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## **Women in Iraq: Background and Issues for U.S. Policy**

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# Women in Iraq: Background and Issues for U.S. Policy

## Summary

The issue of women's rights in Iraq has taken on new relevance, following the U.S.-led invasion of Iraq in 2003, efforts to reconstruct Iraq, and recent elections for a Transitional National Assembly (TNA). Over the past three years, the Bush Administration has reiterated its interest in ensuring that Iraqi women participate in politics and ongoing reconstruction efforts in Iraq. There has also been a widening debate regarding the extent to which the U.S.-led reconstruction efforts have been able to enhance women's rights in Iraq and encourage their participation in Iraq's governing institutions.

According to some observers, political uncertainty, conservative Iraqi culture, and an increase in popular religious activism, has called into question the future involvement of Iraqi women in nation-building and their role in public life. Also, Iraqis, in general, and Iraqi women, in particular, have complained that the volatile security situation and continuing insurgency have contributed to a deterioration in their status. Others note that Iraqi women are making inroads into the political process, citing the example of the January 30, 2005 national election, which resulted in Iraqi women gaining 87 out of 275 seats in the TNA. While Iraqi women captured 31% of Assembly seats, a primary challenge will be the drafting of a new permanent constitution, which some feel must institutionalize the rights of women as equal citizens in the state of Iraq. Another challenge Iraqi policymakers face is how to best ensure Iraqi women are represented in traditionally male-dominated areas such as the judiciary, state ministries, and local government.

The U.S. commitment to Iraqi women's issues has evolved into greater programming for women in Iraq. As part of the approximately \$21 billion in U.S. funding for Iraqi reconstruction in FY2004, the United States allocated substantial amounts that specifically help Iraqi women with democratic organization, education, advocacy, and entrepreneurship. Still, U.S.-sponsored Iraqi reconstruction projects that address women's issues face challenges. Although women may benefit from a range of reconstruction and humanitarian programs, elements of Iraqi civil society and culture continue to undervalue the role of women in areas such as political participation and private industry. Furthermore, issues of personal status, like polygamy, continue to hamper gender equality in Iraq.

Related CRS papers include CRS Report RL33227, *U.S. Assistance to Women in Afghanistan and Iraq: Challenges and Issues for Congress*, by Rhoda Margesson and Daniel Kronenfeld; CRS Report RL31339, *Iraq: U.S. Regime Change Efforts and Post-Saddam Governance*, by Kenneth Katzman; and CRS Report RL31833, *Iraq: Recent Developments in Reconstruction Assistance*, by Curt Tarnoff. This report will be updated as events warrant.

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# Women in Iraq: Background and Issues for U.S. Policy

The issue of women's rights in Iraq has taken on new relevance, following the U.S.-led invasion of Iraq in 2003, efforts to reconstruct Iraq, and recent elections for a Transitional National Assembly (TNA). One of the major questions facing U.S. policymakers is the extent to which the United States can help Iraqi women reintegrate into the political, educational, and economic spheres after a long period of decline, exacerbated by three major wars and more than a decade of economic sanctions. Advancing the political and social position of women and committing adequate resources to girls' education have both been linked to the achievement of efficient and stable development, particularly in post-conflict regions.

Congress has taken an active interest in the issue of women in Iraq over the past few years. Since March 2004, several congressional Members have participated in the Iraqi Women's Caucus, with the intention of improving Iraqi women's lives and supporting women to gain access to educational and professional opportunities. S. 2144, a bill introduced in the 108<sup>th</sup> Congress as the Foreign Affairs Authorization Act FY2005, included a section expressing the "sense of Congress that the rights of women in Iraq, including their full participation in government and society, should be protected following the transfer of sovereignty to Iraq in June 2004." Another bill, H.Res. 143 (also introduced in the 108<sup>th</sup> Congress), resolved that Congress encourage ongoing programs designed to support Iraqi women to participate more fully in a democratic Iraq.

No specific earmarks for women's programs have been passed in the current Congress. The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (H.R. 3057, P.L. 109-102), provides \$28 million each to the International Republican Institute and the National Democratic Institute to fund governance and rule of law programs in Iraq. The earlier version of this bill as passed in the Senate had specified that the funding should be spent in the areas of "governance, elections, political parties, civil society, and women's rights," but the mention of women was not included in the final conference report.

The first section of this report provides an overview of Iraqi women's situation under Baathist rule (1968-2003). The second section discusses the position of women in the immediate post-Hussein period, examining the role of the Coalition Provisional Authority (CPA). The third section examines the current situation of Iraqi women, recent elections, and the impact the Transitional National Assembly (TNA) has upon women. A fourth section outlines significant issues affecting U.S. policies toward Iraqi women, highlighting the possible outcomes of a volatile security situation, indigenous challenges to women's rights (like the rise of Islamic conservatism), and of the transition to Iraqi sovereignty. A final section highlights key U.S.-sponsored programs that address Iraqi women's issues.

## Women under Baathist Rule (1968-2003)

Under the relatively secular Baathist regime, which espoused a variant of Arab socialism, women enjoyed certain legal privileges and opportunities that were deemed, by many observers, to be more progressive than in other countries in the Middle East. In practice, however, many Iraqi women faced various forms of discrimination and mistreatment. Although Iraqi women experienced significant legal gains, their public role was often restricted. During the 1990s the restrictions became more evident as women were often manipulated by the Hussein-dominated Baathist regime for political aims.

