



Woodrow Wilson  
International  
Center  
for Scholars

*Conflict Prevention Project  
Middle East Project*



WOMEN  
WAGING  
PEACE

# Winning the Peace Conference Report

## Women's Role in Post-Conflict Iraq



Revised Second Edition

## Conference Overview

The crucial role women can—and should—play in Iraqi reconstruction was the focus of a forum on April 21 and 22, 2003 in Washington D.C. “**Winning the Peace: Women’s Role in Post-Conflict Iraq**” was hosted by the Conflict Prevention and Middle East Projects of the Woodrow Wilson International Center for Scholars and Women Waging Peace, a global initiative of Hunt Alternatives Fund. Twenty-five Iraqi women participated in the meeting—some of them expatriates living in the United States, Europe, and the Middle East, others living in Iraq. Among the participants were: the first woman to be appointed judge in Iraq, the Minister of Reconstruction and Development of the Kurdistan Regional Government in Northern Iraq, and the President of Iraq’s Assyrian Women’s Union. More than 60 experts from non-governmental organizations and key international and U.S. agencies participated in discussions.

Hailing the end of Saddam Hussein’s regime and looking to the future, the Iraqi women, who came from different political, ethnic, and religious groups, cited the notable lack of consideration regarding the participation, concerns, rights, and particular needs of the majority of the country’s population—its women. Discussion focused on the inclusion of women in four vital sectors of Iraqi administration: democracy and governance, economic activity, constitutional law and legislation, and civil society.

Over the two-day conference, participants reached conclusions regarding the most important ways to integrate women into reconstruction. On the first day of the conference, the Iraqi women met with sector experts and policy-makers in working groups to identify the most pressing needs and the most important potential contributions of women in Iraq.

The second day of the conference featured two panels—the first focused on future prospects for Iraqi women, and the second focused on key issues in the transition to self-government for Iraq.



**Esra Naama and Sabria Mahidi Naama (daughter and mother) during introduction session**

**Supplementary conference materials available at [www.wilsoncenter.org/conflictprevention](http://www.wilsoncenter.org/conflictprevention).**

**Conference Chairs:** Haleh Esfandiari, Swanee Hunt, and Carla Koppell

**Conference Staff:** Jillian Frumkin, Miki Jacevic, Victoria Stanski, and Anita Wright

**Primary Author and Conference Rapporteur:** Annemarie Brennan

**Photos by:** Foley & Lardner (p. 23 bottom), David Hawxhurst (p. 2, 13, 14 bottom), Zainab Salbi (p. 3, 14 top), Peter Langer (cover), and Victoria Stanski (overview, p. 10, 19, 20, 23 top)

# Key Conclusions and Findings in Brief

Following two days of meetings, participants found that:

- Women in Iraq are currently underrepresented in bilateral and multilateral efforts to structure and manage the transition to democracy and reconstruction.
- Women are available to lead; they comprise some 55 percent of the population of Iraq. Many women in Iraq and in the diaspora are well-educated professionals who have a great deal of experience to bring to bear on reconstruction.
- As a result of over a decade of intermittent conflict, widows and women-headed households have long assumed a great deal of responsibility for managing families and communities in Iraq. Their role and expertise ought to be recognized and capitalized upon in fostering the transition to a pluralistic, democratic Iraq.
- The extensive involvement of Iraqi women will be critical in sustaining peace and democracy, both because they broaden the talent pool, and because their presence is a deterrent to religious extremism.
- Women need to be involved in the earliest drafting of key instruments to ensure that the Iraqi transition process does not permit the erosion of women's rights.
- Several important steps will make certain that women are integral to the democratic transition:
  - Immediate, explicit support and proactive efforts by policymakers within the international community, the United States, and Europe

Key Conclusions and Findings in Brief	<b>1</b>
Women in Iraqi Society	<b>3</b>
Advancing Women's Participation in Democracy, Governance, and Public Decision-Making	<b>7</b>
Advancing Women's Economic Rights and Empowerment	<b>10</b>
Advancing Women's Interests in Constitutional Law and Legislation	<b>14</b>
Strengthening Civil Society	<b>19</b>
Iraqi Conference Participants	<b>24</b>

to ensure ample women's leadership and participation in all discussions regarding transition and reconstruction;

- Recognition and endorsement of a guarantee that women ought to represent no less than 30 percent of all committees, bodies, and structures that are convened to advance reconstruction, including parliamentary and executive governing structures;
- Drafting of an interim constitution that is secular and guarantees, among other rights, separation of powers, equality of all individuals in society, freedom of religion, a bill of rights, secular jurisdiction over family law, and the subjugation of religious law to civil law;
- Appointment of a gender focal point to the U. S. Office for Reconstruction and Humanitarian Assistance of Iraq to see that the needs, concerns, and priorities of women are considered in decision making.
- Creation of an inclusive, participatory approach to governance to ensure that women, who often are most active in non-governmental organizations, participate in decision making in contrast to the centralized, authoritarian model of decision making typified by Saddam Hussein's regime.



Zainab Salbi is founder and President of Women for Women International, a nonprofit organization dedicated to supporting women survivors of armed conflict and social and political upheaval. Salbi has written and spoken extensively on the role of women in war and post-conflict situations; she has been nominated for several human rights awards and was recognized for her work by former President Bill Clinton in a ceremony at the White House. Salbi's publications include "Strategic Planning and Institutional Development" in a civil society empowerment article series and "The Role of Microcredit in Poverty Alleviation in a Post-Conflict/Transitional Society: Bosnian Villages as a Case Study." Salbi holds a bachelor's degree in women's studies from George Mason University and a master's degree from the London School of Economics and Political Science. Originally from Iraq, she now lives in Washington, D.C.

ZAINAB SALBI

## Women in Iraqi Society

The history of Iraqi women is unique. Early in the last century, women began to push for independence and equal rights. Those in the upper class began enrolling in universities and entering the job market in the 1920s and 1930s.<sup>1</sup> At the same time, Iraqi women sought to be recognized as full citizens and to be permitted to be in public without a veil.<sup>2</sup>

Women also contributed to Iraq's civil society. In 1952, the Iraqi Women's League (IWL) was founded to defend the rights of women and children. And after 1958 the Kurdish Women's Federation (KWF) began to link women to the national independence movement, which called for democracy, autonomy for Kurdistan, and an end to British rule. Together the organizations promoted women's political participation, social and economic rights, and combated illiteracy.<sup>3</sup> Following the 1958 revolution, the women of the IWL pushed for and received laws granting women employment, education, and inheritance rights.<sup>4</sup> These and other advances laid the foundation for the vital role women can play in post-conflict Iraq.



Women and girls in Baghdad

### The Ba'ath Period from 1968-1990

The 1968 coup that led to Ba'ath Party control of Iraq had significant implications for women. Under the 1970 constitution, women and men were—at least nominally—equal under the law. Among the Party's stated goals was equality:

*The liberation of the Arab woman and her release from her antiquated economic, social, and legal bonds is one of the main aims of the Arab Ba'ath Socialist Party...It is the duty of the Party...to fight against the backward concepts which relegate women to a marginal and secondary place. Such concepts conflict with our Arab and Islamic heritage...The liberation of women can be done through the complete political and economic liberation of society.*<sup>5</sup>

As in many communist and socialist societies, women's inclusion was a key component of the social revolution. Women were explicitly given the right to vote and work outside the home. Education was mandatory for boys and girls through the age of 16. Women were strongly encouraged to attend universities and acquire professional skills, and women-only colleges were closed.<sup>6</sup>

As more women gained skills, openings in the job market began to appear, a result of both the government's desire to include women in the work force and the exodus of men to fight in the Iran-Iraq war. Women soon held positions as career military officers, oil-project designers, and construction supervisors. Men and women who graduated from institutes of higher learning took government

jobs in education, medicine, accounting, and general administration. The Unified Labor Code called for equal pay, benefits, and promotions for men and women. Women also advanced somewhat in the political field; in 1989, 27 women were elected to Iraq's 250-seat National Assembly.<sup>7</sup> But they did not compose 50 percent of the work force, and even members of the Party admitted that women's status was not equal. Neither were all women on even ground: Upper class women had more opportunities and there were large gaps in education and income between rural and urban Iraqis.<sup>8</sup>

