

108TH CONGRESS
2D SESSION

S. _____

IN THE SENATE OF THE UNITED STATES

Ms. MIKULSKI introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To authorize assistance for education and health care for women and children in Iraq during the reconstruction of Iraq and thereafter, to authorize assistance for the enhancement of political participation, economic empowerment, civil society, and personal security for women in Iraq, to state the sense of Congress on the preservation and protection of the human rights of women and children in Iraq, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Iraqi Women and Chil-
5 dren’s Liberation Act of 2004”.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) For more than 600 years under the Otto-
4 man Empire, women in Iraq were kept inside their
5 homes, repressed, and forbidden to be seen in public
6 without a related male escort.

7 (2) The Sevres Treaty of 1919, following World
8 War I, installed a new monarchy in Iraq under
9 which education for boys and girls flourished.

10 (3) Within a span of 20 years, 6 centuries of
11 repression of women in Iraq was reversed. Thou-
12 sands of women in Iraq became lawyers, physicians,
13 educators, teachers, professors, engineers, prominent
14 writers, artists, and poets, demonstrating the impact
15 of progressive policies on the ability of women in
16 Iraq to achieve.

17 (4) In 1941, women in Iraq earned equal wages
18 for equal jobs, an achievement still not duplicated in
19 most parts of the world.

20 (5) On July 14, 1958, the monarchy in Iraq
21 was overthrown by General Abdul-Karim Kasim,
22 who enfranchised women in Iraq with political
23 rights.

24 (6) In 1959, Iraq became the first country in
25 the Middle East to have a female minister, four fe-

1 male judges, prominent scientists, politicians, and
2 freedom fighters.

3 (7) The 1959 Code of Personal Status secular-
4 ized the multi-ethnic state of Iraq. Women enjoyed
5 political and economic rights, successfully partici-
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participating in the workforce as well as advancing in the
political sphere. Women had the right to receive an
education and work outside the home. Women were
career military officers, oil-project designers, and
construction supervisors, and had government jobs
in education, medicine, accounting, and general ad-
ministration.

13 (8) The Code of Personal Status also granted
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women extensive legal protections. It gave women
the right to vote and granted equal status to men
and women under the law. It prohibited marriage by
persons under the age of 18 years, arbitrary divorce,
and male favoritism in child custody and property
inheritance disputes.

20 (9) The regime of Saddam Hussein regularly
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used rape and sexual violation of women to control
information and suppress opposition in Iraq and tor-
tured and killed female dissidents and female rel-
atives of male dissidents.

1 (10) The Department of State has reported
2 that more than 200 women in Iraq were beheaded
3 by units of “Fedayeen Saddam”, a paramilitary or-
4 ganization headed by Uday Hussein.

5 (11) After the 1990 invasion of Kuwait, the re-
6 gime of Saddam Hussein imposed policies that re-
7 sulted in severe economic hardship, discrimination,
8 impoverishment, and oppression of women in Iraq.
9 Many women were prevented from working. Pres-
10 ently, women comprise as much as 65 percent of the
11 population of Iraq, but only 19 percent of the work-
12 force.

13 (12) Men who killed female relatives in “honor
14 killings” were protected from prosecution for murder
15 under Article 111 of the Iraqi Penal Code enacted
16 in 1990. The United Nations Special Rapporteur on
17 Violence Against Women has reported that since the
18 enactment of that article, more than 4,000 women
19 were killed for tarnishing the honor of their families,
20 with the killings occurring by a range of methods
21 that included stoning.

22 (13) Maternal mortality is the leading cause of
23 death among women of reproductive age in Iraq, and
24 it continues to rise due to lack of basic health care.
25 The maternal mortality rate in Iraq of 292 deaths

1 per 100,000 live births compared with a maternal
2 mortality rate in the United States of 8 deaths per
3 100,000 live births. 90 percent of the maternal
4 deaths in Iraq are identified as preventable.

5 (14) More than 48 percent of the population of
6 Iraq is under the age of 18 years. One in four chil-
7 dren of the age of 5 years or younger is chronically
8 malnourished. One in eight children dies before the
9 age of 5 years, the highest rate of mortality among
10 children under that age in the region. Some estimate
11 the total rate of child mortality in Iraq to be as high
12 as 13 percent.