### Education and Labor

In the 1970s and 1980s, Iraqi oil wealth financed a massive social sector expansion, helping build the public service, health, and educational sectors. As part of its program to improve economic development in the country, the secular Baathist government made education compulsory for boys and girls until the age of 16. The Compulsory Education Law, passed in 1976, allowed for primary school attendance to become nearly universal by the beginning of the 1990s when it reached 93%.<sup>1</sup> Some scholars argue that in addition to economic motivations, the Baathist regime supported girls' education as part of a deliberate policy to weaken tribal influence. The move challenged the existing kinship structure inherent in Iraqi society, a cultural system that historically looked unfavorably on any public role for political participation by women. The regime, according to one source, "made it a policy to end women's isolation from the public sphere through education, work, unionization, and women's associations."<sup>2</sup>

Whether for economic or social reasons, the prominence of Iraqi women in the workforce during the Baathist years was, at least intermittently, an important policy objective. This was especially the case during the Iran-Iraq war in the 1980s, when female labor was needed in order to fill the economic vacuum created by the large-scale mobilization of male breadwinners. The special demands on the Iraqi economy during and after the Iran-Iraq war, according to a United Nations report, led to increases in women's industrial employment, from 13% in 1987 to 21% in 1993.<sup>3</sup>

By 1993, female employees constituted 79% of the services sector, 43.9% of the professional and technical sectors, and 12.7% in administrative and organizational posts. At the same time, women suffered the consequences of political repression, a characteristic of Iraqi society as a whole during this period. Moreover, despite gains in employment, thousands of widowed women were forced to become the sole household caretakers and to deal with the impact of a decade-long war that imposed an emotional and physical burden on a large sector of the population.

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<sup>1</sup> *Iraq Living Conditions Survey*, United Nations Development Program, 2005.

<sup>2</sup> Shereen T. Ismael, "Dismantling the Iraqi Social Fabric: From Dictatorship Through Sanctions to Occupation," *Journal of Comparative Family Studies* 35 (2004).

<sup>3</sup> *Iraq Living Conditions Survey*, *op. cit.*

## Women and the Government

In 1972, in line with the party's attempt to consolidate civil institutions under state control, the Baathists formed the General Federation of Iraqi Women (GFIW), also known as the Iraqi Women's Federation.<sup>4</sup> The GFIW became the only legally sanctioned women's organization in Iraq. Despite the existence of the GFIW as part of the Baathist state, the participation of Iraqis, in general, and of women, in particular, within the national political discourse was fairly limited. Some sources argue that in reality, men ran the state apparatus and filled most of the senior management positions as Iraq remained a largely patriarchal and tribal-based society.<sup>5</sup> Others argue that there were some women in the Baathist Regional Command (the most senior body within the Party).

According to a 2003 conference report on women's role in post-conflict Iraq, the GFIW organization was originally conceived to "ensure that regulations regarding women were complemented by capacity-building and literacy programs, and to sponsor educational programs on women's legal rights."<sup>6</sup> Some hypothesize that during his presidency (1979-2003) Saddam Hussein came to support the GFIW, seeing it as a way to break old familial and tribal allegiances while redirecting them towards a Baathist and nationalist focus.<sup>7</sup> Some estimates indicate that in 1997, 47% of all women in Iraq belonged to the GFIW.<sup>8</sup> Other sources provide a more modest estimate, noting that in the late 1990s, the GFIW had a reported membership of 1.5 million women, in 222 branches across Iraq.

Overall, analysts maintain that the GFIW became "a strong force in implementing women's legal claims to land, and assuring them access to education"; it also promoted women's rights to marry and divorce, and in exchange, many women "supported the [Baath] Party just as their leader wished."<sup>9</sup> Yet, throughout the 1990s, Saddam Hussein's government restricted the activities and rights that the GFIW secured for Iraqi women. In particular, as the Iraqi economy constricted in the late 1990s, the government pushed women out of the labor force and into more

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<sup>4</sup> For general historical information on the GFIW, see Suad Joseph, "Elite Strategies for State-Building: Women, Family, Religion and State in Iraq and Lebanon," in *Women, Islam and the State*, 1992.

<sup>5</sup> Daniel Henninger, "Muslim Women Seize Chance To Claim Rights," *The Wall Street Journal*, March 11, 2005.

<sup>6</sup> *Building a New Iraq, op. cit.*

<sup>7</sup> Swanee Hunt and Cristina Posa, "Iraq's Excluded Women," *Foreign Policy* 40, July 2004.

<sup>8</sup> "Background on Women's Status in Iraq Prior to the Fall of the Saddam Hussein Government," *Human Rights Watch Briefing Paper*, November 2003. Available online at [<http://www.hrw.org/background/wrd/iraq-women.htm>].

<sup>9</sup> Elizabeth Fernea, "The Challenge for Middle Eastern Women in the 21<sup>st</sup> Century," *The Middle East Journal* 54(2000)

traditional domestic roles, to accommodate increased employment opportunities for Iraqi men.<sup>10</sup>

For example, the under-representation of women in the highest ranks of the Baathist regime is noted by a 1998 report published by the United Nations Children's Fund (UNICEF).<sup>11</sup> The report also indicates that the proportion of women in Iraq's National Assembly had declined from a high in 1984 of 13.2% to 10.8% in 1990. Moreover, although there were legal provisions guaranteeing women's right to run as candidates of Iraqi political parties for local "Popular Councils," the report concludes that these guarantees "did not result in equitable representation in these political institutions."<sup>12</sup>

## Deterioration of the Social and Economic Situation

A number of analysts believe that, for multiple reasons, the position of women in Iraqi society rapidly deteriorated following the 1991 Gulf War and the imposition of United Nations economic sanctions (1990-2003). Economic, social, and political restrictions placed extreme strains upon women. While there were no official statistics published on the rate of illiteracy among women, a trend of decreasing literacy was being reported by the Iraqi government during the 1990s. In 2000, the United Nations estimates that adult illiteracy among Iraqi women was approximately 45%, an increase in illiteracy from a reported 25% in 1987.<sup>13</sup>

The economic decline was also coupled with a decline in the quality of public education sector. In some cases, young girls were required to share in domestic responsibilities and to assist their families by earning informal wages, thus curbing their school attendance.<sup>14</sup> Women endured other hardships under the strict political regime of Saddam Hussein; according to a U.S. Department of State Fact Sheet, Hussein's regime utilized sexual assault and torture to terrorize dissidents and to elicit confessions from female prisoners.<sup>15</sup>

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<sup>10</sup> Available online at [<http://www.hrw.org/background/wrd/iraq-women.htm>]. The report states that in 1998, the Iraqi government reportedly dismissed all females working as secretaries in governmental agencies. In June 2000, it also reportedly enacted a law requiring all state ministries to put restrictions on women working outside the home. For more on the changing nature of the role of Iraqi women see, "Saddam Bans Iraqi Women from Work," available online at [<http://www.iraqfoundation.org>].

