi women's roles and rights. Despite the undeniable and systematic oppression of Saddam Hussein's dictatorship, Iraqi women were once among the most educated in the region, participating in all sectors of the labour force and playing an important role in public life. They were not simply oppressed creatures without agency, sitting at home, heavily veiled and secluded. If anything, this image better describes their current plight. This

report also challenges the common generalization that 'Iraqi women' are some kind of homogeneous mass, a concept that is often applied to women in war-torn countries. The reader will learn about the various and uneven ways that women have been affected by the Ba'athist regime's repression and atrocities, by wars, by the most pervasive sanctions ever imposed on a country, and by the current occupation. The women of Code Pink have provided activists all over the world with a nuanced

yet powerful tool to educate ourselves, a wider public and, hopefully, help to influence policy-makers in the U.S. government.

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EXECUTIVE SUMMARY

From 1958 to the 1990s, Iraq provided more rights and freedoms for women and girls than most of its neighbors. Though Saddam Hussein's dictatorial government and 12 years of severe sanctions reduced these opportunities, Iraqi women, before the occupation, were still active in many aspects of their society. Now that situation has dramatically changed. While women in Iraqi Kurdistan have made gains since the U.S. invasion, in the rest of the country, women today face violence, hardship and fear daily, and their futures are more uncertain than ever.

INSECURITY AND FEAR. Although brutal and violent, Hussein's government operated under some rule of law where violence and its targets were somewhat predictable. Under the occupation, that rule of law has been shattered. Looting, violence and insecurity jeopardize women in particular, as they are subject to assault and rape. Women walking on the streets face random violence, assault, kidnapping or death at the hands of suicide bombers, occupying forces, Iraqi police, radical religious groups, and local thugs.

DESTRUCTION OF INFRASTRUCTURE. Since the U.S. invasion, vital infrastructure, already deteriorating, has almost collapsed. Iraqis face a lack of medicine, food, shelter, clean water, electricity and other basic services. Women trying to raise families in the midst of this chaos find themselves beset by skyrocketing unemployment, poverty and malnutrition, and a dearth of social services like decent schools and health care.

RESTRICTED ACCESS TO JOBS AND EDUCATION. The constant violence has trapped women and their children—particularly their daughters—in their homes. Fewer children brave the streets to attend school. Illiteracy is on the rise. Furthermore, despite initiatives to bring women into the workforce and involve them in

reconstruction, of the 260,000 reconstruction contracts in Iraq, less than 1,000 have gone to women.

THE U.S. IS PART OF THE PROBLEM. Some U.S. military personnel have committed crimes of sexual abuse and physical assault against women. Many women have told stories about rapes and routine sexual humiliation, particularly at detainment centers. This is especially horrific in a country where women, especially in rural areas, may be vulnerable to "honor" killings, when male relatives kill a woman who "defiled" the family name. U.S. military tactics have also victimized women and their families—displacing them from their homes, subjecting them to aerial assaults, and occasionally using women as bargaining chips in exchange for suspected male insurgents.

CONSERVATIVE ISLAMISTS ARE GAINING GROUND. Conservative Islamic groups have gained tremendous power in post-invasion Iraq. While on the positive side, the new Iraqi Constitution guarantees that women must fill 25% of the National Assembly seats, the Constitution also maintains that no law may be passed which contradicts Islamic rulings. Under certain circumstances, this latter provision could curtail women's rights and freedoms in areas such as marriage, divorce, and inheritance.

There are many ways to support Iraqi women. We should remain vigilant in monitoring and reporting to the world any deterioration of Iraqi women's rights. We should respond to requests of support from Iraqi women's groups. To end the violence, we should call for the withdrawal of all foreign forces from Iraq and peace negotiations that incorporate women into the peacemaking process. And we should insist that the countries that have destroyed Iraq's economy and infrastructure pay for its reconstruction by Iraqis.

I work in a salon for the ladies. There is no electricity, no water, the heat is killing us. Customers, when they peer in, see only darkness. They shy away, and this is where we are supposed to make a living. And what's the quintessential thing for a hairdresser? Electricity. To use a generator requires oil...I am not the owner so I can't buy that. The paradox is that when the owner...sees...no customers she refuses to pay us... There is no security, threats are flying. Thank god, our salon has not been targeted – but...what would it cost to throw a bomb in our direction? *It is a risk we have to take. It is our livelihood...[we] Iraqi women as a whole. Most of our men are sitting at home. My husband goes out looking for a job every day in vain. This is the kind of life Iraqi women are leading right now.*

Um Mustafa, Hairdresser
Baghdad, June 7, 2005¹

These stark, sad sentences about Iraqi women's everyday struggles under the occupation tell only a part of the story. This report will explore the affects on women of the 2003 invasion and the subsequent ongoing occupation. To provide a context and to better understand the consequences of both gulf wars and the current occupation, we will examine the bumpy road that the rights and freedoms of Iraqi women traveled from 1958 to the 1990s.

PRE-WAR

From 1958 to the 1990s Iraq provided relatively more rights and freedom for women and girls than most of its neighbors. Created in the 1920s and, as a Islamic state, initially adhering to interpretations of Shari'a, Iraq became a republic in 1958.² At that point the government legislated power away from the Shari'a courts over many aspects of women's lives. Even after Saddam Hussein became president in 1979, at war with Iran and unsparing with political repression, women's access to education and to waged labor continued to grow — mainly because the expanding economy increasingly demanded their labor. Throughout, however, women's legal rights and social and economic position teetered in an uneasy relationship with tradition: the overarching importance of the traditional patriarchal family, religious ideologies, and norms of family "honor" and reputation. As the conflict with Iran wore on, these traditional ideas regained some lost ground; Hussein looked for allies among conservative Sunni religious groups as well as tribal leaders, and women's rights and freedoms began to contract. This trend gathered momentum during the 13 years of United Nations' sanctions.

In 1959 Iraq broke somewhat from Shari'a by introducing a Personal Status Law (ILPS) that granted equal inheritance and divorce rights, relegated divorce, inheritance and marriage to civil, instead of religious, courts, and provided for child support. Shari'a was still allowed to adjudicate cases that the ILPS did not cover, and polygamy was permitted under certain circumstances.³

In 1968, the newly controlling Ba'ath party harnessed

female labor in the service of Iraq's flourishing economy. Spurred by the West's thirst for oil, Iraq's burgeoning economy after the nationalization of the oil industry in 1972 created labor shortages that women were encouraged to fill.⁴ The carrot was a host of labor and employment laws, including gender equity in education, civil service jobs, equal pay for equal work, maternity benefits, and freedom from workplace harassment. The exodus of men to fight the Iran-Iraq war (1980-88) created yet more demand for female workers. Women took ever more positions in the workforce, particularly in civil service and in formerly male-dominated professions, such as oil-project designers, construction supervisors, scientists, engineers, doctors, and accountants.⁵ However, in the last years of the war, a backlash against women entering the work force arose—a movement which grew significantly when men came home from the war in 1988 to a faltering economy.

Not surprisingly, patriarchal and conservative values of most Iraqis did not automatically change in tandem with the transformations in legislation and the economy. Women's access to all rights still depended greatly on social class, religion, and rural/urban residency.⁶ For example, religious and patriarchal values weighed more heavily on rural and impoverished women than on their more secular, educated, and urban peers. As we explore Iraqi women's fate over time, we will see how tenacious are the urban-rural split, secular-religious conflicts, and class differences.