13 (15) Girls and women in Iraq have meager edu-
14 cational opportunities relative to the opportunities
15 available to men and boys in Iraq, and twice as
16 many boys as girls in Iraq attend school. 29 percent
17 of females attend secondary school as compared with
18 47 percent of males. The illiteracy rate in Iraq is the
19 highest in the Arab world at 61 percent for the gen-
20 eral population, 77 percent for women, and 45 per-
21 cent for men.

22 (16) Press accounts indicate that many women
23 in Iraq are being pressured to adhere to strict Is-
24 lamic codes that restrict their mobility and impinge
25 on their human rights.

1 (17) Security for women in Iraq is an issue of
2 grave concern. Women are afraid to leave their
3 homes or to send their daughters to school.

4 (18) Women in leadership positions in Iraq are
5 vulnerable to attack. One of the three women on the
6 Iraqi Governing Council was assassinated, and an-
7 other has a \$2,000,000 bounty on her head.

8 (19) Women from the autonomous Kurdish re-
9 gion travel freely, hold important jobs and political
10 positions, and perform a key role in the revival of
11 the areas of Iraq that have been under Kurdish con-
12 trol. The integration of women in the economic and
13 political spheres of the region provides a contrast to
14 the rest of Iraq and serves as an example of what
15 is possible in Iraq.

16 (20) According to the 2003 Arab Human De-
17 velopment Report of the United Nations, pervasive
18 exclusion of women from the political, economic, and
19 social spheres hampers development and growth in
20 Arab countries.

21 (21) Ambassador L. Paul Bremer, the Presi-
22 dential Envoy to Iraq, has voiced his support of
23 women in Iraq in stating that “[w]e in the coalition
24 are committed to continuing to promote women’s
25 rights in Iraq.”

1 (22) Women have participated in planning for
2 Iraq's political future in the following way:

3 (A) 3 out of 25 people on the Iraqi Gov-
4 erning Council are women.

5 (B) One of the government ministries is
6 led by a woman. 16 of the 25 deputy minister
7 positions are held by women.

8 (C) 15 of the 1,000 nationally-appointed
9 judges are women.

10 (23) Resolution 137 was adopted in a closed
11 session (sponsored by conservative Shiite members)
12 on December 29, 2003, with the intent of reversing
13 family law. The adoption of that resolution threat-
14 ened negative impacts on the rights of women to
15 education, employment, mobility, property inherit-
16 ance, divorce, and child custody.

17 (24) Ambassador Bremer, who has veto power,
18 stated that he would not sign Resolution 137 into
19 law.

20 (25) The Iraqi Governing Council revoked Res-
21 olution 137 on February 27, 2004, in part due to
22 pressure from women's groups. However some mem-
23 bers of the Governing Council walked out to protest
24 this action.

1 (26) The Transitional Administrative Law
2 (TAL) that establishes the framework for the in-
3 terim government of Iraq was officially signed on
4 March 8, 2004. It aims to achieve a goal of having
5 women constitute not less than 25 percent of the
6 members of Iraq's interim legislature. It does not ex-
7 press a goal for a representation rate for women in
8 the executive or judicial branch of the interim gov-
9 ernment. It also provides that Sharia, the Islamic
10 law, can be a source, but not the only source, of
11 Iraqi law.

12 (27) United States officials propose to turn
13 over political power to Iraqis on June 30, 2004.
14 Some factions have already voiced strong objection
15 to the TAL and could press ahead with their goal
16 of making Sharia the supreme law of Iraq.

