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Nine-year-old girls in Iraq could be forced to marry under new Muslim laws

The bill includes provisions that would legalise marital rape and child marriage and ban Muslims from marrying non-Muslims.

By Isabelle Gerretsen

International Business Times (14.11.2017) - <http://bit.ly/2z1Dy3X> - Human rights activists are warning that a new Iraqi law could legalise marriage for children as young as nine and set women's rights back 50 years.

They are calling on Iraqi ministers to withdraw a draft of the Jafaari Personal Status Law which would allow Muslim clerics to have control over marriage contracts.

The legislation is based on the Shia principles of the Jaafari school of jurisprudence, which was founded by the sixth Shia Imam, Jaafar al-Sadiq.

The 2014 version of the bill, which was approved by Iraq's Council of Ministers, includes provisions that would legalise marital rape, ban Muslims from marrying non-Muslims and allow nine-year-old children to marry.

On 1 November, Iraq's Council of Representatives voted in principle to approve the amendment and the bill was signed by 40 parliamentarians. Iraq's elections will be held in May next year.

The law, which would cover the 36 million Shia citizens living in Iraq, would have a "catastrophic" impact on women's rights, according to Suad Abu-Dayyeh, Middle East consultant for the advocacy group Equality Now.

"We are outraged," she told The Guardian. "We will be supporting women in Iraq by issuing alerts about the bill. We are also writing letters to the speaker of [parliament] and the president."

Activists from civil society organisations gathered in the Iraqi city of Sulaymaniyah on Sunday (12 November) to present a petition against the bill.

"This new bill to amend the Personal Status Law will authorize religious men to enforce illegal marriages and force girls under 18 to live with their in-laws. This is a setback to

the achievements Iraqi women made and struggled for half a century ago," the petition read.

If the law is approved by the Iraqi parliament, it "would be a disastrous and discriminatory step backward for Iraq's women and girls," according to Joe Stork, deputy Middle East and North Africa director at Human Rights Watch (HRW).

"This personal status law would only entrench Iraq's divisions while the government claims to support equal rights for all," he said. "It flies in the faces of the Iraqi government's legal commitments to protect women's and girls' rights."

The United Nations in Iraq has also condemned the bill. "I call upon the Council of Representatives to seize this opportunity...to conduct a wider consultation on the draft amendments in a participatory manner to recommit to and ensure the full respect, protection and fulfillment of women and girls' rights in Iraq in relation to matrimonial and other matters," said Jan Kubis, the special representative to Iraq of the UN Secretary-General.

Girls in Iraq 'could be married at nine' if draft law is approved

It's part of proposed legislation that would see religious courts restored.

By Chris Harris

EuroNews (12.11.2017) - <http://bit.ly/2yvO9j8> - Iraq has moved a step closer to allowing girls as young as nine to marry, human rights campaigners have claimed.

The proposal is part of a draft law recently approved by 40 MPs that would see the restoration of religious courts, says Equality Now (EN).

Government courts have, since 1959, ruled on such matters, setting the official age of marriage to 18, although a judge can allow it at 15.

But the proposed legislation – which will have to be approved by a full parliament to go ahead – would instead see religious courts decide.

"The nine-year-old thing comes from the different interpretations of the wife of the Prophet Muhammad," said Suad Abu-Dayyeh, EN's Middle East consultant.

"Some interpretations say she was married at the age of nine. That is why some religious sects in Iraq are following that."

UNICEF says one-in-five girls are married as children in Iraq and that the practice often sees them abandon education and fall pregnant. If the mother is under 18 when she gives birth her infant's risk of dying in the first year is 60% higher. Underage marriage also puts the girl at greater vulnerability to domestic violence, the NGO says.

"Iraqi women are outraged," Abu-Dayyeh told Euronews. "We're very concerned and it will affect all women's issues in their daily lives."

"I think we will see an explosion of child marriage in Iraq if it's passed. It's not logical, we're in 2017 and we're still going backwards in terms of women's rights."

Any move from government to religious courts could also see changes to laws regarding divorce, custody and inheritance, as well as marriage, added Abu-Dayyeh.

"Some religious sects say women should not inherit real estate and custody of a child, in cases of divorce, should be with the man, not the women," she said.

The UN Assistance Mission for Iraq has urged a consultation to "ensure the protection and respect for women's rights".

Abu-Dayyeh said no date had yet been set for a vote on the draft law.