Still, the Ba'ath party's program, which sought to

cement loyalty to the state, penetrated as well into education, politics, and society. In the early 1970s, the party established the General Federation of Iraqi Women (GFIW) to implement state policy. The only women's organization allowed, the GFIW operated primarily through female-based community centers to offer educational, job-training, and other social programs. It also communicated state propaganda.⁷ The government passed laws to encourage literacy for the entire population, female and male, between the ages of 6 and 45. Women were given the right to vote in 1980 and to be elected to the National Assembly and local governing bodies, although the number of female representatives remained small. Around the same time, laws on divorce, polygamy, and inheritance still further expanded women's rights.⁸

Although a great deal of policy and law continued to women's advantage when Saddam Hussein became president, his voracious appetite for dictatorial power over the entire population could not but undermine women's gains. Women, like men, were jailed, tortured, raped, and murdered. To extract information from dissidents, suspected dissidents, and opposition members abroad, Hussein was fond of sending them video tapes showing their female relatives raped by members of the secret police.⁹

The war with Iran subjected Iraqis not only to the deprivations of war but also to gross human rights violations inflicted by their own government. Women were targets for rape and sex trafficking because of their relationship to male oppositionist activists; thousands of women, children and men were expelled because of their actual or alleged Iranian descent; tens of thousands of Kurds disappeared, and the Iraqi government used chemical weapons against thousands of Kurds.¹⁰

By 1990 Hussein was courting support for his war-weary regime from neighboring Islamic states and from religious and tribal leaders. Hussein's public embrace of Islam's moral authority changed many of the laws governing divorce, child custody, and inheritance rights so as to limit women's rights and freedoms. Laws restricted women's ability to travel abroad without a male relative and reintroduced single-sex education in high school. The GFIW stopped promoting women's rights to work and education and focused primarily on humanitarian aid and health care. Honor killings of women who were suspected of pre-marital sex or victims of rape, thereby "dishonoring" the family name, dramatically increased after Hussein reduced the prison sentences of male perpetrators from 8 years to no more

than 6 months—a punishment in any case rarely imposed.¹¹

And the government's brutalization of women continued. The Iraqi invasion of Kuwait in 1991 and the subsequent Gulf War ended with U.S. President George W. Bush urging the Kurds and Shi'a, whose religious activities were strictly regulated by the Ba'athists, to rise up against Hussein's government. They did so—unsuccessfully. During and after the uprisings, government forces killed thousands of people, including women and children, who were also allegedly used by government forces as "human shields." By 2000, a militia founded by Hussein's son, Uday, was beheading women in a campaign against prostitution.¹²

According to the World Health Organization, prior to the 1991 Gulf War, Iraq's health conditions and health system were among the best in the Middle East. The degradation of the system and the health of the population began during the Iran-Iraq war and seriously accelerated during the 13 years of United Nations sanctions that followed the 1991 war. Between 1991-1997, the government could only supply 10-15% of the country's medical needs, material and human. The Oil-for-Food Program, instituted in 1997, allowed the Iraqi government to sell oil and use the revenues to obtain humanitarian aid.¹³ But the health care system never really recovered, and women paid the price. Pregnant Iraqis had to rely heavily on emergency obstetric care, prenatal care all but disappeared, and skilled delivery personnel were scarcely available. No wonder that maternal mortality tripled.¹⁴ At the same time, increasing poverty and poor nutrition undermined all women's health, as it did men's. Approximately 60% of the population became dependent on rations handed out by the government and paid for by the oil-for-food program.

Widowed woman and women who had lost fathers, sons, or prospective husbands in the wars were especially impoverished. Women had difficulty finding paid work or could not afford to work as the state withdrew its free child-care and transportation. The wages of women who still worked dropped precipitously, and many middle-class women fell into poverty. Impoverishment forced families to keep their female children out of school, and illiteracy soared. Prostitution, domestic abuse, and divorce soared. Two wars and the economic migration of men had led to a gender imbalance, so that the number of marriages fell while polygamy, which had generally been confined to rural or less educated Iraqis, grew.¹⁵

The deteriorating economy, social crises, and Hussein's courtship of religious and tribal leaders were reflected in the government's support of returning women to domesticity. A generation gap emerged between educated mothers and their less educated, more conservative, daughters. Young girls wearing the *hijab* became ever more noticeable on Iraqi streets, motivated by many factors, not least of which was an increased religiosity and changing cultural and moral values¹⁶.

By 2003, then, the position of women in Iraq had worsened, particularly for those who did not enjoy the privileges of class or Ba'athist affiliation or the benefits of the black market economy. Indeed, one might even have imagined that groups of women would welcome American "liberators," and briefly, when Hussein was removed from power, that might have been true for many people. However, that moment passed quickly as everything that could have been done wrongly was indeed so wrongly done.

IRAQI KURDISTAN

Pre-war

The study of Iraqi women's lives is complicated by the fact that Iraq is a country cobbled together from various ethnicities, tribes, social classes, and even religions, all of which influenced women's lives. As we follow Iraqi women through the war and occupation we must be attentive to both the differences in their experiences and to those aspects of their lives that transcend the differences. To that end we will examine the Kurdish north separately from the Arab central and south of Iraq, which we will bring together when we discuss their common experiences.

In the north, the vast majority of Iraq's Kurdish population of 6 million people inhabits the mountainous Iraqi Kurdistan, an area of about 83,000 kilometers.¹⁷ Although most Kurds are Sunni Muslim, a minority, the Failis, are Shi'a, the Kurds have Indo-European roots and differ in race, history, and culture from Iraq's 19-20 million Semitic Arabs.¹⁸ From the 1920s until 1991, the Kurds repeatedly rebelled against the central government which responded by destroying villages. Further, its reprisals against the Kurds included deportations, detentions, disappearances, murders, and kidnappings for sex trafficking. The Saddam Hussein government used biological and chemical weapons; the 1988 Anfal

campaign exterminated entire segments of the rural population. In addition, the Ba'athists' Arabization policy forcibly expelled Kurdish, Turkoman, and Assyrian families from their northern homes and replaced them with southern Arabic families.

After the Kurds rose against the Hussein government in 1991, Iraqi Kurdistan was divided in half. The UN declared a safe haven and no-fly zone over the three northeastern governates (provinces) and the Iraqi government voluntarily withdrew all civil administration. Two major political parties, the PUK (Patriotic Union of Kurdistan) and KDP (Kurdish Democratic party) govern in the resulting autonomous governates—albeit from rival administrative bases.¹⁹ At present, most Kurds live in the autonomous governates and in two nearby provinces that contain the cities of Kirkuk and Mosul.²⁰ Several other ethnic groups, including Arabs, Assyrian-Chaldeans, Armenians and Turkoman live in Kurdistan.