17 **SEC. 3. SENSE OF CONGRESS.**

18 It is the sense of Congress that—

19 (1) the United States should ensure that
20 women and children in Iraq benefit from the libera-
21 tion of Iraq from the regime of Saddam Hussein;

22 (2) women of all ethnic groups in Iraq should
23 be included in the economic and political reconstruc-
24 tion of Iraq;

1 (3) women should be involved in the drafting
2 and review of the key legal instruments, especially
3 the constitution, of the emerging nation in Iraq in
4 order to ensure that the transition to that nation
5 does not involve or facilitate the erosion of the rights
6 of women in Iraq;

7 (4) women should have membership in any leg-
8 islature or other committee, body, or structure con-
9 vened to advance the reconstruction of Iraq that
10 builds on the goal provided for in the Transitional
11 Administrative Law;

12 (5) women should have a similar level of rep-
13 resentation in leadership posts in all levels of govern-
14 ment in Iraq, including ministers and judges, wheth-
15 er local or national, and women should be integrated
16 in all levels of political process in Iraq, especially the
17 building of political parties;

18 (6) the presence of women on the Iraqi Gov-
19 erning Council should better represent the percent-
20 age of women in the general population of Iraq;

21 (7) the participation and contribution of women
22 to the economy of Iraq should be fostered by award-
23 ing contracts and sub-contracts to women and
24 women-led businesses and by ensuring the avail-
25 ability of credit for women;

1 (8) continued emphasis and support should be
2 granted to grass-roots organization and civil society
3 building in Iraq, with special emphasis on orga-
4 nizing, mobilizing, educating, training, and building
5 the capacities of women and ensuring the incorpora-
6 tion of their voices in decision-making in Iraq;

7 (9) the security needs of women in Iraq should
8 be addressed and special emphasis placed on recruit-
9 ing and training women for the police force in Iraq;
10 and

11 (10) the Government of Iraq should adhere to
12 internationally accepted standards on human rights
13 and rights of women and children.

14 **SEC. 4. AUTHORIZATION OF ASSISTANCE.**

15 (a) **EDUCATION AND HEALTH CARE ASSISTANCE**
16 **FOR WOMEN AND CHILDREN.**—The President is author-
17 ized to provide education and health care assistance for
18 the women and children living in Iraq and to women and
19 children of Iraq who are refugees in other countries.

20 (b) **ENHANCEMENT OF POLITICAL PARTICIPATION,**
21 **ECONOMIC EMPOWERMENT, CIVIL SOCIETY, AND PER-**
22 **SONAL SECURITY OF WOMEN.**—The President is author-
23 ized to provide assistance for the enhancement of political
24 participation, economic empowerment, civil society, and
25 personal security of women in Iraq.

1 (c) SENSE OF CONGRESS ON PROVISION OF AUTHOR-
2 IZED ASSISTANCE.—It is the sense of Congress that the
3 President should ensure that assistance is provided under
4 subsections (a) and (b) in a manner that protects and pro-
5 motes the human rights of all people in Iraq, utilizing in-
6 digenous institutions and nongovernmental organizations,
7 especially women’s organizations, to the extent possible.

8 (d) SENSE OF CONGRESS ON PROMOTION OF HUMAN
9 RIGHTS IN PROVISION OF ASSISTANCE TO GOVERNMENT
10 OF IRAQ.—In providing assistance to the government of
11 Iraq, the President should ensure that such assistance is
12 conditioned on the government of Iraq making continued
13 progress toward internationally accepted standards of
14 human rights and the rights of women.

15 (e) REPORTS.—Not later than six months after the
16 date of the enactment of this Act, and every six months
17 thereafter during the three-year period beginning on such
18 date, the Secretary of State shall submit to the appro-
19 priate congressional committees a report that sets forth
20 the following:

21 (1) A comprehensive description and assess-
22 ment of the conditions and status of women and
23 children in Iraq as of the date of the report, includ-
24 ing a description of any changes in such conditions

1 and status during the six-month period ending on
2 such date.

3 (2) A statement of the number of women and
4 children of Iraq who are in refugee camps through-
5 out the Middle East as of the date of such report,
6 a description of their conditions as of such date, and
7 a description of any changes in such conditions dur-
8 ing the six-month period ending on such the date.

9 (3) A statement the expenditures of the United
10 States Government during the six-month period end-
11 ing on the date of such report to promote the edu-
12 cation, health, security, human rights, opportunities
13 for employment, judicial and civil society involve-
14 ment and political participation of women in Iraq.

15 (f) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
16 FINED.—In this section, the term “appropriate congres-
17 sional committees” means—

18 (1) the Committees on Appropriations and For-
19 eign Relations of the Senate; and

20 (2) the Committees Appropriations and Inter-
21 national Relations of the House of Representatives.