

MADRE opposes abolition of Iraqi women's human rights in draft constitution

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July 20, 2005-New York - MADRE, an international women's human rights organization, opposes renewed attempts to impose Islamic law on the people of Iraq. As reported in today's New York Times, a current draft of Iraq's new constitution subordinates guarantees of women's human rights and international law to religious Sharia law and replaces one of the Middle East's most progressive personal status laws with arbitrary interpretations of religious law.

In 2004, MADRE helped launch an international campaign for the repeal of Resolution 137 of the US-appointed Iraqi Governing Council, which was the first attempt to legislate sweeping violations of women's human rights. As a result of the campaign, the resolution was defeated.

However, if this draft is agreed upon, it could give self-appointed religious clerics the authority to inflict grave human rights violations on Iraqi women, including denial of the rights to freedom of movement and travel, property inheritance, and custody of their children. In the worst instance, forced early marriage, polygamy, compulsory religious dress, wife beating, execution by stoning as punishment for female adultery, and public flogging of women for disobeying religious rules could all be sanctioned if the language in this draft is upheld.

In particular, Article 14 of the draft constitution would replace Iraq's 1959 personal status laws with religious law. These laws are the culmination of 50 years of struggle by the Iraqi women's movement and other progressives, and are not a product of Saddam Hussein's regime. While the 1959 laws apply to all Iraqi women, the new constitution could allow unelected clerics and religious politicians to determine a woman's legal recourse based on her religious affiliation. Due to varying interpretations of religious law, tensions between Islamic groups with differing rules about personal status issues would be exacerbated. The resulting civil strife will further endanger Iraqis, undermine prospects for democracy, and foment a dangerous sectarianism in an already destabilized society.

The constitution's drafting committee may also repeal a measure now in the interim constitution that requires one-quarter of parliamentary seats to be held by women. In general, gender-based quotas, like elections themselves, are procedural: an aspect of democratization, but no guarantee of democracy. Yet a move to repeal the guarantee signifies the hostility of the current Iraqi leadership towards women's human rights. Women's political participation is key to securing human rights and a democratic future for Iraq. In withdrawing its commitment to women's representation in government, and simultaneously privileging Islamic law over international human rights standards, the 71-member drafting committee - of which less than 14 percent are women - ensures further erosion of women's human rights and ongoing insecurity throughout the country.

Iraq, which was overwhelmingly secular until its social fabric was destroyed by the US-led economic siege of the 1990s, is being catapulted towards theocratic rule. The US bears direct responsibility for the ensuing human rights crisis. The US appointed reactionary clerics to the Iraqi Governing Council, and has continued to support their role in the recently elected National Assembly. Such a policy has virtually guaranteed this current attack on Iraqi women and the threat to democratic secularism.

MADRE Associate Director Yifat Susskind commented, "An Iraqi constitution which gives precedence to Islamic law effectively abolishes women's legal rights in 'liberated' Iraq. If the

National Assembly approves such a constitution, it will privilege sectarianism over inclusiveness and violate core principles of democratic governance. Iraqi women's groups are organizing in opposition to this draft, and MADRE supports their call for women's human rights and democratic secularism."

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