Violence, fueled by an almost-fratricidal conflict between the PUK and KDP, scarcely abated after 1991. Under UN sanctions and Hussein's embargo of trade with the north, the area's humanitarian crisis worsened. However, the self-governing areas generally had much less repression, anarchy, and lawlessness than the rest of the country endured, and compared to the rest of Iraq, Kurdistan thrived.²¹

Thus, before 1991, Iraqi Kurdish women experienced fear, displacement, and violence along with the restrictions and occasional brutality of this male-dominated society. After 1991, male dominance persisted, but women in the autonomous region gained more freedom of movement and speech and basic human rights than many women in other regions of Iraq.²²

Putting aside for the moment the relative well-being of Iraqi Kurdish women, their lives were somewhat determined by the policies of the two political parties, the PUK and KDP. Critics of the parties claim that, after the parties came to power, hundreds of women were murdered in honor killings, wearing the *hijab* became a necessity, and girls could no longer attend school.²³ More widely reported are both parties' disregard of women's issues and their attempts to suppress women's organizations.²⁴ Between 2000 and 2002 both parties outlawed honor killings in their separate administrative bases, but have generally not enforced the laws. Still, some women have held political positions and served as judges, and the regional and local governments have

allowed the development of women's centers and organizations.²⁵ Wadi, a German NGO working with local women for more than a decade, has established centers to help women with serious social and psychological problems to reintegrate into society, dispersed mobile teams to deal with women's health, and initiated literacy campaigns.²⁶

As in other restrictive societies, Kurdish women and girls navigated within their female world towards self-expression and self-sufficiency. They created women's groups that frequently operated underground, and, in urban areas, had experienced some benefits from the Personal Status Law. Since the early 1990s women's rights organizations have raised awareness about the suffering caused by violence against women. In 1999, Wadi worked with local women to open the first shelter for Iraqi female victims of violence—a movement that subsequently spread to other cities in Iraqi Kurdistan. Some Muslim clerics also supported women's groups in the struggle against widespread female genital mutilation.²⁷

War and Occupation

During the recent war, Kurdish forces fought alongside the Coalition. For most Kurds the war was a continuation of the process of liberation. In the northeastern governates, *peshmerga* (Kurdish militia) guard the streets and the Coalition forces are barely present.

Thus, most Kurds, and women in particular, are somewhat isolated from much of the horror experienced in southern and central Iraq. Nonetheless the north still reports a degree of terror, chaos, and deprivation — suicide bombings, particularly outside the autonomous governates; fighting between Coalition troops and insurgents, mainly in the northwest, close to the Syrian border, and in the cities of Mosul and Kirkuk; Kurdish attacks on Arab families seeking to undo the Arabization policy; and daily deprivation caused by a collapsed infrastructure. Kurdish Sulaimaniyah is reported to be the safest city in Iraq, but ex-patriot Kurdish families who have returned still lament the lack of oil, electricity and water, and the rising costs of housing.²⁸

Still, women's lives today differ markedly from their peers in central and southern Iraq—except for the persistence of a male-dominated culture and a rural-urban divide, which we will discuss in a moment. Indeed, in some ways there have been interesting improvements. Before the war, compared to other regions in Iraq, the north had the lowest levels of education for women and girls. Because now girls in the north can venture out of

their homes without fear for personal safety, they attend elementary and intermediate schools in much greater numbers relative to the population than girls in central and southern Iraq.²⁹ More women's centers have opened, Kurdish women have held positions in the interim Iraqi governments, and urban Kurdish women strongly protested in 2004 when the Iraqi Governing Council attempted to scrap secular family laws and reinstate Shari'a to define women's affairs.³⁰ With U.S. support, Ms. Ala Talabani, a member of the PUK, has established several female-based NGOs.

Women's lives in remote Kurdish villages close to the Iranian border have also improved somewhat since the invasion. Before 2003, radical groups of Islamists had forced women to wear black, to stop attending schools, to throw out their televisions and radios, and to suffer constant surveillance by those in power. Attacked by U.S.-Kurdish forces, the radical Islamists fled. Women could dress as they once did and NGOs rushed in to build schools, homes, and income-generating projects, offer literacy classes, and establish women's centers with sewing classes and information on women's rights.³¹

However, the rural-urban divide that more often than not influenced women's position in Kurdish society in the past persists. As in the rest of Iraq, rural women and girls are much more likely to be illiterate and less likely to attend school than their urban peers. In rural areas, honor killings and mutilations, forced marriages, and female circumcision persist on a much greater scale than in urban centers. The strongly secular PUK and more conservative KDP derive much of their support from the cities, but are being challenged by growing Islamic political parties with allegedly liberal, democratic ideals and anachronistic beliefs that oppose any major changes in women's traditional roles.³²

SOUTHERN AND CENTRAL IRAQ

Much of central and southern Iraq is desert, interspersed with river systems and marshlands. Like the geography, its demographic profile also radically differs from the north. In central and southern Iraq Arabic Sunnis and Shi'a predominate among a sprinkling of Christians and other groups. The distribution of Sunnis and Shi'a is roughly as follows. Sunnis are better represented in central Iraq where Baghdad is situated with a population of

6 million people, a large percentage of whom are Sunni. The so-called Sunni Triangle—the heart of Iraqi resistance—is to the west and north of Baghdad.

Southern Iraq, between the Tigris and Euphrates rivers (ancient Mesopotamia) is predominantly Shi'a in both the countryside and in the cities of Kufa, Najaf, and Karbala. But Shi'a also live outside the Euphrates area amongst a Sunni minority; approximately 69% of Iraqis in the nine southern governates identify themselves as Shi'a. Iraq's second largest city, the port of Basra, is in the south.³³

Before the current war and the occupation, geography and demography led to more differences in women's experience than afterwards. Prior to the Iran-Iraq war and sanctions, Baghdad was a modernizing, increasingly prosperous, and highly secular enclave. Many women were educated, professional, and political; on city streets women in mini-skirts appeared alongside their peers in *abayas*. Basra too was fairly cosmopolitan, with spice shops owned by South Asian merchants and nightclubs with Egyptian bartenders and Kuwaiti patrons.³⁴

Because of Hussein's alliances with mostly Sunni and some Shi'a religious and tribal leaders, particularly after the war with Iran, many Sunni women with money and Ba'athist affiliation and some Shi'a women with resources enjoyed privileges of mobility and status that were denied to most women in Iraq. During the 1991 Gulf War and under sanctions, women remained a public presence in urban areas. When the government replaced professional women in the work force with men because of the shrinking economy, large numbers of these women set up small businesses in their homes. Low-income women frequently were central in the informal economy, oftentimes in street commerce. In rural areas, women farm workers were praised for their productivity.³⁵ Social class, place of residence, political orientation and religious affiliation all played a role in determining women's status under the Ba'athist regime.

War, Occupation, and Female Insecurity

The atrocities perpetrated by Hussein's government consistently denied security to its internal opponents or perceived enemies. However, despite the government's brutishness and butchery and the debilitating effects of the sanctions, some rule of law, wherein violence and its targets were somewhat predictable, existed.³⁶ With the collapse of Hussein's government, that rule of law disappeared. Few English-language sources detail the deaths and destruction caused by the invasion, but much has

been written about the widespread looting and chaos that followed and the failure of the coalition forces to establish a stable government. The repressive and sometimes abusive behavior of the occupation forces and their Iraqi allies along with the armed resistance of local groups, militias, and individual insurgents, Iraqi and non-Iraqi, create the carnage that Iraqis experience today.

Thus, currently, the most important determinant of women's lives in Iraq is insecurity. Everyday life is chaotic. Just to walk the streets, particularly in urban areas, exposes women daily to the possibility of random violence, assault, kidnapping or death at the hands of suicide bombers, occupying forces and contractors, Iraqi police and National Guard or local thugs. As a consequence, women's mobility has become more restricted than during the period of sanctions, and their options have narrowed, particularly compared to what many middle class urban women had before the war and occupation.