<sup>11</sup> "Situation Analysis of Children and Women in Iraq," United Nations Children's Fund (UNICEF/IRAQ), April 30, 1998.

<sup>12</sup> *Ibid.*

<sup>13</sup> Compare with the year 2000 statistics for Egypt (33.4%), Morocco (38.2%), and Syria (11.7%). See "Indicators on Illiteracy," United Nations Educational, Scientific and Cultural Organization (UNESCO), [<http://unstats.un.org/unsd/demographic/social/illiteracy.htm>]. The 1987 statistic was reported by UNESCO and cited by Human Rights Watch, "Background on Women's Status in Iraq," *op. cit.*

<sup>14</sup> *Ibid.*

<sup>15</sup> "Life Under Saddam Hussein: Past Repression and Atrocities by Saddam Hussein's (continued...)



It appears that the position of Kurdish women in northern Iraq was somewhat different from the rest of the country during this period. Between 1991 and 2003, the Kurdish region was largely autonomous, protected by a “no-fly-zone” enforced by U.S., British, and French warplanes. Some argue that as a result, Kurdish-Iraqi women were in a better situation than their counterparts, allowing them to be involved in the Kurdistan Regional Government and to form women’s organizations and networks that sought greater political and public participation of women.<sup>16</sup> However, in the more traditional and tribal parts of Kurdistan, the custom of “honor killings” persisted. One news report indicates that this custom might be gradually eroding in the Kurdish areas following recent interventions by dozens of non-governmental organizations (NGO’s).<sup>17</sup>

## Deterioration of the Legal Situation

The 1970 Iraqi Constitution issued by the Baathist regime declared equal rights for all Iraqis, regardless of sex, race, language, social origin, or religion. In 1980, Law No. 55 granted women the right to be nominated to the Iraqi National Assembly. Labor laws also required equal pay, benefits, and promotions for men and women. For the most part, the personal status laws in Baathist Iraq were based on the 1959 Code of Personal Status, which drew on various sources including Islamic law, customary law, and judicial precedence. Under this Code, polygamy was permitted only with the consent of the Muslim courts in Iraq. Compulsory marriage was punishable by law. A wife was entitled to request dissolution of her marriage if her husband did not “fulfil any lawful condition stipulated in [a] marriage contract.”<sup>18</sup>

In practice, these laws were often not enforced. After the Iran-Iraq war ended in 1988, some sources indicate that a man could divorce his wife without paying compensation.<sup>19</sup> In the 1990s, the legal situation of Iraqi women began to deteriorate further. In 1990, as part of an effort to gain support from Iraq’s tribal leaders and religious fundamentalists, Saddam Hussein introduced Article 111 into the Iraqi penal code. This law exempted men from punishment for the practice of “honor killings,” that is if they killed female relatives who had committed or been involved in perceived sexual improprieties (even if these women were raped). Some reports suggest that Hussein also allowed the observance of a strict interpretation of *shari’a*

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<sup>15</sup> (...continued)

Regime,” April 4, 2003. Available online at [<http://www.state.gov/p/nea/rls/19675.htm>].

<sup>16</sup> *Building a New Iraq, op. cit.*

<sup>17</sup> A survey commissioned by the Kurdish Women’s Union discovered that “382 women [were] known to have been murdered by their families between 1998 and 2002 in the northern half of Kurdish Iraq.” See Nicholas Birch, “Efforts pay off to protect Kurdish women,” *Christian Science Monitor*, March 3, 2004.

<sup>18</sup> Iraqi constitution available online at [<http://www.law.emory.edu/IFL/legal/iraq.htm>].

<sup>19</sup> Graham Usher, “Mother Iraq,” *Al-Ahram Weekly*, 26 February-3 March 2004.

(Islamic) law, which called for the stoning death of women as a form of punishment for adultery.<sup>20</sup>

## Women in Post-Saddam Iraq

### Governance Under the Coalition Provisional Authority (2003)

The Coalition Provisional Authority (CPA) was established approximately one month after United States and coalition forces took control of Baghdad, Iraq on April 9, 2003. The authority's mission was "to restore conditions of security and stability, to create conditions in which the Iraqi people can freely determine their own political future, and facilitating economic recovery, sustainable reconstruction and development."<sup>21</sup> Since the U.S.-led invasion of Iraq in 2003 and the formation of the CPA, the Bush Administration has stated its interest in ensuring that Iraqi women are involved in rebuilding and reconstruction efforts in Iraq. An August 2003 "Fact Sheet" issued by the Department of State indicated that:

The U.S. is committed to helping the Iraqi people transition to a sovereign, representative form of government that respects human rights, rejects terrorism and maintains Iraq's territorial integrity without threatening its neighbors. We recognize that the women of Iraq have a critical role to play in the revival of their country and we strongly support their efforts. They bring skills and knowledge that will be vital to restoring Iraq to its rightful place in the region and in the world. The U.S. will engage with Iraqi women to secure and advance the gains that they have achieved so far.<sup>22</sup>

From the start of the occupation, the Administration indicated that the CPA would work to advance women's rights in Iraq. A prominent Kurdish-Iraqi woman, Nasreen Barwai, was made Minister of Public Works within the interim government. Since the establishment of the CPA, there has been a widening debate regarding the extent to which the CPA was able to assist women in Iraq and to incorporate them in the reconstruction effort.

