

Iraq: A Nation in Transition

Overview

The recent history of Iraq has been volatile and chaotic, as the nation moves from control by a malevolent dictator to a functioning democracy. Under the rule of Saddam Hussein, who had led Iraq since 1979, the Iraqi people had come to know war as commonplace. During the reign of Saddam, human rights violations were rampant, and since being deposed, some groups in Iraq no longer fear violations of their rights. However, being a secular leader, there was a protection of some rights under his regime, which are now being violated. According to the Human Rights Watch annual report released in January 2006, there was a significant deterioration of human rights in Iraq in 2005. The nation is on its way towards a democracy, as highlighted by the recent constitution and elections. Even given these encouraging signs, the people of Iraq still have to worry about discrimination and intolerance, often imposed by the government itself.

Sectarian Relations and the Constitution

The recently adopted Iraqi Constitution, though making some breakthroughs, widened the wedge between rival political and religious factions in Iraq. The Sunni population overwhelmingly voted against the constitution, though it came slightly short of reaching the necessary requirements to block the adoption of the constitution during the October 15th referendum on the Constitution. Some of the wording of the new constitution has worried many Sunni Muslims, mainly the division of Iraq into three semi-autonomous regions and the strong opposition to former Ba'ath party members holding public offices in the new government.

The division of Iraq into three regions would give the more oil rich regions of the country to the Kurds and the Shia, leaving the Sunnis without access to this rich and important natural resource. The arrangement in the constitution stipulates, while all currently tapped reserves will be shared by the entire country, any revenue from currently untapped and undiscovered oil reserves will remain in the region from which it came. This problem has greatly angered the Sunnis, as their region, consisting of Anbar, Nineveh, and the surrounding areas, is not oil rich like the Kurdish or Shiite regions. Even though the proportion of Sunnis in Iraq is similar to the number of Kurds, Sunnis have been disproportionately excluded from matters involving the future of the new Iraq.

The strong opposition to former Ba'athists having any role in the government by the Shia and Kurds, has caused many otherwise qualified Sunnis to be left out of the process. Many Sunnis only joined the Ba'ath Party to obtain jobs in Iraq, as

this was the party of Saddam Hussein. Though the United States government requested that some of the language on deBa'athification be made less harsh, the language continues to exclude most former members of the Ba'ath party. The growing gap between Sunnis and the Kurds and Shia over many of these issues has led to an increase in sectarian violence in Iraq. The violence between the different groups in Iraq has only increased since the elections in January of 2006. The targeting of civilians as well as police and Iraqi army personnel, reflect the mounting tensions between the groups, and the Human Rights Watch cites the targeting of civilians as one of the major violations of human rights in Iraq. The divisive constitution has only angered the insurgency more, as they see fewer and fewer political opportunities available to Sunnis throughout the country.

The majority Shia Iraqi police force has been caught torturing Sunni prisoners. This revelation will only continue to cause an increase in sectarian violence in Iraq. The election in January 2006 of a new Iraqi Parliament saw a majority of sectarian extremists get elected. There is an absence of moderate, secular members of parliament, which will undoubtedly lead to continued fighting between the different factions in Iraq.

Women's Issues and the Constitution

The Iraqi constitution incorporates several key elements that will affect the lives of women in Iraq. It is important to note that during Saddam Hussein's rule women's rights were actually better protected than under the new constitution. The new government in Iraq is not secular, as was the case under Saddam Hussein, and the constitution actually allows for laws to be created on the basis of Islamic, or Shari'a, law. This inclusion has caused an environment of worry and suspicion by women in Iraq. A legal system based on Shari'a law would undoubtedly undermine the rights of women, and it would relegate them to second-class citizen status.

Throughout the drafting of the Iraqi Constitution, women had little to no say in what it would finally include in the end about anything, including women's rights. This denial of access into the drafting process has deeply hurt the ability of women to ensure that the new government in Iraq will strive to protect their rights.

Women's groups active in Iraq face many dangers as they attempt to speak out against the discrimination taking place against them. Organizations such as the Organization of Women's Freedom are forced to keep low-profile headquarters so as not to attract any more attention to themselves than they already have. As they continue their fight for full equality under the law, those fighting for women's rights risk their lives as well as the lives of their families and friends. They fear

that with a legal structure based upon religious laws, the few rights that they do enjoy will be stripped away.

It is commonly known that women in Iraqi prisons lack protection from sexual abuse and rape. If a woman is released from prison, she retains a stigma that she must have been raped while she was in prison. In the Iraqi society, a woman who has been raped has lost all of her honor. Therefore, victimized women struggle a great deal in the Iraqi society often, and because of the shame brought upon themselves and their family, it is not unheard of for honor killings to occur. Currently there are no laws on record that prevent or ban violence and/or discrimination against women in Iraq. Until the laws begin to protect women from violence, the heinous crimes constantly committed against women will continue unabated. The discrimination of women based on Shari'a law is interestingly enough, not based on the teachings of Muhammad nor is it written anywhere in the Qu'ran.

Islam, as a pure religion, does not call for, or even allow for, discrimination against women. In fact, Muhammad's teachings are quite to the contrary- where he preached that men and women were partners before Allah, and that they had the same duties and responsibilities. Women were not required to be veiled or secluded, and they had a right to inheritance and to divorce their husbands. Several generations after the death of Muhammad, these practices were changed, and women began to be treated as inferiors.

In today's Iraq, there are no laws dictating a minimum age to be married, therefore parents are marrying off their daughters at very young ages. This practice continues to promote the belief that women are nothing more than just property of their husbands. The plight of women is unfortunately based on the adoption of Islamic law in Iraq. These laws are partially turning women into slaves. The new constitution nominally protects women's rights, but since it allows for Shari'a law, it fails to actually protect the rights of women.

Kurdish Rights

During the reign of Saddam Hussein in Iraq, the Kurdish people were constantly harassed and persecuted by his regime. Saddam Hussein has been formally charged for using chemical weapons on the Kurds within the borders of Iraq. Since the fall of his regime, the Kurds, along with the Shia, who also faced hardships under Saddam, have begun to have more of a say in the government. President Talabani is a Kurd, and the Kurdish people have a large influence within the new Iraqi government. Despite this, they are still the targets of occasional sectarian violence, mainly due to the Sunni insurgent groups. The future of Kurds in Iraq seems much more stable, though they still are pushing for

the ability to secede from the rest Iraq. This request however was denied in the new constitution.

The Leadership Council for Human Rights is developing an in-depth white paper on Kurdish women's integral role in the democratization of Iraq. Once complete, it will be included on our website.

Conclusion

The path Iraq is taking towards democracy is a perilous one. As it begins to move towards a representative government, it must allow for the minorities rights to be protected. Women and Sunni Muslims are currently bearing the brunt of the transition, as the new government and the new constitution fail to adequately protect and ensure their rights. Without a more secular movement, there will continue to be a progression toward leaving women and Sunnis out of the government.

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