Coalition Forces as a Source of Insecurity

Numerous witnesses and victims have testified and investigators have confirmed that coalition forces and U.S. contractors have committed horrific crimes of sexual abuse, torture, and physical assault. There is copious reportage about rapes, including gang rapes, and routine sexual humiliation as well as accounts of women falling prey to honor killings after leaving U.S. detention centers. Amal Kadhim Swadi, an Iraqi lawyer who represented women detainees at Abu Ghraib, claimed that sexualized violence by U.S. forces was "happening all across Iraq" and was not confined to a few isolated cases.³⁷

Mithal Al-Hassan, a 55 years old engineer, who was arrested by U.S. forces and held in a detention center for 80 days, recalled hearing "a young woman crying out from her cell, telling an American soldier to leave her alone. She said, 'I am a Muslim woman.' Her voice was high-pitched and shaky. Her husband, who was in a cell down the hall, called out, 'She is my wife. She has nothing to do with this.' He hit the bars of his cell with his fists until he fainted. The Americans poured water over his face to wake him up. When her screams became louder, the soldiers played music over the speakers. Finally, they took her to another room. I couldn't hear anything more."³⁸ Even Major General Antonio Taguba's report in 2004 confirmed that a military policeman had raped at least one female prisoner at Abu Ghraib and that guards had videotaped and pho-

tographed naked female detainees.³⁹

American assaults on Iraqi women have not been confined to sexual abuse. U.S. forces have used Iraqi women as “bargaining chips” to get Iraqi men to turn themselves in or to confess to aiding the resistance. And U.S. personnel have physically assaulted female detainees. Huda Hafez Amad, one of the last female prisoners released from Abu Ghraib, testified that U.S. interrogators hit her in the face and made her stand for twelve hours with her face against a wall. In 2003, an Iraqi woman in her 70s was harnessed and ridden like a donkey after being arrested. Selwa (a pseudonym), a female detainee in Abu Ghraib, claimed, “Once I saw the guards hit a woman, probably 30 years old. They put her in an open area” and asked everyone to come out and see her. “They pulled her by the hair and poured ice water on her. She was screaming and shouting and crying as they poured water into her mouth. They left her there all night. There was another girl; the soldiers said she wasn’t honest with them. They said she gave them wrong information. When I saw her, she had electric burns all over her body.”⁴⁰

Young girls have not been spared. An Iraqi TV reporter, Suhaib Badr-Addin al-Baz, saw the Abu Ghraib children’s wing after Americans arrested him. Al-Baz recalled one night when guards came into the cell of a 12-year-old girl who called out “They have undressed me. They have poured water over me.” He claims that she cried and whimpered daily.⁴¹

Regardless of who is perpetrating sexual violence—U.S. forces, contractors, or even Iraqi men—it is particularly difficult to remediate in Iraq because many women and girls will not report their experiences. The reasons vary: the “long-standing cultural stigma and shame attached to rape...positions victims as the wrongdoer and too frequently excuses or treats leniently the perpetrator;” obstacles to filing police reports or obtaining a forensic examinations; fear of retaliation in the form of “honor” killings or social stigmatization; and tales about women who sought assistance but were either denied or treated poorly, sometimes by an overwhelmed hospital staff who gave sexual assault a low priority.⁴²

Local Thugs as a Source of Insecurity

Coalition forces and foreign contractors are not the only perpetrators of violence against women. In 2003, Human Rights Watch reported that mafia-like Iraqi gangs roam Baghdad and other urban areas, particularly at night, preying upon Iraqi citizens. An Iraqi police

inspector testified that “Some gangs specialize in kidnapping girls, they sell them to Gulf countries. This happened before the war too, but now it is worse, they can get them in and out without passports.” Other interviewees argued that abductions never occurred before the invasion.⁴³

Radical Religious Groups as a Source of Insecurity

Some radical religious groups are using alleged Shari’a principles to justify assaults on women. Freed from Hussein’s vengeful eye and increasingly in control of local and regional governments and local resources, several radical clerics, conservative Shi’a political parties, and paramilitary forces have gained followers and influence in Central and Southern Iraq. As a result, radical religious groups can more openly harass women who defy their interpretations of Shari’a. Many girls and women in urban areas who might have previously worn western clothes will not now leave home without wearing the *hijab* or the *abaya*. Although choice of dress does not necessarily mean insecurity or loss of freedom, women’s rights advocate Yanar Mohammed claims, “If you go without the protection of the scarf, [armed men] can stop you and you may get assaulted...Being good and chaste means you put a veil on. They tell you it’s voluntary, but how can it be voluntary when there’s that much pressure on you?”⁴⁴ Even Christian women in the south have resorted to wearing the *hijab*.⁴⁵

The tactics of the radical Shi’a that terrorize Iraqis, particularly in the South, often fall more heavily on women. In March 1995 group of Shi’a militiamen with rifles, pistols, thick wire cables and sticks charged into a crowded college picnic in Basra. The students’ transgressions: men dancing and singing, music playing, and couples mixing. Most of the women were veiled, although a handful, including some Christians, was bare headed. Especially hard on women, the militiamen who were loyal to the militant Shi’a cleric Moqtada Sadr, fired shots, beat students and hauled some students away in pickup trucks.⁴⁶

Radical religious groups are also apparently guilty of more severe crimes against women. A group of men in Mosul threw acid in the face of a Christian female lawyer whom they had previously warned to wear a veil or face death.⁴⁷ In 2005, on a highway near Baghdad the body of pharmacist and women’s rights activist Zeena Al-Qushtaini turned up ten days after assailants had abducted her at gunpoint. Al-Qushtaini had two bullet holes

close to her eyes and was reportedly dressed in an *abaya*; she normally wore Western clothes. Pinned to the *abaya* was a message that read, “She was a collaborator against Islam.” In Latifya, a city south of Baghdad, Sunni radicals have covered walls warning women and girls not to go out in public without covering their heads and faces and threatening death to the violators.⁴⁸

Public violence, shortages in the economy, and a crumbling infrastructure have transformed women’s work lives. Public violence has driven low-income women engaged in street commerce out of their jobs and into their homes, and fewer children, particularly girls, brave the streets to attend school.⁴⁹ Older, educated women who had created small businesses in their homes during sanctions are often out of work because of the lack of electricity. Female heads of household have lost work as the formal economic sector collapsed. The women most likely to earn money are the better-educated urban women who work in education and public administration and rural women with little or no education who do agricultural work. However, even then, a non-sectarian wave of assassinations against academics, journalists, and scientists has not spared women.⁵⁰

The privatization of businesses and the U.S. introduction of “free market reforms” are also exacting their toll on women. At the Agras clothing factory in Baghdad, 600 seamstresses, most of whom were supporting their families, have lost their jobs since the U.S. authorities slashed tariffs in 2003. Agras now sends its designs to China and imports the finished product. As free market policies kick into full gear over the next year, cheap fuel, inexpensive commodities and public sector jobs, all part of the pre-war Ba’athist regime’s social contract with the Iraqi people, are bound to disappear.⁵¹

Working for the Coalition Forces is often the only employment available, but this can be perilous. Among other incidents, women working as cleaners and laundry personnel at a U.S. base near Baghdad were gunned down in 2004, and a translator for a U.S. news organization found a note under her door reading: “Warning: Those who deal with the atheists and the infidels on the soil of the homeland deserve but death and destruction. Thus, we warn you to stay away from the infidels and the blasphemists, the followers of Satan, otherwise your killing shall be a mercy for Muslims. Those who heed the warning shall be excused.”⁵²