### Iraqi Governing Council (IGC)

In July 2003, the U.S.-led Coalition Provisional Authority, headed by proconsul L. Paul Bremer, unveiled the 25-member Iraqi Governing Council (IGC). Three members of the IGC were women and one of them, Akila al-Hashimi, was assassinated in September 2003. She was replaced by another woman, Salama al-Khufaji, who joined the other female appointees Rajaa Khuzai and Songul Chapouk. Chapouk is an ethnic Turkoman and a Sunni Muslim, while Khuzai and

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<sup>20</sup> *Building a New Iraq, op. cit.*

<sup>21</sup> The U.S. dissolved the CPA on June 9, 2004. Coalition Provisional Authority and Iraqi Governing Council, The November 15 Agreement: Timeline to a Sovereign, Democratic and Secure Iraq, available online at [<http://iraqcoalition.org/government/AgreementNov15.pdf>].

<sup>22</sup> "U.S. Policy on Iraqi Women's Political, Economic, and Social Participation," August 7, 2003. Available online at [<http://www.state.gov/g/wi/rls/22492.htm>].

al-Khufaji are ethnically Arab and Shi'i Muslims. Khuzai is a physician who headed a maternity hospital in the southern city of Diwaniyah. Al-Khufaji is from the Shi'a city of Karbala and was a professor of dentistry at Baghdad University. Chapouk was a teacher of fine arts in the northern city of Mosul and had previously worked for women's causes.

In 2003, some observers argued that Iraqi women did not have an adequate presence in the Iraqi ministries and in the judicial infrastructure.<sup>23</sup> In December 2003, Khuzai and Chapouk enunciated their frustrations with the CPA, writing that "women are severely under represented in the leadership established for the transition"; they asserted that, "as plans for a new governing structure are developed, the Iraqi Governing Council and the Coalition Provisional Authority should ensure women their rightful place at the decision-making table."<sup>24</sup> This criticism, as some observers have noted, highlights one of the challenges facing U.S. officials working to include Iraqi women in all levels of the government.

Prior to the formation of the IGC Bremer reportedly promised that the IGC would include a wide spectrum of Iraqis and would not be dominated by exiles.<sup>25</sup> As a result, one of the problems in appointing local Iraqi women lay in identifying experienced women, who had remained in Iraq but were not affiliated with the Baathist regime, to work within the interim government. As part of its "de-Baathification" policy, the CPA abolished the GFIW, which had been the only officially recognized organization for women under Baathist rule. After its collapse, some of the GFIW's top leaders, who had been most closely affiliated with the Saddam Hussein regime, reportedly fled Iraq out of fear of arrest and (or) prosecution.<sup>26</sup>

**Women's Rights Under the IGC.** On December 29, 2003, the U.S.-appointed IGC passed Resolution 137, which would have overruled the Iraqi Family Law that has been in effect since 1959. Resolution 137 would have placed several aspects of family law, including matters of marriage, divorce, and inheritance, under Islamic law. It was reported that "the conservatives' power might cause a problem in the future, especially when we will start debating women's rights."<sup>27</sup> Following protests led by women's groups and pressure by administrator Bremer, the IGC cancelled this resolution.

Despite the concern over women's constitutional rights, there were no Iraqi women on the nine-member committee drafting the Transitional Administrative Law

<sup>23</sup> One report indicates that there less than 10% of Iraq's judges are women. See Amnesty International's Report, *Iraq: Decades of Suffering*, February 22, 2005.

<sup>24</sup> Raja Habib Khuzai and Songul Chapouk, "Iraq's Women are Ready to Lead Absent Voices," *New York Times*, December 4, 2003.

<sup>25</sup> Rajiv Chandrasekaran, "U.S. Sidelines Exiles who were to Govern Iraq," *Washington Post*, June 8, 2003.

<sup>26</sup> "De-Baathification of Iraqi Society," Coalition Provisional Authority Order No. 1, May 16, 2003. Available online at [<http://www.cpa-iraq.org/regulations/CPAORD1.pdf>].

<sup>27</sup> "Women in Parliament Want Islam in Iraq Law," *Associated Press*, April 16, 2005.

(TAL), which was signed by the IGC on March 8, 2004. The TAL is serving as Iraq's interim constitution at least until October 2005, when a permanent constitution is scheduled to be put to a referendum. The TAL declares equal rights for all Iraqis regardless of gender, ethnicity, religion, or nationality. It considers the Islamic religion as a source of law; also, no provision in the TAL can violate Islamic principles. The TAL also contains a provision calling for a targeted goal of 25% representation for women in the transitional National Assembly.<sup>28</sup> It is unclear whether this provision will remain in effect after a permanent constitution is ratified.

Critics of the TAL have listed several concerns with provisions dealing with women's rights. They suggest that the TAL "offers no explicit guarantee that women will have equal rights to marry, within marriage, and at its dissolution; It does not explicitly guarantee women the right to inherit on an equal basis with men; It fails to guarantee Iraqi women married to non-Iraqis the right to confer citizenship to their children."<sup>29</sup> Proponents of the TAL point out that in 1990, women constituted less than 11% of Iraq's National Assembly, and that the 25% targeted goal would more than double this proportion. They also note that 25% exceeds the number of women represented in the United States Congress and that the TAL is the only Arabic-language constitution clearly indicating that "gender-specific language," that is language written in the more commonly used Arabic masculine form, "shall apply equally to male and female."<sup>30</sup>

## Women and the Transition to Iraqi Rule

The handover of limited sovereignty to Iraqis took place on June 28, 2004. The Administration's plans to hand over sovereignty placed strict limits on the new Iraqi government, including only partial command over its armed forces and no authority to enact new laws. The transitional government currently being formed has somewhat expanded prerogatives. In the long run, however, what is of major concern to proponents of women's rights is whether any future Iraqi government would maintain or enforce those constitutional provisions that support the rights of Iraqi women. It appears that the biggest challenge to Iraqi women will be seeking to voice their opinions and play a meaningful role in a future government.