Iraq's marriage and family rights are under threat

By Haifa Zangana

Middle East Monitor (08.11.2017) - <http://bit.ly/2iiEhDr> - For the third time since the occupation of Iraq in 2003, the National Personal Status Law number 188 of 1959, which is still on the statute book, is at risk of being amended despite the fact that it is one of the best pieces of Arab legislation. The first time that this was planned was in December 2003, when Abdul Aziz Al-Hakim, leader of the Shia Islamic Supreme Council of Iraq, served as the President of the Governing Council for a month while under US occupation.

One of his "achievements" was issuing Resolution 137 to abolish the National Personal Status Law and refer all women's and family affairs, in every aspect, from the civil courts to Islamic jurists, each according to their own doctrine. This was the first step towards institutionalising family sectarianism. The resolution stipulated that Islamic law be implemented with regards to marriage, engagement, eligibility, proof of marriage, prohibitions, marriage of non-Muslims, women's marital rights — such as dowry, support, divorce, separation, Iddah (waiting period for divorcees and widows), nursing, custody, allowances and inheritance — and all other personal affairs, and that they be implemented based on the stipulations of one's doctrine.

Al-Hakim also ordered that the law be put into effect immediately, forgetting that he was simply an employee of the occupation. After women's rights organisations protested and a number of the "occupation's feminists" — who were promised 40 per cent of the political seats — resorted to Paul Bremer, the American head of the occupation authority, he intervened and forced the Council to freeze the resolution.

The second occasion was more detailed. The Shia Islamic Virtue Party, represented by Justice Minister Hassan Al-Shammari, proposed the Ja'afari draft law to the cabinet on 27 October 2013. The cabinet approved the draft, but the law wasn't passed due to the strong opposition that was not limited to feminists this time, but included large segments of society, as well as human rights organisations within Iraq and abroad. It also included opposition from international organisations such as Human Rights Watch.

The draft bill consisted of articles that many believed paved the way for Daesh's actions still to come, including lowering the female marriage age to 9 and male marriage age to 15, or younger with the guardian's consent; legalising polygamy; and providing practical guidance for dividing time amongst four wives. This also included an article prohibiting Muslim men from permanently marrying a non-Muslim, meaning it gave men the right to temporary marriage; this is usually performed by a cleric who approves its duration, which may range from minutes to years. A specific amount is paid to the woman, while the cleric is paid a fee. According to one of the articles, women were to be deprived of financial support if a man's needs were not met due to her being too old or too young.

The latest proposal to amend the law comes from the same people, but in a smarter version than its predecessors, as the precise details that provoked such anger, such as determining the age of child marriage, have been omitted. Instead, they are calling for a general enactment that will legalise all the amendments made in the past.

Parliament voted on the amendment on 31 October; it took just a few minutes to get approval. According to the Speaker of the Iraqi Parliament, Salim Al-Jabouri: "We discussed this issue, and there is no need to hear those who support and those who oppose, as we have heard both views."

The only objection was the lack of a quorum, to which Al-Jabouri said: "What is the objection? Count those who are present. You are already here; don't leave, vote while you are all here, as we have already discussed the issue. I will repeat the previous points and remind you that this was already completely discussed."

This shows us the voting process on legislation that aims to change the life of Iraqi citizens and the composition of family and society. Look at the so-called "parliament" that was allegedly formed in the kind of "democratic" manner seen especially in third world countries and governed directly or indirectly by a handful of hired employees.

The vote on the proposed amendments is facing protests and objections from women's rights organisations, as on previous occasions. Demonstrations against the changes are being organised, as well as social media campaigns, with the participation of several parliamentarians. The objection to these changes is that a duly-amended National Personal Status Law would violate the constitutional provisions that "preserve women's dignity, maintain the human rights of citizens, and preserve their national identity", despite the fact that everyone knows the constitution's sectarianism and weakness.

What are the proposed amendments? The two main changes are related to allowing Muslims to submit a request to the specialised Personal Status Court to implement Islamic law in personal affairs based on their own doctrinal affiliation, and the obligation of the court to "adhere to the rulings issued by the Shia Endowment Bureau and Sunni Endowment Diwan, depending on the husband's doctrine." The Shia Endowment Bureau is also obliged to answer the court's requests for clarifications, according to the established Shia jurisprudence and fatwas of the scholars. In the absence of an established jurisprudence, the court will refer back to the supreme religious reference to which most Iraqi Shia traditionally go to in Najaf. Meanwhile, the Sunni Endowment Diwan must answer to the court based on established Sunni jurisprudence.