Efforts to promote equality avoided religion and related topics, and Party officials proved unwilling or unable to change family law, which was based on Islamic law and favored men. The Party maintained the 1959 Code of Personal Status, which brought together the wide variety of laws regarding familial and personal duties. Although not bound by any single Islamic tradition, it relied heavily on *Shariah*. Judges were permitted to refer to Islamic law when they believed the Code to be unclear, inapplicable, or inadequate. Iraq revised the Code in 1978, permitting annulment or divorce in the case of forced marriages, and granting women more child custody rights. Nonetheless, it was still conservative, allowing for early marriage and polygyny.<sup>9</sup>

The Ba'ath Party years saw the death of Iraq's civil society. Non-governmental organizations, the media, and women's groups became arms of the state. The General Federation of Iraqi Women (GFIW) was created by the Ba'ath Party, purportedly 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>10</sup> The group was viewed by many, however, as part of Saddam Hussein's efforts to consolidate control and shore-up support for his regime. By 1989, membership in the GFIW reached 300,000 women in 21 federal branches<sup>11</sup>—but often members had been forced to join.<sup>12</sup>

Saddam Hussein's regime undermined the rights of all Iraqis. Women's dissent was punished with the same ferocity as men's. Claiming to fight prostitution, government officials ordered the beheadings of hundreds of women dissidents, often requiring family members to display the severed heads for days. Police and army officers used sexual assault to gain information and elicit confessions, and torture, including beating, shocks, and brandings, was a routine part of women's and men's imprisonment.<sup>13</sup>

Pascale Warda is President of the Assyrian Women's Union in Iraq, applying her experience with human rights, refugees, and civil society in her work with Assyrian women. Ms. Warda co-founded the Iraqi Society for Human Rights in Damascus, Syria, and served as the representative of the Assyrian Democratic Movement Foundation (ADM) in Paris—the highest position of any woman in the ADM, which is the primary Assyrian political party in Iraq. Warda holds a degree from the Human Rights Institute at the University of Lyon in France. She currently resides in Arbil, Northern Iraq.

PASCALE WARDA

### The Deteriorating Situation in the Post-1990 Period

Women's position was further eroded following the 1991 Gulf War. Threatened by the Shi'a uprising, Hussein cracked down on political dissidents. To strengthen his hold on the country, he appeased religious fundamentalists, social conservatives, and tribal leaders. This often involved passing anti-woman legislation. Strict observance of *Shariah* punishes adulterous women with death. But in the 1990s, women in Iraq were also being killed for arguing with their husbands, having relationships with men other than their husbands, or being the victims of rape; methods of execution included stoning.<sup>14</sup> In 1990, Saddam Hussein passed a law exempting from punishment men who killed female relatives for such offenses. By 2002, the UN Special Rapporteur on Violence against Women reported that over 4,000 Iraqi women had been victims of honor killing.<sup>15</sup>

The effects of Iraq's harmful economic policies were exacerbated by harsh sanctions. The years following the Gulf War therefore brought setbacks in education and employment for women. Education, child-care facilities, and transportation, once free to Iraqis, became prohibitively expensive.<sup>16</sup> Adult female literacy dropped sharply, and the number of women and girls in school began to decrease. More than 35 percent of girls abandoned formal education before completing primary school.<sup>17</sup> Men and women left universities *en masse* for economic reasons, burdening the saturated job market.<sup>18</sup> These factors, often enough to keep women at home, were compounded by high unemployment in manufacturing, which displaced male workers into fields traditionally occupied by women. Today, although they compose 55 percent of Iraq's population, the UN estimates that women are only 19 percent of Iraq's workforce.<sup>19</sup>

The contrast in the autonomous Kurdish region of Northern Iraq is stark. Left with almost no infrastructure following the Gulf War, the Kurds have transformed the region. Women are at high levels in the Kurdistan Regional Government; three of its 20 ministers are women. The rebirth of civil society has led to the formation of the Women's Network, a coalition of 20 women's organizations that have come together across political party lines to play an important role in public life. The Network reviews policies that affect women and emphasizes the inclusion and consideration of women in political life.<sup>20</sup> Future prospects for women in Northern Iraq are even better: 88 percent of children, almost half of them girls, are enrolled in schools, the number of which has tripled since 1991.<sup>21</sup>

### Looking Forward: Iraq After Saddam Hussein

Iraq has a history of women in the public sphere, and their involvement will be a key component of nation building. Many Iraqi women are well educated and capable of assuming leadership positions; as the educational system is rebuilt, providing girls with education will ensure that the same remains true in generations to come. Despite the lingering emotional and psychological effects of Saddam Hussein's brutal regime, the historic achievements of Iraq's women provide a substantial reservoir of talent from which to draw in post-conflict reconstruction. ■

**Iraqi society has a history of women in the public sphere, and their involvement will be an essential component of nation building.**



1. Nikki Katz, "Women in Iraq: Information and History of Women's Rights in Iraq." 30 April 2003. <[http://womensissues.about.com/cs/iraq/a/iraqi\\_women\\_p.htm](http://womensissues.about.com/cs/iraq/a/iraqi_women_p.htm)>.
2. WGBH Education Foundation, "Timeline: Events Related to the Roles of Women" in *Global Connections: The Middle East*. 5 September 2003. <<http://www.pbs.org/wgbh/globalconnections/mideast/timeline/text/qwomen.html>>.
3. Perto, Bushra. Personal Communication, October 4, 2003.
4. Iraqi Women's League, *Open Appeal to All Women's Organizations in the United Kingdom*. 5 September 2003 <<http://womenstrike8m.server101.com/English/iraqiwomenleagueopenletter.htm>>.
5. Rassam, Amal, "Political Ideology and Women in Iraq: Legislation and Cultural Constraints," *Women and Development in the Middle East and North Africa*, p. 82. New York: Brill, 1992. Citing *Revolutionary Iraq: 1968-1973*, adopted by the Eighth Regional Congress of the Ba'ath Party (1974).
6. Rassam, p. 87.
7. Laurenz, p. 2-4.
8. Rassam, p. 89.
9. Ibid, pp. 90-93.
10. Ibid, pp. 85-86.
11. Andrea Laurenz, "Iraqi Women Preserve Gains Despite Wartime Problems." July 1989. Washington Report. May 2003. <<http://www.washingtonreport.org/backissues/0789/8907004.htm>>. p. 3.
12. Women's Alliance for a Democratic Iraq. Winning the Peace Conference Report, Joint Comments by Women for a Free Iraq and Women's Alliance for a Democratic Iraq, July 30 2003.
13. Department of State, Fact Sheet: "Iraqi Women under Saddam's Regime: A Population Silenced." 30 April 2003. <<http://www.state.gov/g/wi/rls/18877pf.htm>>.
14. Katz.
15. Department of State.
16. Robert Collier, "1991 War Cost Iraqi Women Rights." 25 January 2003. *San Francisco Chronicle*. 5 May 2003. <<http://www.sfgate.com/cgi-bin/article.cgi?file=/chronicle/archive/2003/01/25/MN215849.DTL>>.
17. Leah C. Wells, "The Silent War: Iraq's Women and Children are Casualties Amid Economic Sanctions." 17 October 2002. *Ventura County Reporter*. 6 May 2003. <<http://www.sfgate.com/cgi-bin/article.cgi?file=/chronicle/archive/2003/01/25/MN215849.DTL>> pp. 1-3.
18. Labwid Abbawi, "Few Hopes." March 2002. Social Watch Annual Report 2002, Country Reports: Iraq. 8 May 2003. <<http://www.socialwatch.org/en/informesNacionales/203.html>>.
19. "Iraq: Women in Public Life." 2 May 2003. UNDP-Programme on Governance in the Arab Region. 2 May 2003. <<http://www.undp-pogar.org/countries/iraq/gender.html>>.
20. Susan Harvie, "This is What Democracy Looks Like?" 25 April 2003. Alternatives: Action and Communication Network for International Development. 6 May 2003. <<http://www.alternatives.ca/rubrique19.html>>.
21. Minister of Reconstruction and Development for the Kurdistan Regional Government Nasreen Sideek, "Women in Iraq, Future Prospects" (paper delivered at Winning the Peace: Women's Role in Post-Conflict Iraq, Washington, DC, April 2003).



## Advancing Women's Participation in Democracy, Governance, and Public Decision-Making

Iraq's recent history is characterized by the oppression and exclusion of the vast majority of the population from decision-making and governance. For democracy to take hold and become sustainable, it is critical to promote a culture of transparency and inclusion. It is vital that political, economic, and social priorities are based on a broad view of society—that the marginalized and the disenfranchised are not only considered, but also integrated into decision-making processes. It is also critical to nurture a new political environment, where plurality of views and freedom of expression are respected and encouraged. This can be a long and difficult process, but it is critical that the foundations be laid during the immediate post-war period of transition.

