

Background on Women's Status in Iraq Prior to the Fall of the Saddam Hussein Government

Historically, Iraqi women and girls have enjoyed relatively more rights than many of their counterparts in the Middle East. The Iraqi Provisional Constitution (drafted in 1970) formally guaranteed equal rights to women and other laws specifically ensured their right to vote, attend school, run for political office, and own property. Yet, since the 1991 Gulf War, the position of women within Iraqi society has deteriorated rapidly. Women and girls were disproportionately affected by the economic consequences of the U.N. sanctions, and lacked access to food, health care, and education. These effects were compounded by changes in the law that restricted women's mobility and access to the formal sector in an effort to ensure jobs to men and appease conservative religious and tribal groups.

Women's Status in Iraq Prior to the 1991 Gulf War

After seizing power in 1968, the secular Ba'ath party embarked on a program to consolidate its authority and to achieve rapid economic growth despite labor shortages.¹ Women's participation was integral to the attainment of both of these goals, and the government promulgated laws specifically aimed at improving the status of women in the public and—to a more limited extent—the private spheres.² The status of Iraqi women has thus been directly linked to the government's over-arching political and economic policies.

Until the 1990s, Iraqi women played an active role in the political and economic development of Iraq. A robust civil society had existed prior to the *coup d'état* in 1968, including a number of women's organizations.³ The Ba'ath Party dismantled most of these civil society groups after its seizure of power. Shortly thereafter it established the General Federation of Iraqi Women (GFIW).⁴ The GFIW grew to play a significant role in implementing state policy, primarily through its role in running more than 250 rural and urban community centers offering job-training, educational, and other social programs for women and acting as a channel for communication of state propaganda.⁵ Female officers within the GFIW also played a role in the implementation of legal reforms advancing women's status under the law and in lobbying for changes to the personal status code.⁶ On the other hand, some Iraqi women have argued that as a

¹ Suad Joseph, "Elite Strategies for State-Building: Women, Family, Religion and State in Iraq and Lebanon," in *Women, Islam and the State*, ed. Deniz Kandiyoti (Leiden, The Netherlands: E.J. Brill, 1992), p. 178-79.

² *Ibid.*, pp. 178-79.

³ Such organizations included the Women's Empowerment Society (Jameat al-Nahda al-Nisaeya - founded in 1924), the Kurdish Women's Foundation (founded in 1928), and the Iraqi Women's League (founded in 1951).

⁴ *Ibid.*, pp. 182-83. The goals of the GFIW were outlined in Revolutionary Command Council Law No. 139, December 9, 1972: (1) to fight the enemies of a socialist, democratic Arab society; (2) to ensure the equality of Iraqi women with men in rights, in the economy, and in the state; (3) to contribute to the economic and social development of Iraq by cooperating with other Iraqi organizations and by raising the national consciousness of women; and (4) to support mothers and children within the family structure. As of 1997, 47 percent of all women in Iraq belonged to the organization. The Coalitional Provisional Authority abolished the GFIW, which required Ba'ath party membership and represented the only channel for many women to access positions of political power, under the post-war "de-Baathification" policy. See Coalitional Provisional Authority Order No. 1, "De-Baathification of Iraqi Society," May 16, 2003 [online], <http://www.cpa-iraq.org/regulations/CPAORD1.pdf> (retrieved June 25, 2003).

⁵ Assam, "Political Ideology and Women in Iraq," p. 87.

⁶ Joseph, "Elite Strategies for State Building," p. 184.

political arm of the Ba'ath party, the GFIW was destructive to women's issues in Iraq and "did not reflect or represent the struggle of millions of oppressed Iraqi women."⁷

The primary legal underpinning of women's equality is contained in the Iraqi Provisional Constitution, which was drafted by the Ba'ath party in 1970. Article 19 declares all citizens equal before the law regardless of sex, blood, language, social origin, or religion. In January 1971, Iraq also ratified the International Covenants on Civil and Political Rights (ICCPR) and Economic, Social and Cultural Rights (ICESCR), which provide equal protection under international law to all.⁸

In order to further its program of economic development, the government passed a compulsory education law mandating that both sexes attend school through the primary level.⁹ Although middle and upper class Iraqi women had been attending university since the 1920s, rural women and girls were largely uneducated until this time. In December 1979, the government passed further legislation requiring the eradication of illiteracy.¹⁰ All illiterate persons between ages fifteen and forty-five were required to attend classes at local "literacy centers," many of which were run by the GFIW. Although many conservative sectors of Iraqi society refused to allow women in their communities to go to such centers (despite potential prosecution), the literacy gap between males and females narrowed.¹¹

The Iraqi government also passed labor and employment laws to ensure that women were granted equal opportunities in the civil service sector, maternity benefits, and freedom from harassment in the workplace.¹² Such laws had a direct impact on the number of women in the workforce.¹³ The fact that the government (as opposed to the private sector) was hiring women contributed to the breakdown of the traditional reluctance to allow women to work outside the home.¹⁴ The Iraqi Bureau of Statistics reported that in 1976, women constituted approximately 38.5 percent of those in the education profession, 31 percent of the medical profession, 25 percent

⁷ "Joint Comments by Women for a Free Iraq and Women's Alliance for a Democratic Iraq," July 15, 2003 [online], http://www.womenforiraq.org/winning_the_peace.doc (retrieved August 6, 2003).