In other words, and very briefly, what is being proposed is the transfer of the decision-making powers regarding personal status, which is the essence and foundation of personal freedoms, from the civil court, in accordance with law 188, to the clerics, with varying degrees of understanding, jurisprudence and reference, and passing them from one party to another, requesting "clarification". This will also result in the imposition of the domination and establishment of abhorrent sectarianism that targets family unity, especially by determining the family doctrine based on that of the husband.

The new amendment proposal avoided the trap of stating the legally binding details and is similar to the employment of the concept of "Taqiya", meaning "prudence", whereby one takes the precaution of exhibiting or saying something other than what is practiced. This disrupted the opposition campaign, especially in terms of using the slogan of underage marriage, which is not actually explicitly mentioned in the new proposal, but which carries the possibility of indirect and direct harm to women, families and society.

It is enough to recount the sectarian parties' governance, and the experience of living in the shadow of the religious "clerics" and their association with politicians to whom is attributed financial, religious and moral corruption over the past 14 years, for us to understand the magnitude of anger and panic caused by such legislation. If passed, this would authorise them to make life-changing decisions that affect the lives and freedoms of everyone, especially women. Regardless of whether their turbans are white or black, the mentality is much more dangerous and deeper than at first appears and, as such, deserves to be fought against by all.

Sunni women tell of ISIS detention, torture

Describe forced marriage, rape

HRW (20.02.2017) - <http://bit.ly/2lmQjxL> - Fighters from the Islamic State (also known as ISIS) are arbitrarily detaining, ill-treating, torturing, and forcibly marrying Sunni Arab women and girls in areas under their control in Iraq, Human Rights Watch said today.

Although accounts of gender-based violence have emerged from areas under ISIS control, these are the first cases against Sunni Arab women in Iraq that Human Rights Watch has been able to document. Researchers interviewed six women in Kirkuk, to which they had escaped from the town of Hawija, 125 kilometers south of Mosul and still under ISIS control. Human Rights Watch and others have extensively documented similar abuses by ISIS fighters against Yezidi women.

"Little is known about sexual abuse against Sunni Arab women living under ISIS rule," said Lama Fakih, deputy Middle East director at Human Rights Watch. "We hope that the international community and local authorities will do all they can to give this group of victims the support they need."

In January 2017, Human Rights Watch interviewed four women who said they had been detained by ISIS in 2016, for periods between three days and a month. Another woman said an ISIS fighter, her cousin, forced her to marry him and then raped her. A sixth woman said that ISIS fighters destroyed her home as punishment after her husband escaped ISIS and tried to forcibly marry her. Five of the six women said that ISIS fighters beat them.

One woman said that in April 2016, she tried to escape Hawija with her three children and a large group of other families. ISIS fighters captured the group and held 50 of the women from the group in an abandoned house. The woman said that over the next month, one fighter raped her daily in front of her children. She suspected that many of the other women held with her were also being raped.

Experts from four international organizations, including two medical organizations, working with survivors of sexual assault in northern Iraq told Human Rights Watch it is difficult to assess the prevalence of ISIS' gender-based violence against women who have fled territory under their control. They said that victims and their families remain silent to avoid stigmatization and harm to the woman or girl's reputation.

One foreign aid worker said she had seen cases mostly of forced marriage and rape, but she believed that very few of the victims in the displaced communities she works with have come forward. She said some women try to hide the incident from their own families out of fear they will be stigmatized or punished by their relatives or community. Babies born of rape or forced marriage may also face stigma, she said. Their long-term psychosocial support and medical treatment are particular concerns, she said. Another

aid provider for an international organization providing services at three camps for people displaced from ISIS-controlled territory said their staff had documented 50 cases of women and girls who suffered psychological and physical violence at the hands of ISIS and to whom the organization was providing support.

Several local and international organizations are providing support to victims of gender-based violence. However, not enough is being done to tackle the stigma around sexual violence, and there is a lack of awareness about appropriate services and psychosocial or mental health support, medical professionals and service providers in Kirkuk said. Available services continue to be outstripped by needs, they said.