The increased power of conservative Islamists has revived the practice of *mutaa*—a 1,400-year-old tradi-

tion alternately known as pleasure marriage or temporary marriage. A pleasure marriage may last a few minutes or a lifetime, and an unmarried woman may enter into one with any man, regardless of his marital status. Although many Shi’a clerics in Iraq, including the Grand Ayatollah Ali Sistani, believe that temporary marriage accords with Islamic law and is consensual, Sunni authorities generally disagree. Outlawed during Hussein’s presidency, the practice never entirely disappeared. Since the invasion, Shi’a women are increasingly entering into these marriages. Perhaps Iraq’s dire economic straits lead unmarried women to hope that *mutaa* may provide financial salvation even though the man has the right to end the relationship at will.⁵³

Since the occupation, the notion that secularization will transform Iraqi women’s lives for the better has been severely undermined. For example, freed from Hussein’s restrictions, more Shi’a women are involved in religious studies. Before 2003, teaching women about Islam, if it occurred, took place informally in homes or underground—more because of Hussein’s desire to control the Shi’a’s religious activities than his opposition to women’s education. If a man were found performing religious practices outside of strict guidelines, he might face arrest; a woman faced the danger of having her entire family taken into custody.⁵⁴ In 2004, some of Baghdad’s Shi’a mosques introduced women’s religious classes and in March of that year one source estimated that there were classes in 100 Baghdad mosques. The tone of the classes is generally conservative, no personal questions are allowed although practical matters arise.⁵⁵ Some advocates for women support the increased religious freedom and practices but worry about the link to social conservatism and the potential for discrimination against women.

And, in 2004, when urban Kurdish and Sunni women were marching in the streets to protest the Iraqi Governing Council’s attempt to scrap secular family laws and reinstate Shari’a, Shi’a women’s groups demonstrated in Najaf in support of the Governing Council’s action. But the Shi’a were not alone—a Sunni spokeswoman, the head of the Islamic Union for Women in Iraq, also backed basing family law on Shari’a.⁵⁶

Since senior clerics, particularly among the Shi’a, derive much of their influence from their ability to build and support mosques, schools, libraries, and other public institutions and to provide for students and the poor, the more the Coalition and the Iraqi government fail to meet the population’s basic needs, the more Iraqis have

looked to the clerics as providers.⁵⁷ And, the more influential the clerics will become.

Continuing Warfare and Deprivation as a Source of Insecurity

Let us first look at current conditions in Iraq that affect all Iraqis; violence, insecurity, all manner of physical deprivation—medicine, nutrition, shelter, electricity—and a Pandora’s box of psychological deprivation and dislocation. Then we will attempt to parse out the specific implications for women.

The deadly remnants of warfare riddle the countryside—unexploded ordinances, including land mines and cluster bombs and soil and water systems polluted by depleted uranium, a health hazard that generations of Iraqis will face. In April 2005, doctors in Baghdad reported a significant increase in the number of babies born with deformities, particularly in the south, and hypothesized that depleted uranium from the 1991 Gulf War might account for the increase.⁵⁸ A stepped-up U.S. campaign of aerial war has led and will lead to more civilian deaths and unexploded ordinance, while suicide bombers and other insurgent attacks contribute to the rising numbers of dead and maimed.

U.S. tactics in fighting the insurgency continue to displace Iraqi families. In Anbar governate in western Iraq U.S. offensives have displaced tens of thousands of families. Thousands of people have sought refuge in refugee camps, abandoned buildings, or the homes of friends. Doctors have noted an increase in the prevalence of diarrhea and pulmonary infections among children and the elderly, even after they returned home.⁵⁹ Throughout the occupation, similar offensives, notably in Fallujah, have probably killed thousands of Iraqis and forced many more into refugee camps or abandoned buildings.

The Iraqi infrastructure, already disintegrating because of wars and sanctions, is further damaged by frequently malfunctioning sanitation and water systems, destroyed and vandalized institutions, and electricity shortages. In January 2006, residents of Baghdad were getting less than four hours of electricity per day whereas pre-war they had 16-24 hours. It’s a little better in the rest of the country. However, less than 1/3 of the Iraqi population has access to potable water, compared to 50% before the war. And 20% of the population has sewerage access; 24% had access pre-war. As one Baghdadi resident noted, “During Saddam’s time, we always had power, clean water and better food than we have now.”⁶⁰

Poverty has exploded across Iraq. A recent study by the United Nations Development Program and International Monetary Fund shows that 20 percent of the population has fallen below the international poverty line of \$1 per day per person.⁶¹

Iraqis also suffer from food shortages and malnutrition. In 2004, surveys reported that acute malnutrition among young children in Iraq had nearly doubled since the invasion of the country. It is more prevalent in southern Iraq than in the north. Roughly 400,000 Iraqi children were suffering from “wasting,” characterized by chronic diarrhea and dangerous protein deficiencies.⁶²

Continuing a trend that began under sanctions, most Iraqis are dependent on food aid. The government’s program to distribute food is disastrously inadequate, so people rely more on the mosques and churches to fill their needs. In some neighborhoods, religious personnel who control the local government are in charge of the government distribution. Many Iraqis perceive that only the religious authorities, especially local imams, have provided security or basic necessities in a systematic way. The collapsed economy has resulted in widespread unemployment, high inflation, steep housing costs, inadequate housing, and a shrunken health care system.⁶³

Daily deprivation and insecurity have also affected family and gender relations. In interviews with Iraqi women Professor Nadjie Al-Ali discovered 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.⁶⁴

Married couples respond to the current situation in different ways. Some couples worry about bearing children with congenital diseases or birth defects in a society where abortion is illegal and contraception not widely accessible. The divorce rate is rising, and the impoverishment of the middle classes has led many to “marry below their class.”⁶⁵

Often witnesses to violent house arrests, women need to track down their imprisoned male relatives, a task requiring endless forbearance with frequently unyielding authorities. These women must also provide for the basic necessities of the family while those who are detained or “disappeared” are absent for weeks or even months, if they return at all.⁶⁶

For widows, life has become increasingly harsh. During Hussein's presidency, the government often compensated widows of men killed in battle — particularly during the Iran-Iraq war. Sometimes a widow received land and free education for her children. This compensation began to dry up during the period of sanctions and now, according to women's groups, rampant corruption and Iraq's general chaos have pushed widows' concerns to the back burner.⁶⁷

And it is women, more frequently than men, who hold their households together as they try to cope with the psychological consequences of the continuing war. There are countless men, women, and children in Iraq with missing limbs, hands, and eyes. Children beg in the marketplace and orphans are ubiquitous. These are the external wounds of war. Much less visible are the inner wounds that give rise to alcoholism, increased domestic violence, and psychological illness.⁶⁸ A society that has faced years of war and deprivation must contain thousands of traumatized individuals and few resources to deal with them. As the source of strength within the household, women are at the forefront of nurturing these troubled individuals and themselves back to health.

