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The Rights of Women from the Mountains of Iraq Before and After the New Constitution

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Abstract

There appears to be a trend that arguably started in the United States and is now spreading throughout the world and Iraq is no exception. Iraq's laws concerning women's rights were already considered to be progressive for the Middle East, the new constitution promises to be liberating for the women in the mountainous country of Iraq. Because of U.S. involvement in the drafting of the new constitution, there is much controversy as to how much is too much with respect to women's rights. Not only would they be allowed more rights as pertaining to marriage and properties, they would also begin to play a significant role in parliament. This paper will examine in detail the difference in women's rights before and after the implementation of the Iraqi constitution.

The Rights of Women from the Mountains of Iraq Before and After the New Constitution

One could argue that equality in society should be a universal right for all people regardless of age, gender, color, or other traits. Unfortunately, there has yet to be a government that guarantees the rights of all people. The United States claims to provide equal rights for all people and while its constitution does say that rights should be provided for all people equally, one could argue that it still does not. The purpose of this paper however is not to debate whether or not the United States offers equal rights to all of its citizens but rather to evaluate the status of equal rights among the people of Iraq, and in particular, the women of Iraq. This will be done by examining the Iraqi constitution before the reign of Saddam, during his regime and the most current version of it since his fall from power.

There are many nations in the world with nearly as many different views on liberty and equality as there are nations and there are even more differences among the people within these nations. Since the fall of Saddam Hussein's regime, the people of Iraq have had an opportunity to join with other nations in the pursuit of equality for all people. Currently there are few countries receiving as much public attention as Iraq, which provides Iraq with an opportunity to set the pace for many other nations especially many nations in the Middle East. Historically, women in Iraq have had substantially more rights than many other women in the surrounding nations of the Middle East.

"In 1970, there was an Iraqi Provisional Constitution drafted which formally guaranteed women equal rights and specifically their right to vote, attend school, run for political office, and own property"(Human Rights Watch 2003). The problem occurred after the first Gulf War which caused a rapid deterioration of women's rights in Iraq. The sanctions created by the U.N. caused unbalanced consequences among women and girls pertaining to their rights of access to food, education, and health care. Many of these changes were enforced to please some of the more conservative religious and tribal communities.

In 1968 the Ba'ath party took control of the Iraqi government and established the General Federation of Iraqi Women also referred to as GFIW. While GFIW helped many women in Iraq to gain education and training for work through the establishment of social programs and community centers, some have argued that GFIW "was destructive to women's issues in Iraq and did not reflect or represent the struggle of millions of oppressed Iraqi women"(Human Rights Watch 2003).

In order to better understand the progress of women's rights in Iraq, attention will be devoted to a comparison of the rights of women in Iraq prior to the war and the fall of Saddam, with the current constitution. This will be done by looking first at the article as found in the old constitution and then looking at the same rights as found in the new constitution. Each article will then be discussed to evaluate the differences between them.

Old Constitution Article 11[Family, Mothers, Children]: The Family is the nucleus of the Society. The state secures its protection and support, and ensures maternal and child care.

The New Iraq Constitution Article 29: First: A. The family is the foundation of society; the State preserves its entity and its religious, moral and patriotic values. B. The State guarantees the protection of motherhood, childhood and old age and shall care for

children and youth and provides them with the appropriate conditions to further their talents and abilities.

Second: Children have right over their parents in regard to upbringing, care and education. Parents shall have right over their children in regard to respect and care especially in times of need, disability and old age.

Third: Economic exploitation of children shall be completely prohibited. The State shall take the necessary measures to protect them.

Fourth: All forms of violence and abuse in the family, school and society shall be prohibited.

Article 30: First: The state guarantees to the individual and the family -- especially children and women -- social and health security and the basic requirements for leading a free and dignified life. The state also ensures the above a suitable income and appropriate housing.

Old Constitution: Article 19 [Equality] (a) Citizens are equal before the law, without discrimination because of sex, blood, language, social origin, or religion.

(b) Equal opportunities are guaranteed to all citizens, according to the law.

New Constitution: Article 14: Iraqis are equal before the law without discrimination based on gender, race, ethnicity, origin, color, religion, creed, belief or opinion, or economic and social status. Article 16: Equal opportunities are guaranteed for all Iraqis. The state guarantees the taking of the necessary measures to achieve such equal opportunities.