Some regarded the exclusion of Iraqi women in the writing of the TAL as a worrisome sign for the future, raising the question of whether women will be involved in the writing of a permanent constitution. On May 10, the National Assembly appointed a 55-member committee to begin drafting the permanent constitution, which is scheduled to be completed by August 15, 2005, in time for an

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<sup>28</sup> "Law of Administration for the State of Iraq for the Transitional Period, 8 March 2004," Available online at [<http://www.cpa-iraq.org/government/TAL.html>].

<sup>29</sup> "Interim Constitution Shortchanges Women," *Human Rights Watch*, March 5, 2004. Available online at [<http://www.occupationwatch.org/article.php?id=3503>].

<sup>30</sup> "Law of Administration for the State of Iraq for the Transitional Period, 8 March 2004," *op. cit.*

October 15, 2005 referendum.<sup>31</sup> Although there is no law that stipulates women must have representation on the constitutional assembly, 9 seats are currently held by women. Also, NGO's that address the concerns of Iraqi women are "among the groups that are organizing on the constitution the most," ensuring that women's issues continue to gain attention.<sup>32</sup>

Other questions have been raised about the enforcement of current and future laws that provide equality for women. Even if a future Iraqi constitution contains progressive provisions for women's rights, some analysts are concerned that implementation of progressive legislation may prove difficult. The issue of supporting newly elected Iraqi women and preparing Iraqi women for future elections is of near-term relevance, as is the question of how women's rights will be affected if religious conservatives are given greater voice in a new Iraqi government. Moreover, some proponents have argued that in order to ensure that women are well-integrated in the nation-building process, their role in rebuilding the Iraqi economy must be institutionalized through support for equal access to economic and financial resources.

## Current Situation

### Elections & New Government

The United States transferred limited sovereignty to an interim Iraqi government on June 28, 2004, with a new government and a permanent constitution to be voted on later. In June 2004, the United Nations formed an 8-member Independent Electoral Commission of Iraq (IECI), nominated by leading Iraqi notables, to assist in the election of a 275-seat National Assembly, a provincial assembly in each of Iraq's 18 provinces (41 seats each and 51 for Baghdad), and a Kurdistan regional assembly (111 seats). The elections were provided for in the TAL, and took place on January 30, 2005.<sup>33</sup> Under IECI rules, every third position on electoral lists contained a woman's name. This calculus developed in response to the TAL's goal for at least 25% female membership in the new Iraqi National Assembly. For many Iraqi women and outside observers, the elections results have been mixed. Iraqi women exceeded the baseline of 25% Assembly membership to make up nearly 31% of the Assembly (or 86 out of 275 seats). The winning Shi'i list, backed by the prominent Iraqi cleric, Grand Ayatollah Ali Sistani, has 46 women in its block of 140 seats.<sup>34</sup>

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<sup>31</sup> See CRS Report RL31339, *Iraq: U.S. Regime Change Efforts and Post-Saddam Governance*, by Kenneth Katzman.

<sup>32</sup> Manal Omar, "Women's Rights in a New Iraq: The Constitution and the Future," Council on Foreign Relations Roundtable on Women and U.S. Foreign Policy, May 11, 2005.

<sup>33</sup> Full text of the Transitional Assistance Law available online at [<http://www.cpa-iraq.org/government/TAL.html>]. See also CRS Report RS21968, *Iraq: Elections and New Government*, by Kenneth Katzman.

<sup>34</sup> Joelle Bassoul, "Iraq Women Set to Take Almost Third of Seats in New Parliament," (continued...)

## Women's Rights

The Prime Minister of Iraq, Ibrahim al-Jaafari (a Shi'a), stated that he supports women's rights, including the right to become President or Prime Minister.<sup>35</sup> Furthermore, there is widespread hope, among Iraqi women's groups, that a new constitution will continue to stipulate wide-ranging, liberal rights for Iraqi women. Yet, there are some who caution against the belief that women are virtually guaranteed gender equality in the civil and legal spheres of Iraqi society. Narmin Othman, Minister of State for Iraqi Women's Affairs, recently voiced concerns about the Shi'i dominated Assembly, stating that:

We need to guarantee women's rights in our constitution. This will be a huge challenge. And to be honest with you, I'm aware there are some in Iraq who would like to limit women's rights. In the election and National Assembly, we have more than 150 Islamists, Shi'i, maybe they are believing that Sharia [Islamic law] is the biggest or one of the biggest resources for the constitution, that means limiting women's rights.<sup>36</sup>

The issue of Islam's place in many Middle Eastern and predominantly Muslim nations' legal codes is common and Iraq is no exception. Although modern Iraqi history is replete with liberal views towards women, Iraqi Shi'ism and the wider culture of the country may create obstacles for women increasing their participation and visibility in Iraqi political and social life. In particular, some analysts are concerned that any new Iraqi constitution may mirror the "cosmetic" rights Saddam Hussein extended to women during his regime. These experts note that a Shi'i dominated Iraqi political system will face challenges from secular Iraqis with regards to persistent social issues such as honor killings, harassment, polygamy, and property ownership.

It remains unclear whether personal status issues, like divorce, will be addressed from a secular-civil perspective or fall under the purview of Islamic law. A wider concern relates to participation. Many observers hail the representation of women in the Iraqi National Assembly as a positive development, while others note that women continue to lack leadership opportunities in local provincial, mayoral, and town posts. These critics argue that women hold no top positions in any of Iraq's 18 governorates or judiciaries.

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<sup>34</sup> (...continued)

*Agence France Presse*, February 14, 2005.

<sup>35</sup> Charles Osgood, "Iraqi Women Fear Setbacks in Civil Rights Because New National Assembly is Predominantly Shi'i," *The Osgood File*, February 16, 2005.