Participation in Economic and Political Reconstruction

Those Iraqis who had hoped that the Coalition would increase women's participation in the reconstruction process have been sadly disappointed. Generally, the Coalition forces in charge of reconstruction have ignored women in doling out reconstruction money. One program, Women's Initiatives, originally intended to award some of its \$700,000 to women contractors seeking to repair the water infrastructure. However, in February 2006, the program's director noted that the program's goals have scarcely been reached. Indeed, of the 260,000 reconstruction contracts awarded in Iraq, less than 1,000 have gone to women. And, according to the director, the individuals responsible for this negligence are "our own [U.S.] guys...It's just not high on their priority list. It's just like in the U.S. When you want to hire someone, you want to hire someone like you."⁶⁹

The Coalition's record in incorporating women into the political reconstruction of Iraq is equally dismal. According to Lt. Col. Carl E. Mundy who handled post-conflict operations in southern Iraq, "We didn't give special considerations to engaging the women...My concern was not stepping where I shouldn't step, or drag-

ging a woman in there that would anger the local men."⁷⁰ By ignoring women, the U.S. appointments undermined women's future political opportunities, and the Coalition's choice of representatives for national and local governing bodies often reinforced the power of conservative clerics and tribal leaders. For example, in 2003 the U.S. appointed only three women to the 25-member Iraqi Governing Council; there were no female provincial governors, very few female representatives on city, district, and neighborhood councils outside of Baghdad, and no women on the 24-member constitutional committee that drafted the interim constitution.

The excuse is that the U.S. did not want to violate Iraqi sensibilities with a demand for a female quota in the National Assembly. But, as Safia al-Souhail, a leader of the Bani Tamim tribe in central Iraq, points out, "They're forcing a lot of changes on this society. Why not force this as well?...Suddenly, women's rights are the red line?"⁷¹

Indeed, by ignoring women, the Coalition encouraged the conservative male office holders to ignore women's concerns as well. Interviewed in April 2005, Salam Smeasim, a secularist economics adviser in the interim Women's Affairs Ministry, claimed she was more afraid of the secular conservatives than Islamic powers. "Even the Communist men...don't want women to be active or to have powerful positions."⁷²

Many women have turned to some clerics for help in guaranteeing political rights. According to Hind Makiya, the founding director of the UK-based Iraqi Women's Foundation, "We have to rely on a moderate religious leader such as Grand Ayatollah Ali al-Sistani to fight for our rights, as so-called Iraqi liberals barter away our rights amongst themselves." Some Iraqi women have sought and received support from al-Sistani for their participation in government.⁷³ For example, the Coalition appointed a female judge in the more conservative south, but after protests she wasn't sworn in. Even after the prospective judge went to al-Sistani and received his approval for her appointment, the Coalition refused to swear her in because of what people might do to her.⁷⁴

It is perilous in today's Iraq for a woman to be a political figure. In the December 2005 elections for Parliamentary seats, Maha al Douri, a candidate from a minor Shi'a slate put her face on campaign posters and talked about women's rights. She received threats. This was not surprising; before the constitutional referendum

in 2005, campaign posters in conservative areas showing a woman's face—as a symbol of the face of a new Iraq—were ripped from walls or painted over, denounced as shameful. Candidate Huda al Nu'aimi would not display any of her campaign posters in December 2005, including posters showing her face. Like other female candidates, some of whom were even afraid to appear in public, al Nu'aimi feared that insurgents would smear her as a collaborator with the U.S. forces.⁷⁵

But there are fissures among Iraqi women: they do not speak with one voice. For example, among the Shi'a, there are Communist and secularized females and many educated professionals; yet Shi'a women are more likely to express allegiance to their religion than to their gender. For many, but certainly not all Shi'a women, women's rights are not high on their political agenda. Examples of conservative Shi'a attitudes about women's role in society are plentiful: once a woman marries (which every respectable Shi'a woman is expected to do), her primary job is household work. She is to drop the "second job," i.e. work outside the home, true even for professional women. In July 2004 Physicians for Human Rights (PHR) surveyed 2000 families, 96.7% of whom were Shi'a, in three southern Iraqi cities; more than half the men and women approved of wife beating if the wife were disobedient. Significantly, the survey's sample was urban, not rural, where one might have anticipated the response.⁷⁶

In spite of powerful patriarchal attitudes and the danger of being accused of violating Shari'a, Shi'a women have sought political office. In 2004, Thanaa Salman, a 27-year-old school principal in Hilla, pushed her way into local politics. After she was elected to her neighborhood council, the elections for its presidency were held without her knowledge. She contacted the Americans who had organized the vote and demanded a new election. It was held, and she won the presidency by a narrow margin. Raghad Ali, 25, tried to run for local office in Hilla, but the men at the candidate registration office insisted that women could not be candidates. Afterwards Raghad claimed, "I was frightened of the people in my neighborhood...They looked at me so strangely, like I thought I was equal to men. I'm afraid of everything, from gossip to violence. It just kills the ambitions inside."⁷⁷ But, like numerous other Iraqi women, Raghad and her sister organized a petition drive to get women a large number of seats in the National Assembly. According to the Iraqi Constitution, ratified in October 2005, women are guaranteed a quarter of the seats. A more in-depth discussion of the

Constitution's impact on women's lives appears later in this report.

In a curious split familiar in the West, some Shi'a women are prepared to take considerable risks to participate in politics, at the same time denying interest in women's rights. In January 2005, women in Najaf wearing the *abaya* were willing to be photographed and named, unlike many women who run for office. These candidates, espousing conservative religious ideas, appeared to have no interest whatsoever in advancing women's rights. As one woman stated, she was running for office not to address women's issues but "to provide job opportunities...to help widows and poor people."⁷⁸

Shaping a Stable and Viable Civil Society

Despite the danger, violence, insecurity, and deprivation, Iraqi women continue to try to shape their own lives and to create a more stable society. Local NGOs fill some gaps although it is increasingly difficult for them to function, especially in the south. Before the invasion, Al Mareefa, Knowledge for the Iraqi Women's Society, had provided community services through Baghdad's mosques. Since Hussein's fall, Al Mareefa has registered as an NGO and in June 2003 opened its first women's center. At the center, women have taken classes in subjects like computer-skills, sewing, and cooking. In 2004, Al Mareefa also opened a center in Al Dora, a poor neighborhood on the outskirts of Baghdad.⁷⁹ The Organization for Women's Freedom in Iraq (OWFI), an avowedly women's rights organization, distributes supplies to Baghdad's squatter camps, publishes a newspaper that exposes rape cases and honor killings, and has opened shelters in Baghdad and Kirkuk for women fleeing from domestic abuse and potential honor killings.⁸⁰

Individual women also try to control their destinies. Women to Women International has documented several heroic tales, including one about Nawal who at age 52 was the sole provider for her household:

She previously had employment in a canned food factory until it, like many other factories, was closed. The main complaint that she and her neighbors shared was a lack of water in their area. She demanded a meeting with the official authorities in charge of water in her province. The manager she spoke with agreed to work on the water pipes and sent her to meet with the main engineer. When a foreman refused to allow her to meet the engineer, she persisted until she was able to hold the meeting. Impressed with her tenacity, the engineer

agreed to do work in the neighborhood. Nawal needed the foreman's approval for the work to begin, however, and he demanded 175,000 Iraqi dinars (ID) for the job. She was able to raise 100,000 ID from her neighbors. She was plagued, however, by the notion of contributing to the cycle of corruption, and despite the risk, returned to the original manager she had spoken with and explained the situation. The manager wrote an official administrative order for work on the pipes in her neighborhood to begin, and Nawal was able to return the 100,000 ID to her neighbors. Now much respected in her neighborhood, she has turned her attention toward the problem of the supply of electricity for her area.⁸¹

THE IRAQI CONSTITUTION

We're 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.