Old Constitution Article 27 [Education]: (a) The State undertakes the struggle against illiteracy and guarantees the right of education, free of charge, in its primary, secondary, and university stages, for all citizens.

New Constitution Article 34: First: Education is a fundamental factor in the progress of society and is a right guaranteed by the state. Primary education is mandatory and the state guarantees to eradicate illiteracy. Second: Free education is a right for all Iraqis in all its stages.

Old Constitution Article 32 [Right, Honor, and Duty to Work]: (a) Work is a right, which is ensured to be available for every able citizen. (b) Work is an honor and a sacred duty for every able citizen, and is indispensable by the necessity to participate in building the society, protecting it, and realizing its evolution and prosperity. (c) The State undertakes to improve the conditions of work, and raise the standard of living, experience, and culture for all working citizens. (d) The State undertakes to provide the largest scale of social securities for all citizens, in cases of sickness, disability, unemployment, or aging. (e) The State undertakes to elaborate the plan to secure the means necessary, to enable the working citizens to pass their vacations in an atmosphere, which enables them to improve their health standard, and to promote their cultural and artistic talents. This article reflects a Russian influence, possibly due to the socialist influence that Russia had over the government of Iraq for a number of years.

New Constitution Article 22 First: Work is a right for all Iraqis so as to guarantee them a decent living. Second: The law regulates the relationship between employees and employers on [an] economic basis and with regard to the foundations of social justice. Third: The State guarantees the right of forming and joining professional associations and unions. This will be organized by law. In the new article, there is an obvious influence reflected by the United States in the way that laws are set up to protect the people.

Old Constitution Article 33 [Health] The State assumes the responsibility to safeguard the public health by continually expanding free medical services, in protection, treatment, and medicine, within the scope of cities and rural areas.

New Constitution Article 30: First: The state guarantee to the individual and the family - especially children and women -- social and health security and the basic requirements for leading a free and dignified life. The state also ensures the above a suitable income and appropriate housing. Article 31: First: Every citizen has the right to health care. The state takes care of public health and provides the means of prevention and treatment by building different types of hospitals and medical institutions. Second: Individuals and institutions may build hospitals or clinics or places for treatment with the supervision of the state and this shall be regulated by law.

In the former constitution, the rights of the family, women, and children are summed up in simple paragraphs while in the new constitution; these rights are covered in much more detail. Prior to the fall of Saddam, there were no detailed guarantees as pertaining to education, healthcare, or personal security. Even though the new constitution guarantees these rights to all its citizens, the government still lacks the power to provide some of these liberties to its entire people due to the war.

According to an article published July 13, 2006 in the Middle East Times entitled *Women's rights in Iraq compromised* author Zaineb Naji stated that “women's rights in Iraq have taken a back seat as far as officials and politicians are concerned; the Iraqi government has so far failed to give the moral and financial support the women's affairs ministry needs to make real changes regarding the status of women in the war-torn country”(Zaineb 2006). This and other articles found in ABC News (ABC 2005), and The New York Times (Wong 2005), report that women's rights have yet to be realized due to the war that continues in Iraq.

“From the 1920's and into the 70's, many middle and upper class Iraqi women enjoyed education in universities, many rural women and girls were also educated during this time period. Then in 1979, the Iraqi government passed more laws that required the eradication of illiteracy. The Iraqi government went as far as requiring illiterate persons to attend classes at literacy centers. The government was also serious about laws ensuring that women have equal opportunities in the work force which increased the number of women working outside the home until the 1990's. In 1980, women were given the right to vote and run for office if they chose to do so. Iraq was also among the first nations to ratify the Convention on Elimination of All Forms of Discrimination against Women (CEDAW)”(Human Rights Watch 2003).

Unfortunately, after the First Gulf War, much of the progress that had been achieved in Iraq was reversed. The reasons were political, legal, and economic but the main reason for these changes came from Saddam's decision to use Islamic and tribal traditions as a political tool so that he could consolidate his power. The U.N. also made it hard on women with their sanctions following the war. In 1998 the government went to the extreme of dismissing all females working as secretaries in governmental agencies and by 2000 the majority of women were required due to tribal influence to remain in the home”(Human Rights Watch 2003).