Given women's predominance in the population at large, it is important to ensure that women are full and active participants in governance structures at the local and national levels for a true democracy to take root. In the last 20 years as Iraq has passed from one war to the next, women have had an increasingly important role in sustaining their communities. Nonetheless, they tend to be virtually excluded from the political elite and national-level political participation in most war-torn countries. To ensure their participation, it is not enough to seek them out through existing political parties. There is a need to be proactive in convening local meetings, consulting with communities, and working within existing networks to identify women leaders.

In Kurdish Northern Iraq, women are included and have been making a significant contribution to the economic, social, and political development of society. They are the primary leaders in strengthening civil society. At the government level, Nasreen Sideek, the Minister for Reconstruction and Development has brought new perspectives regarding the needs of refugees and the ways in which resettlement programs should be developed. She has also spearheaded a successful program to promote local ownership and responsibility for water and other resources in remote areas.

As international actors enter the process, it will be critical to ensure that needs assessments and missions encompass a gender perspective and develop a clear understanding of the vulnerabilities and capacities of all sectors of society—men and women, young and old. If these assessments fail to examine the situation of women, it is likely that women's particular concerns and interests will be overlooked, as will their potential contributions. It will be more difficult to integrate women into programs at a later stage, when priorities are set and resources allocated. Moreover, broader consultations will ensure a more balanced perspective regarding the conditions facing ordinary people.

To ensure inclusive governance structures, U.S. operations should work closely with women's groups to identify and appoint women within Iraq and the

**For democracy to take hold and become sustainable, it is critical to promote a culture of transparency and inclusion.**

diaspora who can participate in reconstruction efforts. Not less than 30 percent of posts throughout all levels of government, local to national, should be reserved for women. It will also be important to provide training to enhance their skills and build their confidence. Additionally, to ensure that women have a voice when active inside and outside of government, an inclusive approach to governance that allows ideas to trickle-up from the grassroots should be created. It will ensure women a voice and facilitate movement away from the authoritarian top-down approach utilized by Saddam Hussein. ■

## United Nations Security Council Resolution 1325: Relevance to Iraqi Reconstruction

*By Sanam Naraghi Anderlini, Director, Policy Commission, Women Waging Peace*

On October 31, 2000, the UN Security Council unanimously passed Resolution 1325 on Women, Peace, and Security. It is the first Security Council resolution that acknowledges women's capacities in peace building and asks that all actors ensure women's inclusion in peace processes. It calls for the inclusion of civil society groups—notably women—in the creation and implementation of peace agreements. The resolution further mandates that the United Nations, member states, and all other parties (i.e., non-state actors, militias, humanitarian agencies, and civil society) ensure women's protection in conflict situations and their participation in reconstruction.

As reconstruction gets underway in Iraq, through Resolution 1325 the United States and others in the international community are directed to ensure women's participation in all aspects of the transition process. This includes consulting with Iraqi women locally and internationally to guarantee that their concerns and views are integrated into programs, and ensuring that women are full participants in all decision-making. It further mandates that all actors adopt a gender perspective in their work, so that the needs of women and girls are addressed during repatriation, resettlement, rehabilitation, and reintegration. Resolution 1325 also calls on international actors to

ensure support for Iraqi women's peace and reconstruction initiatives.

The UN resolution provides clear guidelines regarding the protection of women. It calls on all actors to include measures that protect and respect the human rights of women and girls, especially as they relate to the constitution, the electoral system, the police, and the judiciary. Member states are asked to prosecute perpetrators of genocide, crimes against humanity and war crimes, including sexual violence against women. The resolution explicitly calls for an end to impunity and amnesty for sexual and gender-based crimes. Given the pervasive nature of rape and sexually-based crimes in Iraq, it is critical that no party agree to amnesty for those crimes. Finally, under the auspices of Resolution 1325, all state and non-state actors in conflict can be held accountable for violations against women, and all have a responsibility to protect them.

While there have been distinct statements of support for women's participation in the reconstruction of Iraq, there are still very few Iraqi women involved in the structures that are being created. Resolution 1325 provides clear guidance as to the ways in which the transition process should be fully inclusive. Iraq has a critical mass of highly qualified women whose presence and involvement in decision-making would enhance the processes and ensure that the perspectives of all Iraqis are taken into account. By implementing 1325 in Iraq, the United States and the international community at large would not only signal their commitment to gender equality but also establish a model of democracy for the Arab world and other states emerging from conflict. ■

## FINDINGS AND CONCLUSIONS ON GOVERNANCE

Participants concluded that the following steps are needed:

1. **Immediately** require that basic principles for U.S. operations include:
  - Procedures for identifying and appointing women within Iraq and in the diaspora to governance structures, and for establishing a consultative process involving women's groups;
  - A quota of not less than 30 percent for women in leadership posts applied to all levels of Iraqi governance, from local to national; and
  - Training and support for women in government, to ensure their capacity to lead effectively.
2. **Immediately** access existing funding opportunities:
  - Sponsor women in Iraq and the diaspora to participate in reconstruction. A database of contacts should be established for this purpose;
  - Create a coalition of Iraqi women in the diaspora to raise awareness and advocate for Iraqi women's issues, particularly within the media and government;
  - Require women's participation in contracts for reconstruction and ensure that some program funding is set aside for women.
3. **Immediately** involve women's groups in selecting leaders during the transition period.
4. **Immediately** develop and initiate media campaigns to educate Iraqi women about their rights, and highlight "success" stories of Iraqi women working at local or national levels.
5. **Medium term**, establish a national collective council for transitional leadership, and establish local committees or councils to represent communities in regional bodies and the national council. These mechanisms will ensure that women, who often are most active in non-governmental organizations, participate in decision-making.
6. **Medium term**, ensure that women have adequate support to enable their participation in governance and public administration—this would include childcare and job skills training.
7. **Medium term**, develop training for Iraqis working on gender issues, exposing them to examples of inclusive governance models, perhaps by implementing an exchange program with other countries to broaden their experience.
8. **Medium term**, design electoral processes to build capacity among women so that their participation in local elections emboldens them to run for national office.

## Advancing Women's Economic Rights and Empowerment

**B**a'ath Party fiscal policies significantly weakened Iraq's economy. During the 1970s and 1980s, the country diverted much of its oil revenue to the military: 37.9% in 1975, 75% in 1980, 77% in 1985, and 89% in 1989.<sup>1</sup> Despite this increasing need for revenue, oil exploration stopped after 1980, and production increased little. The state did not develop other industries, and it discouraged foreign and private investment.<sup>2</sup> Intermittent conflict and 12 years of U.S. and UN sanctions and embargoes compounded the problem, virtually destroying Iraq's economy. According to Iraqi government records, the average citizen's income reached a high of USD 4,083 in 1980; by 2000, it had fallen to USD 715.<sup>3</sup> Since 2000, the country's GDP has dropped significantly, largely because of the global economic slowdown and reduced oil prices. Today, about 80 percent of Iraq's population lives on less than \$2 per day.<sup>4</sup>

Women have been hit particularly hard by the economic collapse, suffering severe job losses. Though the December 1996 launch of the UN Oil for Food program improved conditions for the average Iraqi, as of late 2000 some 80 percent of private sector factories were closed and 50 percent of the workforce was unemployed.<sup>5</sup> The dearth of manufacturing jobs led male workers to crowd out women in the education and health sectors and local government—women now make up only 19 percent of the workforce, concentrated in the agriculture and services sectors.<sup>6</sup>

Regeneration of the economy will be fundamental to the creation of a viable democracy in Iraq. Ensuring women economic rights and empowerment will be an important step toward economic recovery—and toward ensuring equal rights for women in all spheres. By generating and controlling economic resources, women will gain respect and position in society. For the many women heads of household, economic empowerment will be a question of survival; it is imperative that post-war Iraq provide them with opportunities to earn an income so that they can maintain their dependents. A significant percentage of Iraqi women are the primary wage earners in their families.