⁸ Iraq ratified both the ICCPR and the ICESCR on January 25, 1971.

⁹ The Compulsory Education Law 118/1976 stated that education is compulsory and free of charge for children of both sexes from six to ten years of age. Girls were free to leave school thereafter with the approval of their parents or guardians. See U.N. Committee on the Elimination of Discrimination Against Women, "Second and Third Periodic Reports of State Parties: Republic of Iraq," CEDAW/C/IRQ/2-3, October 19, 1998, pp. 11-12.

¹⁰ The law required illiterate adults between the ages of 15 to 45 to participate for a two-year period in one of the many literacy programs established by the government. Joseph, "Elite Strategies for State-Building," p. 181.

¹¹ It is unclear to what degree the law was enforced, though attendance at primary schools increased significantly. See U.N. Economic and Social Commission for Western Asia, "Arab Women in ESCWA Member States," E/ESCWA/STAT/1994/17, 1994, p. 88.

¹² Articles 80-89 of the Unified Labor Code (originally Law 151/1970, replaced by Law 81/1987) established "protections of working women." Article 4 established the right to equal pay. Under the Maternal Law of 1971, women received six months' paid maternity leave and could take six additional months of unpaid leave.

¹³ Joseph, "Elite Strategies for State-Building," p. 186. According to a report by the General Federation of Iraqi Women, female participation in the workforce increased from 2.5 percent of the total labor force in 1957 to 12 percent in 1977. Another study reports an increase from 12 percent in 1977 to 19 percent in 1980. See Amal Sharqi, "The Progress of Women in Iraq," in *Iraq: The Contemporary State*, ed. Tim Niblock (London: Croom Helm and Exeter Centre for Arab Gulf Studies, 1982).

¹⁴ Rassam, "Political Ideology and Women in Iraq," p. 88.

of lab technicians, 15 percent of accountants and 15 percent of civil servants.¹⁵ During the Iran-Iraq war (1980-88), women assumed greater roles in the workforce in general and the civil service in particular, reflecting the shortage of working age men. Until the 1990s, the number of women working outside the home continued to grow.

While most advances in women's status occurred in the political and economic spheres, the government also made modest changes to the personal status laws in 1978.¹⁶ For example, divorced mothers were granted custody of their children until the age of ten (previously seven for boys and nine for girls) at which time, at the discretion of a state-employed judge, custody could be extended to the child's fifteenth birthday.¹⁷ The child could then choose with which parent to live. Changes were also made to the conditions under which a woman could seek divorce and regulations concerning polygynous marriages and inheritance.¹⁸ These reforms reflected the Ba'ath Party's attempt to modernize Iraqi society and supplant loyalty to extended families and tribal society with loyalty to the government and ruling party.¹⁹

Women attained the right to vote and run for office in 1980.²⁰ In 1986, Iraq became one of the first countries to ratify the Convention on Elimination of All Forms of Discrimination against Women (CEDAW). While this represented a positive step for Iraqi women, the reservations entered in regard to articles 2(f), 2(g), 9, and 16 undermined the guarantees of equality at the heart of the convention. Namely, these reservations sought to justify continued application of national laws that discriminate on the basis of sex, especially those in relation to women's and girls' rights within the familial structure, on the grounds that they are largely dictated by Islamic law.²¹ As with other countries in the region, most advancement in the status of Iraqi women has thus occurred within the public sphere.

Women's Status in the Post-Gulf War Years

In the years following the 1991 Gulf War, many of the positive steps that had been taken to advance women's and girls' status in Iraqi society were reversed due to a combination of legal, economic, and political factors.²² The most significant political factor was Saddam Hussein's

¹⁵ Ibid., p. 87.

¹⁶ The Code of Personal Status was first promulgated in 1959 under the regime of Abdal-Karim Qasim, which took power after the overthrow of the Hashemite monarchy in July 1958. Until that time, family laws were based on tradition or customary law and had never been codified. Qasim was executed in 1963 and many of the family law reforms he had implemented were reversed by the successive rulers under religious pressure. See Joseph, "Elite Strategies for State-Building," p. 184. See also Eric Davis, *Memories of State: Politics, History and Collective Identity in Modern Iraq*, March 2003 [online], <http://fas-polisci.rutgers.edu/~davis> (retrieved June 25, 2003).

¹⁷ Ibid.

¹⁸ Rassam, "Political Ideology and Women in Iraq," p. 84.

¹⁹ Rassam, "Political Ideology and Women in Iraq," p. 91. It is also suggested that this may have been done to intimidate religious institutions and authorities.

²⁰ Although given the right to run for election to the National Assembly, women were still underrepresented in government and politics.