<sup>36</sup> Phillip Kurata, "World Support Urged for Women's Rights in Iraq, Afghanistan," *Washington File*, March 9, 2005.

## Issues for the United States: Past & Present

### Overview

The Bush Administration has continued to assert that the position of Iraqi women has improved following the U.S. toppling of the Saddam Hussein regime. In a speech on March 12, 2004, President Bush indicated that “every woman in Iraq is better off because the rape rooms and torture chambers of Saddam Hussein are forever closed.”<sup>37</sup> Nonetheless, a number of concerns have been raised over the past year regarding the role of women in a future Iraq and the status of U.S. efforts to promote women’s rights. Overall, the concern for many is that any modest political gains Iraqi women have secured may be threatened by cultural forces and increased political authority of Shi’i conservatism. Also, the question of equal representation for women in local governance and the judiciary may continue to resonate, despite any increases in the parliament. Furthermore, the continuing violence in Iraq affects “at-risk” populations like women, who often restrict themselves to their homes out of fear of physical harm, intimidation, and abuse.

### Security

A number of security concerns affect not only the involvement of women in the developing Iraqi political system but also the access of ordinary Iraqi women to reconstruction programs. Some report that many Iraqi women who work to advance political freedoms, do so under threat of violence, extortion, and kidnappings. The lack of security has been cited as a major obstacle in the progress of reconstruction efforts aimed at advancing women’s rights.

A delegation of Iraqi women visiting the United States in early March 2004 indicated that progress on women’s rights in Iraq was continuously threatened by a precarious security situation and the rise of Islamic factions. One analyst wrote in 2004 that since the start of the occupation, “life has not returned to ‘normal’ in Iraq. In places where kidnappings occur frequently, children must be accompanied to schools and women are escorted to the market and have taken to donning abaya (body-covering garments) to ensure greater self-protection.”<sup>38</sup>

With increased violence directed toward women involved in Iraqi reconstruction and government, it appears that “many large international aid groups, including most of those with women’s programs, have already withdrawn international staff because of attacks against aid workers. Now the few remaining Iraqi women’s groups fear

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<sup>37</sup> “President, Mrs. Bush Mark Progress in Global Women’s Human Rights,” March 12, 2004, [<http://www.whithouse.gov/news/releases/2004/03/20040312-5.html>].

<sup>38</sup> Anita Sharma, “Women in Iraq: Between Fear and Freedom,” March 12, 2004, [<http://www.open-democracy.net/debates/articles/-2-951776.jsp>].

they will be next.”<sup>39</sup> In late March 2004, gunmen opened fire on a convoy carrying Iraq’s female Minister of Public Works Nisreen Berwari, who escaped unharmed. On March 9, 2004, Fern Holland, a 33-year old lawyer and former Capitol Hill staffer from Oklahoma, was murdered, along with her deputy Salwa Ourmashi and CPA press officer Robert Zangas. Holland worked with the CPA, as the women’s rights coordinator in Shi’a-dominated areas within southern Iraq. On November 20, 2004, Amal al-Ma’amalchi, a women’s rights activist and advisor at the Iraqi Ministry of Municipalities and Public Affairs, was killed in Baghdad. Al-Ma’amalchi was a co-founder of the Advisory Committee for Women’s Affairs in Iraq and the Independent Iraqi Women’s Assembly. On April 27, 2005, Lamia Abed Khadouri, a Member of Parliament, was killed in her home.

## Religious & Cultural Forces Within Iraq

Religious and cultural factors in Iraq might also present challenges to reconstruction efforts targeting women. For example, there is a debate over the extent that Islamic law or *shari’a* should play a role in a future Iraqi government. As discussed above, some Iraqi groups — including those represented on the U.S.-appointed Governing Council — are interested in instituting Islamic courts instead of civil courts to oversee matters related to marriage, divorce, property ownership, and inheritance. These courts would be run by Muslim clerics - all of whom are male.

Some analysts are concerned that the growing religious conservatism within Iraqi society is threatening women who are liberal, secularist, and non-Muslim or those Muslim women who do not wish to be ruled by a religious-based law. There is also concern among Kurdish-Iraqi women’s groups who feel that the strides made during years of relative autonomy (1990-2003) could be threatened by the inclusion of the Kurdish areas in what could become an Islamist-governed Iraqi state. Many Iraqi women, including Christian female students in strongly Shi’a Basra, Iraq, have complained that they have been forced to wear a head scarf. Other Iraqi women’s groups, however, point out that Islamic law is not inherently contrary to the rights of women. A Baghdad-based group called the Islamic Women’s Movement notes that “Islamic scriptures accord women considerable rights — inheriting property, for example, or declining an unwanted husband. They say it’s the way male authorities interpret those writings that keeps women from exercising them,” adding that teaching women their rights under Islam would help end injustices against them.<sup>40</sup>

Some recent studies indicate a degree of indigenous resistance to women’s involvement in governance or to equal rights for women, particularly in the more traditional and Shi’i-dominated region of southern Iraq. One study of southern Iraq indicated that most Iraqi men and women do not fully support women’s civil and political rights, “including freedom to move about in public and to participate in

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<sup>39</sup> Annia Ciezadlo, “After an Advocate’s Killing,” *Christian Science Monitor*, April 1, 2004.

<sup>40</sup> Annia Ciezadlo, “A Religious Awakening,” *Newsday*, February 19, 2004.



government.”<sup>41</sup> The study mentions that “lack of support for such rights for women may be related to implementation considerations, such as inadequate numbers of teachers, employment opportunities, and safety issues, among others.”<sup>42</sup> This may not reflect the opinion of Iraqis towards women in other regions of Iraq. Women in the northern Kurdish region, as discussed above, have experienced greater freedom and more opportunities for political involvement in the past several years. The attitude of Iraqis towards women in larger urban centers, such as Baghdad, has yet to be fully investigated and might also reflect a range of opinions on women’s rights.