Increasing the complexity are the pressures on the economy brought on by the demobilization of soldiers. During conflict, women are particularly involved in the formal and informal economy, replacing men who have joined the fighting. Once war ends, these gains are often lost; much of the formal economy shrinks or collapses and the jobs that remain are generally given to returning male soldiers. There is often pressure for women to return to traditional roles. Though many instead move to the informal econo-



**Nat Colletta (George Washington University) and Neeran Saraf discuss economic empowerment.**

## FINDINGS AND CONCLUSIONS ON ECONOMIC RIGHTS AND EMPOWERMENT

Participants concluded that the following steps are needed:

1. **Immediately** appoint a full-time gender focal point within the Office for Reconstruction and Humanitarian Assistance of Iraq. The person who holds this position would need to ensure that:
  - Women-owned enterprises and businesses with gender-sensitive policies are included in reconstruction;
  - A percentage of contracts and subcontracts are awarded to women and women-led businesses; and
  - Opportunities are created for women at all socioeconomic levels, including women with limited job skills.
2. **Immediately** address gender perspectives in humanitarian aid, including in the Oil for Food delivery structure. The initial stages must address groups that may have been excluded from the former structure, particularly widows, single heads of households, and women with medical and reproductive health needs.
3. **Immediately** place women in leadership positions throughout all components of the economic and legal transition process. Ensure that women of all ethnic and religious groups are included, reflecting the diversity of Iraq's population. For this to happen successfully, create venues for training and supporting women in their leadership roles. Particular caution is needed to ensure that women and their issues do not become marginalized within a Women's Ministry; rather they should be mainstreamed throughout all businesses and government institutions.
4. In the **medium term**, institutionalize gender equality in all aspects of economic and legal reconstruction on the macro and micro levels. In particular, pay special attention to the implementation of the Beijing Conference's recommendation for a quota of 30 percent women's representation in all economic, legal, and governmental institutions.
5. **Short term**, create a women's employment agency or a database for women to seek jobs as one of many efforts to help women find employment and support women's active economic participation.
6. Any post-conflict setting typically leads to an increase in sexual trafficking and the number of prostitutes.
  - **Immediately** stop the abduction of women and girls for prostitution;
  - Beginning in the **short term**, create and enforce laws and policies to stop the promotion of prostitution and trafficking. These would include, but not be limited to, policies regarding food aid distribution and the actions of international soldiers and employees stationed in Iraq; and
  - In the **medium term**, provide women who are working as prostitutes with health care, job training, and alternate economic opportunities.
7. **Long term**, create a national Iraqi organization for women professionals and business owners.

my (trading, small-scale food production and sale, and service provision), these women and girls lack access to more desirable opportunities.<sup>7</sup>

International aid projects often unintentionally perpetuate the problem by offering women opportunities in micro-enterprise initiatives rather than the mainstream economy. While these programs enable women to enter the economic sphere, they do not ensure women's status advances or address the broad range of challenges women face. Additionally, these programs often do not meet the needs of educated women with skills and experience. In Iraq, it will be important to ensure that women are given the same opportunities for income and employment as men. Similarly, it will be necessary to create programs that alleviate immediate need while creating the potential for longer-term sustainability and growth.

Giving women economic rights, this will be key to increasing their influence in other domains, including in public life and politics. To ensure that gender perspectives are addressed in all humanitarian aid, full-time gender focal points should consistently be appointed to offices charged with reconstruction and humanitarian assistance. They can help ensure that reconstruction involves women-owned enterprises and businesses with gender-sensitive policies, and

## The Economic Costs of Women's Exclusion: The UNDP Arab Human Development Report

*by Anita Wright, Conflict Prevention Project, Woodrow Wilson International Center for Scholars*

The pervasive exclusion of women from political, economic, and social spheres hampers development and growth in Arab countries, according to the first Arab Human Development Report (AHDR). The report, released in July 2002 by the United Nations Development Programme (UNDP) and authored by Arab scholars, cites the systematic undervaluation and underutilization of 50 percent of the population as a root cause of underdevelopment of these societies. Low family incomes and standards of living persist because the productivity of women is stymied. Illiteracy inhibits minds and restrains potential by prolonging the lack of access to and use of knowledge and technology. The AHDR states that female political and economic participation is the lowest in the world, despite female literacy rates rising to 50 percent. Women suffer from unequal citizenship and legal entitlements illustrative of their lack of voice in poli-

cymaking and governance. They hold a mere 3.5 percent of parliamentary seats.

This report recalibrates the UNDP's annual Human Development Index to include factors of freedom, Internet usage, and environmental responsibility. The 22 Arab League nations rank even lower on this "Alternative Human Development Index," which places less importance on gross domestic product. In other words, poverty stems not just from lack of income, but also from a lack of freedom, empowerment, or information; Arab women are denied all three. This absence inhibits advancement and leaves 50 percent of Arab youth with a desire to emigrate.

Although the report is critical of Arab failures, it offers suggestions for improving conditions in the region. "The basic priority for policy in Arab countries needs to be to create a virtuous cycle whereby economic growth promotes human development and human development in turn promotes economic growth." Women should be involved at every point in this cycle. The authors stress that success depends upon representative leadership that shapes and adapts to—and is not isolated from—the new economics and politics resulting from rapid globalization. ■

that a certain percentage of contracts and subcontracts are allocated to these businesses. Gender point-people can also work to guarantee that there are opportunities for women at all socio-economic levels, and that women from all ethnic and religious groups are in positions of leadership. Not doing so will compromise Iraq's economic development. ■

1. "A Brief History of Human Rights in Iraq," The Iraq Foundation, <<http://www.iraqfoundation.org/hr.html>>
2. "The Road to Economic Prosperity for a post-Saddam Iraq," by Dr. Ariel Cohen and Gerald P. O'Driscoll Jr., Ph.D, March 2003, Heritage Foundation Backgrounders.
3. Labid Abbawi, "Few Hopes." March 2002. Social Watch Annual Report 2002, Country Reports: Iraq, 8 May 2003. <<http://www.socialwatch.org/en/informesNacionales/203.html>>.
4. Labid Abbawi, "Few Hopes." 8 May 2003. Social Watch. 8 May 2003. <<http://www.socwatch.org.uy/en/informesNacionales/203.html>>.
5. Ibid.
6. "Iraq: Women in Public Life." 2 May 2003. UNDP-Programme on Governance in the Arab Region. 2 May 2003. <<http://www.undp-pogar.org/countries/iraq/gender.html>>.
7. UN Secretary-General's Report. Women, Peace, and Security. New York: United Nations Press, 2002. pp. 117-118.



*"The new government of Iraq must be broad-based and representational, and that means it must include women. It must respect the rights of Iraqi women to choose how they will participate in their society. We cannot imagine a stable, post-Saddam Iraq without the involvement of women in all aspects of the humanitarian reconstruction and development efforts that will be undertaken. Iraqi women must participate fully in the recovery of Iraq."*

The Minister of Reconstruction and Development for the Kurdistan Regional Government in Northern Iraq, Nasreen Mustafa Sideek is also a member of the economy and infrastructure working group at the US State Department's Future of Iraq Project. Following the 1991 war in Kuwait, she worked with the International Organization for Migration to assist in the repatriation of refugees; she also worked with the UN Department of Humanitarian Affairs to coordinate relief services with UN agencies and NGOs. She holds a bachelor's degree in architectural engineering from the University of Baghdad and a master's degree in public policy and management from Harvard University's John F. Kennedy School of Government. Sideek currently resides in Northern Iraq.

NASREEN MUSTAFA SIDEK



## Advancing Women's Interests in Constitutional Law and Legislation

On paper, Iraq's 1990 interim constitution called for a democratic state ruled by an Iraqi population protected by the separation of powers and a system of checks and balances. In practice, Saddam Hussein and the Ba'ath Party steered the executive and legislative branches. Hussein wielded decisive power and appointed, promoted, or terminated all vice presidents, governors, judges, and civil and military state employees.<sup>1</sup> The dichotomy between constitutional design and experience means that Iraq lacks a tradition of reliable constitutionalism.<sup>2</sup> Drafting a constitution and legislation with integrity will be a vital first step in rebuilding Iraq, and it will be critical to the legitimacy of the state.

It is imperative that the new constitution be inclusive and take into account the multi-ethnicity of the state. A bill of rights will be needed to guarantee rights to all Iraqi citizens; in particular, minority communities must be protected. Separation of powers will need to be enforced, as will secular jurisdiction over the law.