²¹ Article 2(f) and (g) requires States Parties to modify or abolish existing laws, regulations, customs and practices (including penal provisions) which constitute discrimination against women. Article 9 guarantees women's individual nationality rights as well as their right to confer nationality upon their children (whereas Iraqi Nationality Law 43/1961 allows only the father to confer nationality upon his children). Article 16 pertains to the elimination of discrimination in all matters relating to marriage and family relations.

²² The Iraqi government suffered large human and material losses in its eight-year war with Iran. At the war's end in 1988, lower oil prices prohibited the state from maintaining the massive social welfare state it had created in the 1970s. These two factors led to massive social discontent and Saddam Hussein

decision to embrace Islamic and tribal traditions as a political tool in order to consolidate power. In addition, the U.N. sanctions imposed after the war have had a disproportionate impact on women and children (especially girls).²³ For example, the gender gap in school enrollment (and subsequently female illiteracy) increased dramatically due to families' financial inability to send their children to school. When faced with limited resources, many families chose to keep their girl children at home.²⁴ According to the United Nations Educational, Scientific and Cultural Organization (UNESCO), as a result of the national literacy campaign, as of 1987 approximately 75 percent of Iraqi women were literate; however, by year-end 2000, Iraq had the lowest regional adult literacy levels, with the percentage of literate women at less than 25 percent.²⁵

Women and girls have also suffered from increasing restrictions on their freedom of mobility and protections under the law.²⁶ In collusion with conservative religious groups and tribal leaders, the government issued numerous decrees and introduced legislation negatively impacting women's legal status in the labor code, criminal justice system, and personal status laws.²⁷ In 2001, the U.N. Special Rapporteur for Violence against Women reported that since the passage of the reforms in 1991, an estimated 4,000 women and girls had been victims of "honor killings."²⁸ In recent years, both the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK) administrations in northern Iraq issued decrees suspending laws allowing for mitigation of sentences in honor crimes, but the degree to which the suspension has been implemented is unknown.²⁹

Furthermore, as the economy constricted, in an effort to ensure employment for men the government pushed women out of the labor force and into more traditional roles in the home. In 1998, the government reportedly dismissed all females working as secretaries in governmental agencies.³⁰ In June 2000, it also reportedly enacted a law requiring all state ministries to put restrictions on women working outside the home.³¹ Women's freedom to travel abroad was also

confronted the possibility of being overthrown. The economic impact of 1991 Gulf War further fueled social discontent and the Ba'ath party reversed many of its earlier social policies. In attempt to foster loyalty among tribal and religious groups, Saddam Hussein began incorporating religious rhetoric into the party's platform and also reinstated tribal sheikhs as leaders, arming them and giving them land. See Sami Zubaida, "The Rise and Fall of Civil Society in Iraq," May 2, 2003 [online], <http://www.opendemocracy.net/debates/article-2-88-953.jsp> (retrieved June 25, 2003).

²³ U.N. Office of the Humanitarian Coordinator for Iraq (UNOCHR), "Occasional Paper: Situation of Women in Iraq," May 28, 2003.

²⁴ The Government of Iraq reported that this was the case in its most recent periodic report to CEDAW. "Second and Third Periodic Reports of State Parties: Republic of Iraq," CEDAW/C/IRQ/2-3, October 19, 1998, p. 12.

²⁵ UNOCHR, "Occasional Paper: Situation of Women in Iraq," p. 1.

²⁶ Ibid.

²⁷ For example, in March 1990, a presidential decree was issued exempting men who kill or assault their female relatives in defense of their family's honor from prosecution and punishment, resulting in a resurgence of a practice that had markedly decreased. U.N. Commission on Human Rights, "Report of the Special Rapporteur on Violence against Women," E/CN.4/2002/83, January 31, 2002. Under the decree, a male defendant accused of murder or assault of a female relative may plead as a defense that he was motivated by a real or perceived breach of family honor. In murder cases, this defense can result in the reduction of the minimum prison term from eight years to six months.

²⁸ Ibid.

²⁹ "Iraqi Kurds Amend Law to Reduce Honor Crimes," *AFP*, 14 August 2002; UNOCHR, "Occasional Paper: Situation of Women in Iraq," p. 4.

³⁰ "Saddam Bans Iraqi Women from Work," June 15, 2000 [online], http://www.iraqfoundation.org/news/2000/fjun/15_womenbanned.html (retrieved June 25, 2003).

³¹ Ibid.

legally restricted and formerly co-educational high schools were required by law to provide single-sex education only, further reflecting the reversion to religious and tribal traditions.³² As a result of these combined forces, by the last years of Saddam Hussein's government the majority of women and girls had been relegated to traditional roles within the home.

For information on the current situation in Iraq and issues related to women, see the Human Rights Watch report "Climate of Fear: Sexual Violence and Abduction of Women and Girls in Baghdad," (July 2003) available at <http://hrw.org/reports/2003/iraq0703/>. Additional information and reports are available at <http://www.hrw.org/campaigns/iraq/>.

³² Women under age forty-five were prohibited from leaving the country unless accompanied by a male relative.