George Bush
August 23, 2005

Contrary to George Bush's claims, the new Iraqi constitution, passed on October 15, 2005, does not guarantee women's rights. In fact, at the heart of the Constitution there is an ambiguity that many critics consider to be a major step backward for Iraqi women.

The Constitution asserts that Iraqis are equal before the law "without discrimination because of sex" and that "no law that contradicts the principles of democracy may be established." However, the Constitution also enshrines Islam as the official religion of the state and as a basic source of legislation—no law, it states, can be passed that contradicts the "established rulings of Islam." For critics like Yanar Muhammad, the head of the Organization of Women's Freedom in Iraq (OWFI), the Islamic provisions will turn the country into an "Afghanistan under the Taliban, where oppression and discrimination of women is institutionalized."⁸²

As we have seen in this report, the "rulings of Islam," Shari'a, to which the Constitution refers are subject to wide interpretation.⁸³ Riverbend, the pseudonym for Iraq's most famous blogger, points this out: "I'm a practicing Muslim female. I believe in the principles and rules of Islam I practice—otherwise I wouldn't be prac-

ting them. 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 shouldn't be contradicted by the constitution?"

The Constitution does not specify who will decide which "rulings of Islam" will prevail. The body that will resolve how to interpret the Constitution is the new Supreme Court, made up of judges and experts in Shari'a, including clerics. Because the new Iraqi Parliament is to determine the method of choosing the Court and is also empowered to make laws that fill in the Constitution's bare-bones guidelines, whoever controls Parliament will most likely determine which "rulings of Islam" prevail.

The rights given to Parliament particularly trouble the Constitution's critics who worry about the increasing political power of conservative Shi'a clerics and groups. If these groups control the Parliament, "Islamic rulings" will follow conservative interpretations of women's rights.⁸⁴ As a case in point, critics point to the success of conservative Islamists in blocking the appointment of Nidal Nasser Hussein as a judge in Nijaf, despite the fact that women have served as judges in Iraq since Zakia Hakki was appointed in 1959.

Another section of the Constitution of concern to critics deals with "personal law," which governs issues like marriage, divorce and inheritance. Article 39 of the new Constitution declares that Iraqis are "free in their personal status according to their religions, sects, beliefs, or choices." Subsequent legislation will determine what this article means. Critics argue that if family matters are to be judged according to the law practiced by the family's sect or religion, the Constitution may nullify much of Iraq's personal status law, which provided women with some of the broadest legal rights in the Middle East. In addition the Constitution does not make clear what would happen in cases where the husband and wife are not from the same sect. And while some say that Iraqis would be free to reject a clerical role in family disputes and opt for a secular court, what happens when one of the parties in the dispute is secular and the other religious?

Many Muslims who support rights for women believe that secular law will never completely replace Shari'a. They argue that instead of attempting to get rid of or

work outside of Shari'a, advocates of women's equality must recognize and work within the various interpretations of Shari'a. These Muslims point to countries that have broadened the rights of women while adhering to Islamic principles. In 2003, Morocco revised its family law to raise the marriage age from 15 to 18, abolish polygamy, equalize the right to divorce, and give women the right to retain custody of their children. In Indonesia, where Shari'a courts exist, a group called Fatayat trains its female members in Islamic *fiqh* (jurisprudence) so that they can hold their own in religious debates. Also, in Indonesia, an NGO known as P3M uses *fiqh* to encourage Indonesia's religious schools to promote women's reproductive health and family planning. And, most recently in Malaysia, an Islamic state, the women's advocacy group Sisters in Islam forced the government to back away from laws that would have made it easier for men to practice polygamy and to divorce.⁸⁵

But the conservative Islamic groups and clerics who have gained tremendous power in post-invasion Iraq are primarily southern Shi'a with close ties to the Iranian clerics, who have proven "anti-women" credentials. In the aftermath of Iran's 1979 revolution, the new Islamic government suspended the country's progressive family law and attempted to demolish women's rights and freedoms: they forbade female judges, enforced the wearing of the *hijab*, lowered the marriage age to nine, permitted polygamy, gave fathers the right to decide who their daughters could marry, permitted unilateral divorce for men but not women, and gave fathers sole custody of children in the case of divorce.⁸⁶ Lest one use this situation as a pretense for initiating U.S. military action against Iran, let us also note that many Iranian women are empowering themselves to subvert clerical authority—through political participation, protests, underground women's groups and the use of technology, especially satellite television and internet blogs. Indeed, subversion is evident in seemingly insignificant matters, such as wearing cosmetics, shopping in trendy fashion and lingerie shops, and passing cell-phone numbers to prospective suitors. Still, many Iraqi women, particularly those who are more secularized, fear that their country will move in the same direction as Iran.

Dr. Rajaa al-Khuzai, a secular Shi'a member of the transitional National Assembly, one of the few women on the constitutional drafting committee, bitterly denounced the new Constitution for handing women's rights over to the conservative clerics. "We had the best family law in the Middle East. Now we'll go back to the

clerics," she complained.⁸⁷ Dr. al-Khuzai, who once called Bush "My Liberator," was so distressed by women's future prospects that she has decided to leave the country.

Supporters of the Constitution say that one component represents a real gain for Iraqi women: the guarantee that 25% of the seats in the National Assembly be reserved for women. In Iraq, 55-65% of the population is female. The constitutional quota for female representatives is the result of intense lobbying by women's groups, but it also has some precedent in Iraqi history. In 1980, the Ba'athists gave women the vote and the right to run for office. Within two decades, women occupied 20% of the seats in Iraq's rubber-stamp parliament (compared to a 3.5% average in the region) and some prominent cabinet positions.⁸⁸

At the insistence of Iraqi women, aided by the British, a 25% quota was established for the transitional National Assembly that was elected on January 30, 2005 and charged with drafting the Constitution. During the drafting process, female advocates for women's representation focused on holding on to that 25% quota, while conservatives attempted to have the quota phased out. In the end, the quota remained in the final draft of the Constitution, thus giving women in Iraq one of the highest levels of representation in the world. (Remember, women make up a little less than 15 percent of the U.S. Congress).⁸⁹

But it is a mistake to assume that merely having a significant number of women in government will produce "women-friendly" legislation. After all, nearly half of the elected women are part of the United Iraqi Alliance slate, the conservative Shi'a coalition cobbled together by Ayatollah Ali al-Sistani, and they have toed their party's conservative line. Assemblywoman Dr. Jenan Al-Ubaedey, for example, defends polygamy and wife beating, as long as the husband does not "leave a mark."⁹⁰

In the long term, female education may be the best way to advance the status of women. While the Constitution calls for free education at all levels, only primary school education is mandatory. Some women's groups in Iraq, concerned about the declining levels of literacy among Iraqi women, wanted middle school to be declared mandatory as well, but were defeated.⁹¹

Unfortunately, while the content of the Constitution is critical for the future of Iraqi women, most women were too overwhelmed by the difficulties of daily life to even

participate in the debate. “People are so preoccupied trying to stay alive and safe and just get to work and send their children off to school in the morning, that the constitution is a minor thing,” writes Iraqi blogger Riverbend. Speaking of people in the Sunni areas with heavy fighting, she says, “When your city is under fire, and you’ve been displaced with your family to some Red Crescent tent in the middle of the desert, the last thing you worry about is a constitution.”