Since the fall of Saddam's regime, the women of Iraq have been liberated in large part from the oppressions in the workforce, at home, and in society at large that afflicted them for so long. They have also undoubtedly realized that their individual rights and

freedoms are not the number one priority for the United States and thus not the number one priority for all leaders within their country.

In the recent elections held in Iraq, political parties were forced to place a woman in every third slot of their candidate rosters guaranteeing a 30 percent representation in the new Iraqi Assembly. Among the women that made it into the governing councils of Iraq were:

Raja Habib al-Khuzai was a member of the Interim Iraq Governing Council, created following the United States's 2003 invasion of Iraq, and one of only three women serving on the governing body. Although she lived in the United Kingdom in the 1960s and 1970s, she returned to Iraq in 1977. A Shia Muslim, al-Khuzai currently directs a maternity hospital in the southern Iraqi city of Diwaniyah (Wikipedia Raja_Habib_al-Khuzai).

Sondul Chapouk was a member of the Interim Iraq Governing Council created following the United States's 2003 invasion of Iraq. She was the only Turk and one of only three women in the council. A member of the Turkoman minority from the city of Kirkuk, Chapouk is also the head of the Iraqi Women's Organization and is an engineer and teacher by training (Wikipedia Sondul_Chapouk).

Narmin Othman (Arabic: ناري مري ن; Kurdish (Latin script): **Nermîn Osman**) is the Iraqi Minister for the Environment in the government of Nouri al-Maliki, a post she also held in the Iraqi Transitional Government. She was Minister of Women's Affairs in the Iraqi Interim Government and a Minister of Education in the Iraqi Kurdistan Region from 1992. She escaped an assassination attempt in August 2005 when gunmen attacked her convoy. Her family were active in the Kurdish peshmerga who fought Saddam Hussein who had her uncle and brother-in-law executed. Her husband was imprisoned for five years where he was tortured. She and her husband went into exile in Sweden in 1984, returning to Iraq in 1992. In 2004 she was offered a post in the national government (Wikipedia Narmin_Othman).

There remains another area of women's rights in Iraq that deserves attention because it is not specifically mentioned in the constitution and yet affects many women in Iraq especially among the Kurdish population. The area of focus refers to that of female circumcision. Not many people are aware of this mutilation among women in the Middle East and therefore attention will be drawn to it. "Physicians tell us that female circumcision, and infibulation in particular, has severe consequences, which are summed up as follows.

1. This form of circumcision is a distortion of the female organ that has a terrible psychological effect on women, causing depression, nervous tension, and anxiety.
2. It weakens the sexual desire, and being so, when the girl gets married, it spoils marital life for her and becomes a major obstacle in the way of her sexual satisfaction.
3. It may cause infection and introduce germs into a woman's pelvis when it is performed by ignorant practitioners and at locations with poor sanitary conditions and with non-sterilized instruments. A girl exposed to such conditions usually gets sick and is exposed to inflammations, and her fallopian tubes become blocked. She may suffer acute, often fatal, bleeding after the operation. [It] may [be commented] here that although using non-sterilized instruments is not restricted to female circumcision, but is also common in male circumcision, the

reason [it is mentioned] here is that it is currently common in Iraq and other countries.

4. It may result in sterility. If it does not and the woman concerned gets pregnant, delivery will be difficult, and will have to be surgical.

5. As Dr Salah Abu Bakr says, female circumcision has adverse effects on the urinary system, and may cause a urinary fistula, which causes, in turn, retention of the urine and the menstrual blood. He notes other possible complications including inflammation in other organs, such as in the cervix of the uterus, which is known as a uterine ulcer, or in the endometrium (inner lining of the womb)” (Health an Islamic Perspective).

In today’s world it is hard to believe that such monstrosities still exist. If this new constitution cannot help the women in Iraq with such matters, one can only speculate how long it will be before there is one that can.

In conclusion, there have been many changes in the rights offered to women in Iraq. However, there are many unnecessary problems that still exist. Even if changes have been made in the constitution of Iraq, until they are fully implemented they mean little to the women who continually suffer under the oppression of radical groups. Some argue that the United States has made the problems more severe than they were, but from the information provided one must agree that the fall of Saddam Hussein’s regime has ultimately helped the women of Iraq in their fight for a voice among their people. More time is necessary to see the full effects that the new constitution will have on the people of Iraq and specifically on the women. Because time, space, and availability of information are lacking here, further research should be conducted on this topic.

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