A psychiatrist at an international organization providing psychosocial support in one of the larger displaced people's camps in the Kurdistan Region of Iraq said that too little has been done to inform men about how to support female victims of gender-based violence. She said that very often, male relatives will forbid women from getting counseling and vocational training, even if the women want the services.

The women interviewed are all patients at the Kirkuk Center, where a staff of 12 provides psychological and behavioral counseling to women and children. Dr. Abd al-Karim Kalyfa, who runs the center, said in January that the center was at that time treating 30 patients, 15 of them children, suffering from trauma related to their experiences living under ISIS. In 2016, he said, his center treated about 400 patients who had come from ISIS-held territory. ISIS fighters had raped at least two of his current patients, he said. He knew of one other organization in the Kirkuk area providing services to victims of sexual assault but said there was far too little support available to provide needed mental health care to displaced people who had lived under ISIS.

Another medical professional in Kirkuk who is providing social support to women and children who have been traumatized by their experience under ISIS said that services provided by the federal government focus on pharmacological treatment, not on psychosocial therapy and counseling.

A program manager at an international organization providing services in one of the larger displaced people's camps in northern Iraq said that the group has been able to create effective safe spaces and start vocational projects for women. But it has not yet been able to provide more long-term psychosocial support and other services for survivors of gender-based violence, because it is struggling to find female staff with the needed language skills, experience, and professional qualifications.

The Kurdistan Regional Government (KRG), together with United Nations agencies and other international humanitarian groups, have struggled to provide the survivors of violence against Yazidi women who escaped ISIS with post-rape care and psychosocial support.

Providing adequate mental health care and psychosocial support is a complex and long-term challenge. The KRG government, Iraqi central government, UN agencies, and others involved need to put in place a coordinated response, based on an assessment of the needs and the most pressing priorities. The groups should identify key barriers to making care and services accessible, available, and voluntary, and determine the potential cost. Such coordination efforts should include the World Health Organization (WHO) and representatives of the survivors.

WHO has said that mental health services and psychosocial support are essential components of comprehensive care for survivors of sexual violence. It has also stated that people with mental health conditions and their communities should help develop

these services and that those responsible for providing services should strengthen existing resources and make them available in a nondiscriminatory fashion to all.

"ISIS victims of gender-based violence suffer the consequences of their abuse long after they have managed to escape." Fasih said. "Their care and rehabilitation requires a multifaceted response, with authorities providing the needed medical and psychosocial support and working to stamp out stigma around sexual violence within the wider community."

The Kirkuk-based National Institute for Human Rights helped Human Rights Watch by identifying the interviewees and setting up and hosting the interviews. All interviews were conducted with full and informed consent, in Arabic without translation. We took measures to respect the privacy of survivors and conducted interviews in as private a setting as possible. In all cases, Human Rights Watch took steps to minimize re-traumatization of survivors, stopping interviews if they caused distress. In order to protect victims and witnesses, individual names and other identifying information have been modified or withheld.

Suad

Suad, 21, is from a village near Hawija. She said that her cousin, who is one year older than her, joined ISIS when its fighters took over the city in 2014. Their families had intended that they marry, but once he became an ISIS fighter, Suad said, she and her parents informed him that they no longer wanted the union to take place. But on a morning in January 2016, he arrived at her home with his brother and cousin and demanded that Suad marry him or he would kill her parents. Her family acquiesced to this threat, and her cousin took her to his home where he forced her to marry him and raped her. She became pregnant. After eight months, Suad said, she escaped in the middle of the night and fled with her parents to Kirkuk. She gave birth a month later, but the baby boy died four days later, she said.

Fawzia

Fawzia, 45, is from Daquq but was living in Hawija when, in early 2015, ISIS fighters approached her husband and asked him to act as a spy in their neighborhood. He refused and was detained for 10 days beginning on February 7, 2016, in a village outside the city, escaping immediately after he was released. Fawzia said that three ISIS fighters occupied her house for three days during this period, put her two children under house arrest, and forced them to stay in one room. She said that she saw ISIS fighters bring a different girl each day to the adjacent room for about an hour. She said she was able to see the girls when the door to her room was open. She estimated that they were about 16 and said she heard them crying through the wall. She believed the fighters had sexually assaulted the girls.