So, while Iraqi women are busy keeping trying to keep themselves and their families afloat, this post-invasion Constitution may well sink their chances for equality in the new, liberated Iraq. What it all might come down to is who will interpret “Islamic rulings.”

CONCLUSION

Iraqi women have paid a high price for the war and occupation of their country. Despite the rhetoric of the Bush administration that women’s lives have improved since the overthrow of Saddam Hussein, women are facing a new series of challenges that some say have rolled back decades of Iraqi women’s struggles for equal rights. And the new Iraqi Constitution, while guaranteeing increased political participation by women, leaves open the possibility that conservative clerics could soon have more control over Iraqi women’s lives than ever before.

As this report documents, since March 2003, Iraqi women have been besieged by violence. The lack of security in Iraq and increase in crimes like rapes, murders, and kidnappings has made many women afraid to leave their homes and led them to keep their children, especially girls, home from school. In Central and Southern Iraq, where the violence and chaos is most extreme, violent acts against women are carried out by U.S. troops, foreign contractors, Iraqi police officers, insurgents, gangs and common criminals. In addition, radical religious groups who use violence to enforce their conservative interpretation of Islam assault women.

Although statistics on rapes, abductions and other violent crimes in today’s Iraq are difficult to obtain, women have been reporting on the impact of these crimes on their lives since at least the summer of 2003. A July 2003 Human Rights Watch report stated that “Women and girls told Human Rights Watch that the insecurity and fear of sexual violence or abduction is keeping them in their homes, out of schools and away from work and

looking for employment.”⁹² Another study, published in November 2004 in the medical journal *The Lancet*, estimated that 98,000 additional deaths were caused in Iraq by the war and occupation and that of those, “most individuals reportedly killed by coalition forces were women and children.”⁹³

This high level of violence has constrained women’s lives and limited their options. It has also left women with the job of managing the psychological effects of the war on themselves as well as nurturing back to mental health other family members who are struggling psychologically because of the trauma of the war.

In the midst of the violence, women must ensure that their families’ basic human needs are met, a task that has been made extremely difficult by the devastation the war has wreaked on the Iraqi economy and infrastructure. Widespread unemployment, lack of basic resources like clean water and electricity, shortages of food and gasoline, and a health care system in tatters are all part of the daily reality faced by Iraqis. In some cases, women and their male relatives can struggle together to overcome this lack of basic resources; in other cases, women must provide for their family members’ basic human needs on their own, because their husbands, sons, and fathers have been killed, detained or disappeared.

In some cases, women have turned for assistance to religious groups that have organized themselves to provide help that the government and Coalition Forces have been unwilling or unable to make available. The rise of power of these groups, especially those that espouse a radical doctrine under which women’s freedoms would be restricted, is a phenomenon that some women’s rights advocates fear could lead to restrictions on Iraqi women similar to those placed on women in Iran.

There is undoubtedly increased pressure on women in Iraq to wear the *hijab* or *abaya*, and women are harassed and sometimes assaulted for not covering themselves. On the other hand, many Iraqi women support the increased role of Islamic principles in Iraqi society and even conservative interpretations of Islam.

A critical question is to what extent will the conservative Shi’a and Sunni clerics, who have gained tremendous power in Iraq, attempt to exploit the new Constitution’s ambiguity regarding the role of Islam to restrict women’s rights and freedoms? Also of concern is the fact that under the new Constitution, the power of the religious courts could be extended over many more person-

al matters such as marriage, divorce, child custody, and property inheritance.

It is clear from the information presented in this report that the war against Iraq has not led to progress for Iraqi women. Rather, it has replaced the brutality of Saddam Hussein's regime with a new brutality that challenges the safety and well-being of women and their families in a myriad of ways. Although there is hope for increased political participation by women in the new Iraq, Iraqi women will never be able to exercise the full range of their human rights as long as their country is beset by war and occupation.

As International Women's Day approaches, women around the world should consider how we can take action to support the women of Iraq. At a minimum, women in other parts of the world should remain vigi-

lant in monitoring and reporting to the world any deterioration of Iraqi women's rights. We should respond to requests of support from Iraqi women's groups and publicize those requests. Women must also insist that the countries that have destroyed Iraq's economy and infrastructure pay for its reconstruction by Iraqis.

And most importantly, women around the world, especially those from the countries that are participating in the occupation of Iraq, should push to end their governments' support for the war. None of us can sit and talk about empowering Iraqi women, while the occupation continues to disempower the Iraqi people.

* Thanks to Rose Glickman for superb editing, Elizabeth Baribeae and Tovis Page for research, Nadje Al-Ali and Assaf Kfoury for insightful critiques, and Nadje Al-Ali for her thought-provoking preface.

Endnotes

- 1 BBC News, "One Day in Iraq: Daily Lives," June 7, 2005, http://news.bbc.co.uk/1/hi/world/middle_east/4613785.stm
- 2 Shari'a is a term to which Islamic scholars and clerics frequently refer when delineating women's roles in the Muslim world. Literal interpretations of the term Shari'a vary, but it appears to derive from a water hole or to the path leading to a water hole. Today most people equate the term Shari'a with Islamic law that Islamic lawyers and judges have interpreted from certain religious teachings or principles. These interpretations of Shari'a were and are used to govern religious rituals and all aspects of societal life.

However, all Muslims do not agree on the interpretations or even on the process of interpreting. Sunnis and Shi'a use different sources for interpreting Shari'a although both groups use principles from the *Qu'ran* and various practices or teachings of the Prophet Mohammed. After the death of the Prophet Mohammed and during the Middle Ages—five different schools of Shari'a developed—four in the Sunni tradition and one in the Shi'a tradition. A school consists of a group of scholars that developed specific interpretations of Islamic law; over the centuries, its precedents supposedly became legally binding. But, even then, groups broke from these schools of Shari'a so that today interpretations of Islamic law may differ dependent upon clerical leadership, coun-

try of residence, and other variables. The practice of *mutaa*, temporary marriage, increasingly popular among many Shi'a in Iraq, provides an example of differing interpretations. Many Shi'a clerics in Iraq hold that these marriages are in accordance with Islamic law; Sunni authorities generally disagree and maintain that these sexual relationships are outside religious behavior. Yet, among the Shi'a worldwide, there is no single interpretation about the practice of *mutaa*: in Iran, temporary marriage is widely practiced, among the Shi'a of Lebanon, Syria and Turkey, the practice is almost non-existent. Marla Bertagnolli "Policy and Management: Women's Rights in the Middle East: Will Iraq Follow Saudi Arabia's Example?" *The Heinz School Review*, Fall 2005 <http://journal.heinz.cmu.edu/current/hrMiddleEast.html>; Sharon Otterman, "Islam: Governing Under *Sharia*," Council o Foreign Relations, March 14, 2005, <http://www.cfr.org/publication.html?id=8034#1>; Isobel Coleman, "Women, Islam, and the New Iraq," *Foreign Affairs*, January/February 2006, <http://www.foreignaffairs.org/20060101faessay85104/isobel-coleman/women-islam-and-the-new-iraq.html?mode=print>; Solomon Moore, "Vows of Matrimony Spoken in Passing," *LATimes.com*, January 15, 2006 /na http://www.latimes.com/news_tionworld/world/la-fg-marriage15jan15,1,2920675.story

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