

## **Iraqi Women's Rights Under State Civil Law and Conservative Influences: A Study of Legal Documents and Social Implementation**

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**Abstract :** Women have been an important dynamic in religious context and the state-building process of Arab countries throughout history. During the 1970s as the movement for women's activism and rights developed, the Iraqi state under the Ba'ath Party began to provide Iraqi women with legal and civil rights. This was done to liberate women from the grasps of social traditions and was a tangible espousing of equality between men and women in the process of nation-building. Whereas women's rights were stronger and more supported throughout the earliest years of the Ba'ath Regime (1970-1990), the aftermath of the Gulf War and economic sanctions on the conditions of Iraqi society laid the foundation for a division of women's rights between civil and religious authorities. Personal status codes that were secured in 1959 were being pushed back by amendments made in coordination with religious leaders. Civil laws were present on paper, but religious authority took prominence in practice. The written legal codes were inclusive of women's rights, but there is not an active or ensured practice of these rights within Iraqi society. This is due to many different factors, such as religious, sectarian, political and conservative reasons that hold back or limit the ability for Iraqi women to have autonomy in aspects such as participation in the workforce, getting married, and ensuring social justice. This paper argues that the Personal Status Code introduced in 1959 - which replaced Sharia-run courts with personal status courts - provided Iraqi women with equality and increased mobility in social and economic dynamics. The statewide crisis felt after the Gulf War and the economic sanctions imposed by the United Nations led to a stark shift in the Ba'ath party's political ideology. This ideological turn guided the social system to the embracement of social conservatism and religious traditions in the 1990s. The effect of this implementation continued after the establishment of a new Iraqi government during 2003-2005. Consequently, Iraqi women's rights in employment, marriage, and family became divided into paper and practice by religious authorities and civil law from that period to the present day. This paper also contributes to the literature by expanding on the gap between legal codes on paper and in practice, through providing an analysis of Iraqi women's rights in the Iraqi Constitution of 2005 and Iraq's Penal Code. The turn to conservative and religious traditions is derived from the multiplicity of identities that make up the Iraqi social fabric. In the aftermath of a totalitarian regime, active wars, and economic sanctions, the Iraqi people attempted to unite together through their different identities to create a sense of security in the midst of violence and chaos. This is not an excuse to diminish the importance of women's rights, but in the process of building a new nation-state, women were lost from the narrative. Thus, the presence of gender equity is found in the written text but is not practiced and upheld in the social context.

**Keywords :** civil rights, Iraqi women, nation building, religion and conflict

**Conference Title :** ICWS 2018 : International Conference on Women's Studies

**Conference Location :** Paris, France

**Conference Dates :** September 20-21, 2018