Enshrining women's rights in the constitution will be critical in ensuring that gender equality and respect for the rights of women are fundamental values of the emerging state. The explicit assertion of gender equality will also provide a



At an entrance to Imam Ali's mosque in Najaf



Zainab Al-Suwaij is the co-founder and executive director of the American Islamic Congress, a post-September 11th social activist organization based in Cambridge, Massachusetts, that works to foster tolerance, promote civil society and civil rights, and mobilize a moderate voice in the American Muslim community. After fleeing Iraq following the 1991 uprising against Saddam Hussein, she worked as a refugee case manager for Interfaith Refugee Ministry. She continues to be an outspoken social activist and positive voice in the Muslim community. Al-Suwaij's writings have appeared in the Wall Street Journal, the Boston Globe, and the Houston Chronicle, and she has been interviewed on National Public Radio, CNN, Fox News, and other national media outlets. She is originally from Basra and lives in Massachusetts.

ZAINAB AL-SUWAIJ

## FINDINGS AND CONCLUSIONS ON CONSTITUTIONAL LAW

Participants concluded that the following steps are needed:

1. **Immediately** form a committee of Iraqi women lawyers, as well as other qualified professionals, to define and protect women's rights and interests, and to draft principles and provisions for inclusion in any Iraqi constitution.
2. Beginning in the **short term**, with the constitutional drafting committee, recognize that, as 55 percent of the population, women must represent no less than 30 percent of all committees, bodies, and structures that are convened to plan for the reconstruction of Iraq. The same gender balance should be applied to parliamentary and other structures for the governance of Iraq.
3. In the **short term**, draft an interim constitution and draft, ratify, and legitimately adopt a permanent constitution in the **long term** that is secular and provides for:
  - the separation of powers within the government (i.e., three branches);
  - the recognition of the equality of all individuals in society;
  - the acknowledgement that Iraq is a multiethnic state;
  - the protection of the freedom of religion;
  - the inclusion of a bill of rights;
  - a guarantee that civil law predominates religious law;
  - the secular jurisdiction over issues of "family law," including all issues connected with marital rights and obligations;
  - the incorporation of appropriate principles of the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and United Nations Security Council Resolution 1325;
  - the design of mechanisms for transitional justice; and
  - the abolition of all existing laws and decrees that violate human rights.
4. **Medium term**, establish an independent judiciary that is trained and strengthened over the **long term**. Beginning in the short-term ensure that women participate actively throughout this branch of government.
5. Beginning in the **medium term**, launch an education and sensitization campaign that informs Iraqis of their constitutional and legal protections in a democratic society. This campaign will need to deliberately and proactively reach out to women (e.g., through women's radio programs and women's meetings in communities throughout the country) to ensure implementation.
6. In the **long term**, in order to heal Iraqi society, ensure that the crimes of the previous regime are revealed and perpetrators are brought to justice. Particular attention should be paid to abuses women suffered and to crimes perpetrated along ethnic lines. At the same time, the families of war criminals should be protected from liability and persecution.

framework through which demands can be made for structures and mechanisms that ultimately ensure enforcement and implementation of the constitution. It will also provide legal protection for women against religious, tribal, or cultural laws and practices that they may oppose. In South Africa, for example, the Commission on Gender Equality was established as a direct consequence of the Constitution. Its mandate was to promote gender equality by recommending new legislation and advising Parliament on laws that affected gender equality and the status of women. While there is still room for progress in South Africa, the result has been a clear shift in perceptions regarding the status and rights of women in the political, economic, social, and even military spheres.

The separation of religious traditions from all civil and criminal law must be a central concern in constructing a new constitution for Iraq. Islam, like other religions, prescribes a universe of behaviors; believers are to obey its laws in all

## Advancing Women's Rights in Post-War Iraq: Critical Islamic Juridical Issues

*by Abdulaziz Sachedina, Professor of Islamic Studies,  
University of Virginia*

The liberation of Iraq provides a rare opportunity to deliberate on issues connected with Iraqi women's rights. The call for an Islamic government must be considered carefully, since any reference to Islamic Law—the Shariah and its implementation—will perpetuate discrimination against women in matters of personal law. In many Muslim countries, the personal status of women is determined by the legal doctrines enshrined in the classical juridical heritage. While we must always be cognizant of the sacred origins of the divinely ordained system of Shariah, its application remains subject to interpretation and hence open to variability given the changing social and political role of women. Moreover, in a multi-faith and multiethnic Iraqi society, the principle of secularity must have precedence in creating a national civic culture. This principle does not negate the role of religion in the public sphere. It simply separates jurisdictions that apply to God-human versus human-human relationships. As Muslim juridical tradition acknowledges, the laws pertaining to the God-human relationship (*al-'ibadat*) are immutable and remain within the jurisdic-

tion of divine sanctions in the Hereafter. In contrast, human-human relationships (*al-mu'malat*) are the domain of the social and political institutions that guarantee smooth administration of human affairs for the good of all citizens, without discrimination against or disempowering of any group or association that does not share the religious affiliation of the majority. In the final analysis, Islamic tradition plays a role through its learned scholars, but only in the form of guidance rather than governance. (See "Guidance or Governance? A Muslim Concept of 'Two-Cities.'"<sup>1</sup>)

Particular vigilance is required in matters pertaining to marital laws that affect women directly. The Shariah system does not provide sufficient protection or even basic information to Muslim women to negotiate marriage contracts. There are at least two major legal schools represented in Iraq, namely, the Shiite Jafari and the Sunnite Hanafi. Although, theoretically, the Jafari system provides better checks on man's unilateral dominance in marital life, both the Shii and Sunni doctrines set limits on a woman's freedom to negotiate her marriage contract. There are a number of issues that need careful consideration and will require attention from female constitutional lawyers to ensure cognizance that Iraq is a multi-faith society:

1. Polygamy is regarded as the God-given right of a Muslim man. What are the Quranic and other legal considerations that would protect a woman's

aspects of their lives. "It is primarily the possibility of appropriating the earth for creating a God-centered multicultural and multi-ethnic society that animates the Quranic vision of interpersonal relations."<sup>3</sup> When a multicultural state is ruled by a single set of religious traditions, however, both pluralism and civil peace are at risk. Rather than connecting the two, Iraq's constitution should remove faith from the realm of government, and government from the realm of faith. (For a further discussion of this topic, see the box by Abdulaziz Sachedina, "Advancing Women's Rights in Post-War Iraq: Critical Islamic Juridical Issues.")

This separation should be observed particularly with regard to family law. The Code of Personal Status, the first Iraqi body of law to consolidate family laws and statutes in a single document, was developed in 1959 and amended in 1978. Based upon multiple traditions within the *Sharia*, or religious law, and the family laws of other modern Muslim countries, the Code applied to all Muslims who

right to enshrine the condition of monogamy in her marriage contract?

2. The unilateral right to divorce is given to men and is another matter of concern. Traditional legal decisions oppose giving a woman the right to initiate divorce proceedings.
3. The custody of children is another source of bitter struggle for women. The Shariah gives custody to men, depriving women of their natural connection to children and their role in children's upbringing.
4. Inequitable division of inheritance is also a source of discrimination against women. Although the arguments provided by the traditional system sound valid in the context of tribal culture, the rulings on this subject need reexamination given changed circumstances in which women are economic providers and sometimes the sole breadwinner in the family.

A cautionary note is necessary in making a case for secularization of the law. Since the culture is predominantly Muslim, there is bound to be an inclination to let Islamic law dominate in matters of matrimony and inheritance. I suggest looking into the "overlapping consensus" that could emerge through recognition of the diversity of the population and its religious affiliation. More to the point, there is a need to demonstrate a sincere intent to resolve outstanding issues to ensure

Iraqi women's dignity first as humans, and secondarily as Muslims or non-Muslims. This approach will placate the fear that "external" pressures are trying to destroy Muslim family values and destroy human relationships. There is a real fear in the Islamic world that Western liberal values will reduce the cohesiveness of familial relationships if adopted without selectivity.

In Islamic legal tradition, understanding the situational context of a case (*mawduat*) is extremely important before a jurist can formulate a ruling. Traditionally, Islamic jurisprudence has been male-dominated. It will be important to educate Iraqi women in Islamic jurisprudence so that they can become equal partners in determining their situational context and developing relevant rulings that protect their rights. Such a group of women jurisprudents can be a catalyst for changing the attitudes of men, who sometimes inadvertently—and at times intentionally—become the source of vast injustices committed against women. It is only through such cultural legitimacy that an alliance between male reformers and women advocates of egalitarian law will be able to produce concrete results in the political and social arena of the new Iraq. ■

---

1. *George Washington Law Review*, Volume 68, Number 5/6, July/September 2000. Abdulaziz Sachedina, pp.1079-1098.