After the three days, Fawzia said she told the fighters to stop bringing girls to her house. One of them hit her with his hand and the butt of his gun, and said that their leader would come and marry her. They also warned her that if she tried to escape to Kirkuk, ISIS operatives in the city would find and kill her. On the fourth morning, during the 5 a.m. prayer, when all the ISIS fighters were at the local mosque, Fawzia fled with her children to Kirkuk. She broke down into tears as she completed her story:

When I arrived at the first Peshmerga checkpoint, I was so scared that they [ISIS] would find out I had escaped that I didn't register myself. I am so scared here in Kirkuk that I have spent the last year staying inside my relatives' house. I don't even leave to go to the store, and if I must leave, I spend the whole time looking over my shoulder. They might know where I live and come kill me.

Mariam

Mariam, 25, said that in March 2016, her husband fled Hawija, fearing possible execution because he was a former policeman. Three days later, she said, about 20 ISIS fighters found her at home with her daughter and dragged them outside, hitting her head and shoulders. The ISIS fighters blew up her home, forcing her to watch as punishment for her husband's escape. She moved in with her brother-in-law, she said, but within a few days two ISIS fighters arrived and told her she was an apostate because her husband fled, but that she was still young and had to marry one of them. She agreed, telling them to come the following day, and went into hiding that night. Over the next three months, Mariam said, she moved repeatedly. She unsuccessfully tried to escape the area three times but finally fled with her 3-year-old daughter to Kirkuk.

Hanan

Hanan, 26, said she tried to escape from Hawija on April 21, 2016, with her children and about 50 women and four men from several Sunni families. Her husband had fled several weeks earlier. She said ISIS fighters arrested the group in Qayyarah, 65 kilometers north, and took them to an abandoned house, where they locked the women and their children in a room. On the first day, Hanan said, an ISIS guard took her and her daughter, 8, and sons, 6 and 3, to a separate room. ISIS fighters told her she was an apostate because her husband had fled ISIS-controlled territory and that she needed to remarry the local ISIS leader. She said, "Kill me, because I refuse to do that."

The fighters blindfolded her, beat her with plastic cables, and suspended her by her arms for some time – she could not estimate how long – in front of her children. Then they took her down, took off the blindfold, and one of the fighters raped her in front of her children:

The same guy raped me every day for the next month without a blindfold, always in front of my children. My daughter suffers from an intellectual disability so she doesn't really understand what she saw, but my older son brings it up often. I don't know what to do.

She said that the other women were taken out of the communal room, sometimes daily, other times less often, and that one of them, from Hajj Ali who had an 11-month-old daughter, had told her that another fighter was raping her and that he was going to force her to marry him. She suspected that all the other women were being raped as well.

A month after she was captured, Hanan's father was able to locate her and gave ISIS a car and paid US\$500 for her release, she said. He was forced to sign a document stating that if she escaped ISIS-controlled territory, he would be killed. The ISIS fighter who had been raping her said he wanted to marry her, but she and her father refused, she said. In January 2017, she said, she escaped with the rest of her family to Kirkuk. She said she did not know what happened to the other women, but heard from the woman from Hajj Ali's family that she had been forced to marry her rapist.

Karima

Karima, 17, said she fled Hawija toward Kirkuk with 16 family members in June 2016. As they left Hawija, an ISIS sniper shot her mother in the neck, killing her. Most of her family members escaped but ISIS fighters captured Karima and her brothers, ages 6, 11, and 13, and held them in an abandoned home near Hawija without food and with very little water. They were interrogated about their father, a former Iraqi policeman who was able to flee earlier. Her captors hit her and her 13-year-old brother once each with a gun

butt to the shoulder during an interrogation, she said. After three days, they were released and escaped to Kirkuk.

Aisha

Aisha, 25, said she tried to escape Hawija in October 2016 with her family and two other families. While they were waiting for smugglers to show them a safe route, she said, ISIS fighters appeared and opened fire on them, shooting her 6-year-old son in his back. She said that the men in the group escaped, but the ISIS fighters rounded up all five women, hitting Aisha with gun butt on her shoulder. The ISIS fighters took her son to a Hawija hospital and locked up the women in a room in an abandoned house about a 30-minute drive away.

She said that three female ISIS guards came and lashed each woman 65 times with a thin cane, saying that if they even winced, they would get more lashes. Aisha said ISIS held her for 12 days and was only released after her family paid about US\$2,000. The other women were still there, and she does not know what happened to them.

She rushed to the hospital and found her son, who had survived four operations, and finally escaped Kirkuk with her son. She showed Human Rights Watch her son's wounds.