## Threats to Reconstruction Programs

It is difficult to generalize about the status of the reconstruction programs in Iraq, because the country’s political and social landscape is diverse. However, some assessments of U.S. reconstruction programs have called into question the extent to which USAID programs have been effective in improving the lives of Iraqi women, especially considering the uncertain security situation. One recent report by Christian Aid, a UK and Ireland-based charity, indicated that poverty in Iraq, particularly among women and children, has been exacerbated by “the insurgency, military action, crime, and ethnic and religious conflict.”<sup>43</sup> The survey states that in parts of Baghdad,

children’s education is being severely disrupted. Almost two-thirds of school-age children in the families surveyed were not attending school full time. The reasons given included persistent violence, poor standards of education, dilapidated school buildings and children forced to work to boost family income.<sup>44</sup>

A poll conducted by the Institute for Civil Society Studies, an Iraqi NGO, indicated that serious security concerns have hindered women’s access to health care facilities. The problem is especially visible in southern Iraq, in the Shi’i-majority city of Basra, where many women have suffered from the long-term effects of war, beginning with the Iran-Iraq war in the 1980s, and are in desperate need of medical care. Some analysts have observed that Iraqi insurgent attacks have increasingly targeted civilians including employees working on reconstruction projects. Despite this trend, according to USAID and NGO, several reconstruction programs are still fully operational and continue to serve the needs of many Iraqis, including women and children. In some cases, while many foreign NGO workers may have left Iraq, the NGO offices themselves have continued to operate with the help of newly-trained Iraqi staffers.

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<sup>41</sup> Lynne Amowitz, *et al.*, “Human Rights Abuses and Concerns About Women’s Health and Human Rights in Southern Iraq,” *Journal of the American Medical Association* 291 (2004).

<sup>42</sup> *Ibid.*

<sup>43</sup> “Christian Aid in Iraq,” *Christian Aid*, March 2005. Online at [<http://www.christian-aid.org.uk/world/where/meeca/iraqp.htm>].

<sup>44</sup> *Ibid.*

## U.S. Programs For Women in Iraq

### Background

Both Congress and the Bush Administration have placed special emphasis on assisting women in Iraq. In conference report language (H.Rept. 108-337), accompanying the FY2004 Emergency Supplemental Appropriation (P.L. 108-106), which provided \$18.4 billion for Iraqi reconstruction, conferees included \$10 million “to support womens programs” in Iraq. In February 2004, former Deputy Secretary of Defense Paul Wolfowitz announced that “the United States is giving special emphasis to helping Iraqi women achieve greater equality and has allocated \$27 million for womens programs.” He added that “education for women is one of the highest priorities, and the United States has committed more than \$86.8 million to education projects, with special emphasis on ensuring that girls are registered and attending school.”<sup>45</sup>

In March 2004, then-Secretary of State Colin Powell announced a \$10 million Iraqi Womens Democracy Initiative (WDI), intended to “train Iraqi women in the skills and practices of democratic public life. Programs will include education for democracy, leadership and political advocacy workshops, entrepreneurship projects, media training for women aspiring to careers in journalism, and activities to help non-governmental organizations build capacity.”<sup>46</sup> The Secretary also announced the formation of a “U.S.-Iraq Womens Network” (USIWN). Iraqi womens issues and womens programs have also received an indeterminable amount of funding through other Iraqi reconstruction funds, targeting women in education, local governance, health care, and civil society. More recently, Secretary of State Rice reiterated the U.S. position on women in Iraq, stating that:

U.S. Government-sponsored programs are helping Iraqi women develop in diverse areas from literacy, computer, and vocational training to human rights education. Micro-credit facilities and workshops are helping aspiring Iraqi businesswomen, and additional funds are improving womens access to quality health care, including maternal and child health.<sup>47</sup>

Since 2004, the United States has supported democracy-building programs that help Iraqi women candidates learn democratic organization and advocacy skills, including post-election reform strategies for Iraqi women. Though FY2005 regular and supplemental appropriations did not specify new amounts of aid for women, a significant amount of funds support activities benefitting women and girls [see below].

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<sup>45</sup> “Women in the New Iraq,” February 1, 2004. Online at [<http://www.defenselink.mil/speeches/2004/sp20040201-depsecdef0844.html>].

<sup>46</sup> “Secretary of State Colin L. Powell To Announce Iraqi Womens Democracy Initiative and Creation of the U.S.-Iraq Womens Network,” March 8, 2004, Available online at [<http://www.state.gov/r/pa/prs/ps/2004/30223.htm>].

<sup>47</sup> “U.S. Commitment to Women in Iraq,” Office of the Senior Coordinator for International Womens Issues, March 8, 2005. Online at [<http://www.state.gov/g/wi/rls/42512.htm>].

## Overview of Reconstruction Programs for Iraqi Women

Since April 2003, USAID has implemented a number of programs for women in governance. Some of these initiatives have been managed under the auspices of the Iraq Local Governance Program (LGP), a program intended to provide a foundation for Iraq's transition to democracy. According to the Research Triangle Institute (RTI International), which has been contracted to work in this sector, the LGP has attempted to deal with the obstacles presented by Iraqi culture to women in governance. The Iraqi Women in Local Governance Group (IWLGG) has been established in order to “enhance the political participation of women through civic education and training and monitoring the progress of female participation in each local government.”<sup>48</sup>

The LGP also supports and funds initiatives by local women's groups to develop their own NGOs, civil society organizations, and professional associations. A major component of the project, according to USAID, is to facilitate the participation of women in city councils. Through this program, USAID has held a number of workshops for women throughout Iraq, specifically in cities such as Arbil, Hillah, Karbala, and Baghdad. At these conferences, “international and local participants discuss issues such as Islam, democracy, oppression of women, women's rights and participation in future elections.”<sup>49</sup>