An attorney in northern Virginia and Vice President of the Iraqi-American Council, Zakia Hakki is a member of the committee drafting Iraq's new constitution. The first woman judge in Iraq, she served as an expert legal adviser in the government's Ministry of Agriculture. She is the founder of the Kurdish Women's Federation and was president of the group from 1958 until 1975. She was the only woman elected to the leadership of the Kurdistan Democratic Party during the general assembly meeting in 1970. As a result of her outspokenness on behalf of the Kurdish people, she was placed under probationary arrest for 20 years until her emigration to the United States in 1996. She has since participated in various working group sessions on Iraq at the U.S. Department of State. Hakki holds a bachelor of science degree in business administration from the International Labor Union in Switzerland and a doctor of law degree from the University of Baghdad. She now resides in northern Virginia.

## ZAKIA HAKKI

were Iraqi citizens. Even the 1978 version, based on the principles of the Sharia (but "only those which are suited to the spirit of today,") did not provide equality for women, allowing for early marriage and polygamy. Important amendments on divorce and child custody were passed in 1978, granting women some additional—though not fully equal—rights, but these amendments were deemed subversive by some and ineffectual by others, revealing the tension between religious and secular traditions, or even differing religious traditions.<sup>4</sup>

Iraqi women need to be involved in drafting the new Iraqi constitution and in decision-making regarding the balance between secular and Islamic frameworks. A committee of Iraqi woman lawyers, jurists, and professionals should begin defining women's rights and interests, and drafting principles and provisions for inclusion in the constitution. The secular constitution should ensure the equality of all individuals in society, provide for the separation of powers within the government, and include provisions for civic education to ensure that Iraqis are aware of their rights and responsibilities. These measures will help ensure the creation of a body of law that protects the rights and interests of all Iraq's citizens. ■

---

1. "Iraq: Constitution." 2 May 2003. UNDP-Programme on Governance in the Arab Region. 2 May 2003. <<http://www.undp-pogar.org/countries/iraq/constitution.html>>.

2. Yash Ghai, "Constitution-making in a new Iraq." In *Building Democracy in Iraq*, pp. 27. <<http://www.minorityrights.org/admin/download/pdf/IraqReport.pdf>>.

3. Abdulaziz Sachedina, "Guidance or Governance? A Muslim Conception of 'Two Cities.'" *George Washington Law Review*, 68:1079 (2000), pp. 1079-2000.

4. Amal Rassam, "Political Ideology and Women in Iraq." In *Women and Development in the Middle East and North Africa*, edited by Joseph G. Jabbara and Nancy W. Jabbara. New York: Brill, 1992. pp. 89-94. The amended Code 21, 1978 was published in the official government paper on February 20, 1978. Cited by Rassam in "Political Ideology and Women in Iraq," p. 90; her analysis is based also on a special memoir, available from the Ministry of Justice, and personal interviews.

## Strengthening Civil Society

Iraq's once-vibrant civil society withered following the Ba'ath Party seizure of control in 1963. Though official documents such as the 1990 interim constitution speak to the importance of political dialogue and freedom to participate in political parties, true power was wielded by the Ba'ath Party.<sup>1</sup> Under Saddam Hussein, even the Ba'ath party was “de-ideologised in frequent purges, [and] then reduced to a vehicle for loyalty and social control,” ensuring centralized authority.<sup>2</sup> Political opposition—or disagreement—was crushed, with related institutions and associations co-opted by the state. Privately owned daily newspapers and free media ceased to exist in Iraq in 1967.<sup>3</sup> Even trade unions, permitted under the Ba'ath regime, were under the control of Saddam Hussein.<sup>4</sup>

The importance of civil society in promoting inclusive and participatory governance cannot be overstated. As Ernest Gellner has said, “Civil society [is] the set of diverse non-governmental institutions which is strong enough to counterbalance the state, and while not preventing the state from fulfilling its role of keeper of peace and arbitrator between major interests, can nevertheless prevent it from dominating and atomizing society. Civil society helps to clarify social norms in a way that democracy or the system of one man one vote does not—because whereas democracy assumes that consent is better than coercion, civil society allows for a plurality of social groupings.”<sup>5</sup>

The period of post-conflict reconstruction is critical to the rebirth of civil society in post-conflict Iraq. Nascent organizations can make their voices heard, and a foundation can be created for non-governmental organizations to participate in the development of new economic, political, and social institutions. Including civil society at this early stage will strengthen democratic institutions and help provide services, ranging from humanitarian relief in the immediate aftermath of the war to longer-term assistance in the medical, cultural, media, economic, and political spheres.

For women, creating space for civil society is particularly important. Women constitute approximately 60 percent of civil society leaders in conflict-affected regions around the world. Lessons drawn from other conflict-affected societies ranging from El Salvador to Bosnia, Rwanda to the Palestinian Territories indicate that women are often at the forefront of the civil society movement. These women effectively advocate for gender-sensitive legislation, provide trauma counseling to war victims, train and build capacity for women's economic empowerment, support demobilized soldiers, participate in disarmament, assist widows and women-headed households, mobilize voters, hold governments accountable,



Pauline Jasim and Nadia Mirza sort through conference findings.

**Women constitute approximately 60 percent of civil society leaders in conflict-affected regions around the world.**





Zainab Al-Suwaij and Kanan Sarraj discuss civil society with Kate Burns (UN).

broadcast independent news and analysis, build constituencies for peace, and engage in reconciliation efforts. In Iraq, they will fill gaps in service delivery and reach out to underserved populations while ushering in participatory democracy and ensuring significant roles for women in the transition.

The revitalization of civil society in Iraq is possible. Civil society and free media have been successfully reinvigorated in the autonomous Kurdish region in the north. As in many other countries, women are at the forefront of the movement. They have created the Women's Network, an umbrella group of 20 women's organizations that now plays a key role in the development of public policy. The Network emphasizes the need for inclusion of women in political life while contributing to the overall democratization of society.<sup>6</sup> Though the

Kurdish organizations are linked to political organizations, which may hinder their efficacy as a vehicle for giving voice to individual citizens throughout Iraq, they play an important role in encouraging dialogue and delivering services, and they need to be encouraged. ■

1. "Iraq: Elections." 2 May 2003. UNDP-Programme on Governance in the Arab Region. 2 May 2003. <<http://www.undp-pogar.org/countries/iraq/elections.html>>.

2. "Iraq: Civil Society." 2 May 2003. UNDP-Programme on Governance in the Arab Region. 2 May 2003. <<http://www.undp-pogar.org/countries/iraq/civil.html>>.

3. Sami Zubaida, "The Rise and Fall of Civil Society in Iraq." *Open Democracy* 2 May 2003. <<http://www.opendemocracy.net>>.

4. *Freedom House on the Web*. 14 May 2003. Political Rights and Civil Liberties. 14 May 2003. <<http://www.freedomhouse.org/research/freeworld/2002/countryratings/iraq2.htm>>.

5. Ernest Gellner, *Conditions of Liberty, Civil Society and its Rivals*. London: Penguin, 1996.

6. Susan Harvie, "This is What Democracy Looks Like?" *Alternatives: Action and Communication Network for International Development* 7.8 (May 2003). <<http://www.alternatives.ca/rubrique19.html>>.

Active in the Iraqi opposition movement for the past 12 years, Tanya Gilly is a board member of the Kurdish Foundation and a member of the advocacy group Women for a Free Iraq. She has organized and supervised various conferences and seminars on Kurdish and Iraqi issues and on the role of women in the opposition. She recently traveled to Northern Iraq to renew her ties with leaders of the Patriotic Union of Kurdistan. Previously Gilly served as special assistant to the organization's Washington representative for three years. Gilly holds a bachelor's degree in political science from the University of Carleton in Ottawa, Canada. Originally from Kirkuk, she now lives in Washington, D.C.