USAID has supported accelerated learning programs that are specifically targeted toward girls' education. These programs are intended to provide girls with life skills and the academic background necessary to return to formal schooling. A USAID report discussing reconstruction accomplishments in March 2004, indicates that USAID has rehabilitated 2,351 schools and trained over 32,000 teachers and education administrative workers. The report indicates that these efforts, “have resulted in children returning to school. Notably, female attendance has surpassed male attendance, and overall attendance during exam week was 97 percent.”<sup>50</sup>

In trying to encourage the work of NGOs in Iraq, the CPA worked with USAID in order to build the organizational capacity of NGOs targeting women through training and other assistance programs. Some U.S.-based NGOs have conducted workshops for women and worked with Iraqi women's organizations on women's rights awareness and skills training. For example, Women for Women International, a U.S.-based NGO, is supporting the development of an NGO community in Iraq and has partnered with agencies and other groups to develop a number of women's centers throughout the country, some of which will provide leadership workshops as well as vocational skills training.<sup>51</sup>

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<sup>48</sup> Information provided to CRS by the Research Triangle Institute, March 2004.

<sup>49</sup> *Ibid.*

<sup>50</sup> “USAID accomplishments in Iraq Mar 2003 to Mar 2004,” March 18, 2004. Online at [<http://www.reliefweb.int/w/rwb.nsf/s/CEC16D9F9A47731085256E5C0056EE14>].

<sup>51</sup> Women for Women International, [<http://www.womenforwomen.org/owiraq.html>].

## **U.S. Activities for Iraqi Women**

**Womens Democracy Initiative (WDI).** Given the relatively new experience of Iraqi women in governance, U.S. programs, like the Womens Democracy Initiative (WDI), target womens participation in the emerging Iraqi democratic political arena. The WDI provides financial and technical support for political party training, grassroots advocacy, and womens political rights. In December 2004, the WDI sponsored a Womens Candidate Training seminar in Sulaymaniyah, Iraq. The Seminar introduced female Assembly candidates to voter registration and campaign methods. WDI also targets civil society projects like training female radio broadcasters to produce and run a daily womens show. The WDI also established the Womens Leadership Institute, which assists Iraqi women to rise to positions of authority in Iraqi government and civil society.

**The National Endowment for Democracy (NED).** NED supports projects in Iraq that target the capacity of human rights and womens grassroots, NGO, and political organizations by facilitating civic participation, party development, and coalition building. Specifically, the NED provides technical assistance to promote understanding of Iraqs past and the possible future of democratic culture in the country. Recently, the NED sponsored the Iraq Memory Foundation (IMF), which supports a web-based womens rights memorial. The NED also lent strategic support to female Assembly candidate training in voter targeting and contact strategies, and womens leadership.

**National Democratic Institute (NDI).** NDI provides technical assistance in support of political participation of Iraqi women. Recognizing the particular challenges Iraqi women face in the public sphere, NDI supports grass-roots projects that assess the needs of Iraqi womens' political participation. Specifically, NDIs program to strengthen womens political participation in Iraq is designed to foster an environment in which women are viewed as credible and effective leaders. The Institute works with political parties and civil society organizations to develop concrete strategies for including women in political structures. NDI also continues to build a network for women political activists that provides a forum for assistance across party lines and gives women the skills to present themselves as professional and competitive candidates.

**The International Republican Institute (IRI).** The IRI provides technical assistance and advice on campaign training, coalition building, and polling. IRI sponsored a "Stop the Violence" campaign in August 2004, which brought together a coalition of Iraqi women from throughout the country to conduct a door-to-door signature campaign that denounced violence. Their efforts led to a meeting with interim Iraqi Defense Minister Hazem Sha'alan and President Ghazi al-Yawar, who both committed to making that matter a priority. Since that time, the IRI established a permanent management structure to register Iraqi NGOs committed to decreasing inter-communal violence.

**The United States Institute of Peace (USIP).** The Institutes work with Iraqi women is placed within the broader context of civil society, inclusion, and tolerance. Part of USIPs programming in Iraq supports civil society organizations that increase the participation of Iraqi women in public life (women and conflict

resolution, constitution making, and inter-ethnic dialogue). Recently, USIP awarded a grant to an Iraqi civil society organization for activities including a workshop on inter-communal tolerance for Sunni and Shi'i mothers. USIP also provided training for 1,151 Iraqi women on political participation, elections mechanisms, and conflict resolution.

## **Congressional Activity**

Congress has taken an active interest in the issue of women in Iraq over the past two years. Since March 2004, some Members of Congress have participated the Iraqi Womens Caucus, with the intention of improving Iraqi womens lives and supporting women to gain access to educational and professional opportunities. S. 2144, a bill introduced in the 108<sup>th</sup> Congress as the Foreign Affairs Authorization Act *FY2005*, included a section stating the “sense of Congress that the rights of women in Iraq, including their full participation in government and society, should be protected following the transfer of sovereignty to Iraq in June 2004.” Another bill, H.Res. 143 (also introduced in the 108<sup>th</sup> Congress) resolved that the Congress encourage ongoing programs designed to support Iraqi women to participate more fully in a democratic Iraq.

Although the Senate report on the FY2006 Department of State appropriation request (S.Rept. 109-35) recommends establishing a Middle East Foundation, which, in part, “expands the rights of women” in countries such as Iraq, no specific earmarks for women’s programs have been passed in the current Congress. The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (H.R. 3057, P.L. 109-102), provides \$28 million each to the International Republican Institute and the National Democratic Institute to fund governance and rule of law programs in Iraq. The earlier version of this bill as passed in the Senate had specified that the funding should be spent in the areas of “governance, elections, political parties, civil society, and women’s rights,” but the mention of women was not included in the final conference report. In addition, two congressional resolutions emerged in this session encouraging the Iraqi Transitional National Assembly to adopt a constitution granting women equal rights (H.Res. 383 and S.Res. 231, both passed unanimously). A third resolution commended Iraqi women candidates in the January 2005 elections (H.Res. 143, referred to the Subcommittee on Middle East and Central Asia).