TANYA GILLY



## FINDINGS AND CONCLUSIONS ON CIVIL SOCIETY

Participants concluded that the following steps are needed:

1. **Immediately** conduct field assessments of the status and skills of women within civil society—within both formal and informal structures—before devoting resources to projects and plans. In the **long term**, establish a permanent institute to increase attention to gender issues in Iraq.
2. **Immediately and medium term**, support women in leadership roles in a wide range of post-conflict initiatives (particularly those dealing with issues such as reconciliation, trauma, domestic violence, disarmament, and demobilization) so that the reconstruction effort can build on women's comparative advantage as bridge builders across groups.
3. **Immediately** ensure that the donor community utilizes a high gender standard that is broadly and consistently applied. This would include, for example, having strong women's representation among the donor leadership, and hiring Iraqi women to deliver humanitarian relief.
4. **Immediately** engage members of non-governmental organizations, professional associations, and women's organizations to encourage and train women working in civil society, including, among others, those in faith-based organizations so that they might in turn influence the broad constituency of these organizations.
5. In the **short term**, support the community of women's organizations in Northern Iraq. In the **medium and long term**, encourage the creation and development of new women's organizations throughout the country.
6. In the **medium term**, secure funding to provide women with education, legal aid, and training in business and management skills, including accounting, grant proposal writing, and reporting. These funds should be distributed or administered by local women's organizations.

## Women's Rights and the Law in Iraqi Kurdistan

*By Nasreen Sideek, Minister of Reconstruction and Development, Kurdistan Regional Government, Northern Iraq*

Women in Kurdistan face problems similar to those of women around the world. Among these problems is widespread abuse of women, which is not limited to specific religious sects, ethnic groups, age groups, or socio-economic backgrounds. Such maltreatment can be both physical and psychological in nature, and its elimination requires the commitment of an entire community. Resolving the problems associated with violence against women requires a range of approaches to reduce their incidence and encourage their eradication.

The situation in Iraq is rooted in the region, its history, and its cultural and religious traditions. Kurdistan's strong family ties and tightly knit communities are a source of stability, but they also provide the population a means to hide problems. This strength of the community is sometimes its weakness. Nonetheless, strong family and community ties can benefit women and society as a whole.

Examining the issue of women's rights and the law in Iraqi Kurdistan, it is important to take into consideration the interrelationships between civil and criminal law and the Quran. The Quran affords significant rights to women. As Christina Jones stated during her lecture in Gottingen in June 1998, "It is possible to use Islamic law in the interests of women's rights. It is possible to combine the very best for women from all of the interpretations of the Quranic text. The decision to do this is political. We lawyers are not political scientists. But we can open new direction for political decisions."

Women have traditionally played significant roles in Kurdish society. They are well represented in colleges and universities and in most professions—as lawyers, doctors, engineers, teachers, and professors. Eight of the 100 members of the Kurdish National Assembly are women, as are three of the 20 ministers in the

regional government. Northern Iraq boasts 25 women's organizations that work individually and collectively for the promotion of women's rights and empowerment.

In Northern Iraq, women have legal recourse to redress violence and abuse. When the laws are enforced, crimes are punished. Once offenders are consistently held accountable under the law, women will know that they have the respect they deserve—the respect accorded to them by the two major religions practiced in the region.

The Kurdistan Regional Government and the Kurdistan National Assembly have made women's issues a priority. A special committee was created by the Assembly to review existing legislation, meet with women's groups and other stakeholders, and prepare a report with recommendations for improving women's status in the region. The three women who head the committee, all members of the Assembly, presented their report and recommendations to the full body. Based on their findings, new laws have been drafted, old laws amended, and other laws annulled—all important steps towards legal support for women's rights and their enforcement.

The committee continues to:

- review all laws to determine their impact on women—where appropriate, the committee will propose amendments to or the annulment of new laws (the committee has recommended amendments to the laws governing honor killings and inheritance);
- interview women who have been abused and help them prosecute the offenders, to ensure that problems are dealt with according to the law and without fear of interference or retribution;
- hold regular meetings with women's organizations and bring their concerns and recommendations to the Assembly; and
- review proposals to the Assembly to determine their impact on women and make recommendations to ensure fairness and equity in the treatment of women.

The Assembly has been receptive to recommendations in the past. Perhaps the best example of women's groups uniting to push for change relates to honor killings: In response to pressure from women's groups, the Kurdistan National Assembly amended the law to make the penalty for honor killing equivalent to that for murder.

While the laws in Northern Iraq offer adequate protection for women, a great deal of courage is still required to take advantage of the laws and seek redress. The government can only ensure justice if women are willing to step forward and seek help. Lawyers can join women's organizations, which have the support of political parties and regional governments in securing rights for women. The Kurdistan regional government has demonstrated its commitment in many ways, notably through the establishment of the Ministry of Human Rights, which has been asked to ensure that women's rights are protected by law. But realizing this ideal will require work on the part of both lawmakers and women. ■



**Bushra Perto and Raz Rasool listen to opening presentations.**



*"For some, the reconstruction of Iraq means an opportunity to live with their families, unaccosted and unafraid; for others, it is the beginning of a radical experiment to 'remake' the Middle East in a democratic image. It is both of these things, but it is also much more. Ultimately, the reconstruction of Iraq is the West wrestling with a fundamental dilemma: what is the role and responsibility of those who have representative government, who have civil liberties, who's basic human needs for sustenance and nurture are met—what is their responsibility to those who live in constant fear and ever present repression? This is the question for the 21st Century, and how we answer it will determine the fate of three-fourths of the world's population."*

Riva Khoshaba is currently an associate with the law firm Foley and Lardner in Washington, D.C. In that capacity, Khoshaba reviews international oil corporations' security, labor, and land provisions with an eye for potential conflicts with international human rights law. Khoshaba has worked with the Human Rights Chamber for Bosnia and Herzegovina in Sarajevo and with Physicians for Human Rights in Bosnia. She holds a bachelor's degree in history and anthropology from the University of Chicago and a law degree from Yale Law School. She is originally from Iraq and now lives in northern Virginia.

**RIVA KHOSHABA**

## Iraqi Conference Participants

### **Rakiah Al-Kayssi, Ph.D.**

Research Analyst, Department of Studies and Research, Iraqi Jurists Association

### **Zainab Al-Suwaij**

Co-Founder and Executive Director, American Islamic Congress

### **Vanessa Denha**

Journalist

### **Basma Fakri**

Engineer Group Leader, Tetra Tech MPS

### **Tanya Gilly**

Board member, Kurdish Foundation  
Member, Women for a Free Iraq

### **Zakia Hakki**

Vice President, Iraqi-American Council  
Founder and former President, Kurdish Women's Federation

### **Paiman Halmat**

President, Kurdish Foundation

### **Pauline Jasim**

Research Project Specialist, Department of Medicine, University of Chicago  
Executive Secretary, Assyrian-American National Federation  
Member, Iraqi Forum for Democracy

### **Riva A. Khoshaba**

Attorney, Foley and Lardner

### **Jawhara Mansour, Ph.D.**

Researcher and Consultant, JNP Enterprises

### **Katrin Michael**

Associate, Iraq Foundation  
Member, Women for a Free Iraq

### **Nadia Mirza**

Co-Founder, Assyrian Committee for Civic Responsibility

### **Esra Naama**

Member, Women for a Free Iraq

### **Sabria Mahidi Naama**

Member, Women for a Free Iraq

### **Tamara Sarafa Quinn**

Fuel Buyer and Administrator, Tennessee Valley Authority

### **Bushra Perto**

Former General Secretary, Iraqi Community Association, UK  
Member, Iraqi Opposition Congress, UK

### **Nazaneen Rashid**

Founding member, Kurdish Women Action Against Honour Killing  
Volunteer Programme Director, Kurdish Disaster, UK

### **Amal Rassam, Ph.D.**

Professor of Anthropology, City University of New York

### **Raz Rasool**

Electrical Engineer, Cable Communications and Consumer Protection  
Member, Iraqi National Congress

### **Jennifer Ridha**

Attorney, Gibson, Dunn & Crutcher LLP

### **Zainab Salbi**

Founder and President, Women for Women International

### **Neeran Saraf**

President and CEO, SARAF Solutions, Inc.  
Member, Iraqi Forum for Democracy

### **Kanar Sarraj**

Engineer, Fairfax County Code and Department of Public Works and Environmental Services

### **Nasreen Mustafa Sideek**

Minister of Reconstruction and Development, Kurdistan Regional Government

### **Pascale Warda**

President, Assyrian Women's Union  
Co-Founder, Iraqi Society for Human Rights, Damascus  
Representative, Assyrian Democratic Movement Foundation, Paris

## About the Event Co-sponsors

### Conflict Prevention Project

The Conflict Prevention Project focuses high-level political attention on the need to practice prevention as policy. Using meetings, roundtables, studies, book launches, films, and regular discussions on a wide range of conflicts and causes of instability, the Project broadens understanding of how to use policy analysis and dialogue to promote conflict prevention. In building on the work of the Carnegie Commission on Preventing Deadly Conflict, the Project develops strategies for conflict prevention and demonstrates how high-level political attention can shift governments' impulses from reaction to prevention.

Among the ongoing efforts of the Project are series that explore: the role of women in promoting peace and stability; the ways in which foreign assistance can promote conflict prevention, mitigation and reconstruction; and how non-traditional threats such as economic and social disparities, demographics trends, vacuums in governance, environmental degradation and natural resources, and health crises can be destabilizing and have implications for international security.

### Middle East Project

The Middle East Project was launched in February 1998 in light of the importance of the region to the United States and the profound changes the states in the region are experiencing. The Middle East Project focuses on long-term rather than day-to-day developments in the region.

The Middle East Project's meetings, conferences and reports assess the policy implications of regional developments (political, economic, and social), the Middle East's role in the international arena, American interests in the region, strategic threats to and from the regional states, and the role and future prospects of the region's energy resources.

The project's pays special attention to gender issues and democratization and civil society in the region.

### Women Waging Peace

Women Waging Peace, a program of Hunt Alternatives Fund, is a multi-year initiative to shift the public policy paradigm so that women are fully included throughout formal and informal peace processes. More than 200 women comprise the "Waging" network of peacemakers from conflict areas around the world, ranging from Northern Ireland to Burundi, Colombia to the Philippines. Waging was launched in 1999 to connect these women with each other and with policy shapers.

Members of the Waging network, all demonstrated leaders, are elected and appointed government officials; directors of non-governmental organizations and movements in civil society; lawyers, scholars, and educators; business, military, and religious experts; representatives of multilateral organizations; and journalists. With varied backgrounds, perspectives, and skills, they bring a vast array of experiences to the peacemaking process.

Through case studies conducted by its Policy Commission, and strategic work with domestic and international policy shapers, Women Waging Peace is successfully broadening the base of support for women's participation by raising awareness of the roles they play in promoting security.

Recent resolutions from the UN Security Council, G8, and other institutions call for the inclusion of women in all efforts to prevent, manage, and resolve conflict. Waging encourages the implementation of these international commitments by brokering relationships among women peace builders and policy shapers, resulting in fresh, workable solutions to long-standing conflicts at local, regional, and international levels. More than 1000 senior public officials, media professionals, and academics have collaborated with Waging members to develop specific recommendations for building sustainable, inclusive peace. ■

# The Woodrow Wilson International Center for Scholars

Lee H. Hamilton, President and Director

One Woodrow Wilson Plaza  
1300 Pennsylvania Avenue, NW  
Washington, DC 20004-3027

[www.wilsoncenter.org](http://www.wilsoncenter.org)

## Board of Trustees

Joseph B. Gildenhorn, Chair; David A. Metzner, Vice Chair. Public Members: James H. Billington, Librarian of Congress; John W. Carlin, Archivist of the United States; Bruce Cole, Chair, National Endowment for the Humanities; Roderick R. Paige, Secretary, U.S. Department of Education; Colin L. Powell, Secretary, U.S. Department of State; Lawrence M. Small, Secretary, Smithsonian Institution; Tommy G. Thompson, Secretary, U.S. Department of Health and Human Services. Private Citizen Members: Joseph A. Cari, Jr., Carol Cartwright, Donald E. Garcia, Bruce S. Gelb, Daniel L. Lamaute, Tamala L. Longaberger, Thomas R. Reedy

## Wilson Council

Bruce S. Gelb, President. Diane Aboulafia-D'Jaen, Elias F. Aburdene, Charles S. Ackerman, B.B. Andersen, Cyrus A. Ansary, Lawrence E. Bathgate II, John Beinecke, Joseph C. Bell, Steven Alan Bennett, Rudy Boschwitz, A. Oakley Brooks, Melva Bucksbaum, Charles W. Burson, Conrad Cafritz, Nicola L. Caiola, Raoul L. Carroll, Scott Carter, Albert V. Casey, Mark Chandler, Peter B. Clark, Melvin Cohen, William T. Coleman, Jr., Michael D. DiGiacomo, Sheldon Drobny, F. Samuel Eberts III, J. David Eller, Mark Epstein, Melvyn J. Estrin, Sim Farar, Susan Farber, Joseph H. Flom, John H. Foster, Charles Fox, Barbara Hackman Franklin, Norman Freidkin, Morton Funger, Gregory M. Gallo, Chris G. Gardiner, Eric Garfinkel, Steven J. Gilbert, Alma Gildenhorn, David F. Girard-diCarlo, Michael B. Goldberg, Gretchen M. Gorog, William E. Grayson, Ronald Greenberg, Raymond A. Guenter, Edward L. Hardin, Jr., Jean L. Hennessey, Eric Hotung, John L. Howard, Darrell E. Issa, Jerry Jasinowski, Brenda LaGrange Johnson, Shelly Kamins, Edward W. Kelley, Jr., Anastasia D. Kelly, Christopher J. Kennan, Michael V. Kostiw, Steven Kotler, William H. Kremer, Raymond Learsy, Abbe Lane Leff, Perry Leff, Dennis LeVett, Francine Levinson, Harold O. Levy, David Link, Frederic V. Malek, David S. Mandel, John P. Manning, Jeffrey A. Marcus, Jay Mazur, Robert McCarthy, Linda McCausland, Stephen G. McConahey, Donald F. McLellan, J. Kenneth Menges, Jr., Philip Merrill, Kathryn Mosbacher, Jeremiah L. Murphy, Martha T. Muse, Della Newman, John E. Osborn, Paul Hae Park, Gerald L. Parsky, Michael J. Polenske, Donald Robert Quartel, Jr., J. John L. Richardson, Margaret Milner Richardson, Larry D. Richman, Carlyn Ring, Edwin Robbins, Robert G. Rogers, Otto Ruesch, B.

Francis Saul, III, Alan Schwartz, Timothy R. Scully, J. Michael Shepherd, George P. Shultz, Raja W. Sidawi, Debbie Siebert, Thomas L. Siebert, Kenneth Siegel, Ron Silver, William A. Slaughter, James H. Small, Thomas F. Stephenson, Norma Kline Tiefel, Mark C. Treanor, Anthony G. Viscogliosi, Christine M. Warnke, Ruth Westheimer, Pete Wilson, Deborah Wince-Smith, Herbert S. Winokur, Jr., Paul Martin Wolff, Joseph Zappala, Nancy M. Zirkin, Richard S. Ziman

## Honorary Wilson Council Members

Hushang Ansary, Bill Archer, James A. Baker III, Jack S. Blanton, Sr., José Cancela, Richard L. Carrión, Jean Case, Stephen M. Case, William S. Cohen, Jerry Colangelo, Norm Coleman, Philip M. Condit, Denton A. Cooley, Gray Davis, Arturo Díaz, William H. Draper III, David Efron, Dianne Feinstein, Luis Ferré, Julie Finley, Charles Foster, Esq., Sam Ginn, Richard N. Goldman, Slade Gorton, Allan Gottlieb, Dennis J. Hastert, Roger Hertog, Roy M. Huffington, Ray L. Hunt, Bobby Inman, Dale M. Jensen, E. Floyd Kvanme, Joseph P. Lacher, Dan Lewis, Howard Lincoln, Thomas Loeffler, Robert J. Lowe, Donald B. Marron, John McCain, Michael S. McGavick, Robert A. Mosbacher, Sr., Peter Munk, Marilyn Carlson Nelson, George E. Pataki, Nelson Peltz, Alex Penelas, Richard Perry, Robert Pincus, Lee R. Raymond, William T. Solomon, James R. Thompson, Jr., R. E. (Ted) Turner III, Paul A. Volcker, Thomas W. Weisel, David H. Williams, Reba Williams

## About the Center

The Center is the living memorial of the United States of America to the nation's twenty-eighth president, Woodrow Wilson. Congress established the Woodrow Wilson Center in 1968 as an international institute for advanced study, "symbolizing and strengthening the fruitful relationship between the world of learning and the world of public affairs." The Center opened in 1970 under its own board of trustees.

In all its activities the Woodrow Wilson Center is a nonprofit, nonpartisan organization, supported financially by annual appropriations from Congress, and by the contributions of foundations, corporations, and individuals. Conclusions or opinions expressed in Center publications and programs are those of the authors and speakers and do not necessarily reflect the views of the Center staff, fellows, trustees, advisory groups, or any individuals or organizations that provide financial support to the Center.