

Table of Contents

- ***They escaped ISIS. Then they got sucked into Baghdad's sex trafficking underworld***
- ***Slaying of Instagram star shocks the country***
- ***Bride's killing in Iraq shows new law needed***
- ***Will Iraq abolish 'marry your rapist' law?***
- ***Parliament rejects marriage for 8-year-old girls***
- ***Nine-year-old girls in Iraq could be forced to marry under new Muslim laws***
- ***Girls in Iraq 'could be married at nine' if draft law is approved***
- ***Iraq's marriage and family rights are under threat***
- ***Sunni women tell of ISIS detention, torture***

They escaped ISIS. Then they got sucked into Baghdad's sex trafficking underworld

By Arwa Damon, Ghazi Balkiz, Brice Laine and Aqeel Najm

CNN (03.07.2019) - <https://cnn.it/2Nqj2S6> - Nadia's handshake is strong, but her voice trembles as she says hello. Leaning against a window, she describes in painful detail the twisted journey that saw her evade the grip of terrorists only to fall victim to Baghdad's sex trafficking underworld.

Stories like Nadia's have become all too familiar in the wake of ISIS' defeat in Iraq. The decline of the militant group has given rise to another evil: human trafficking networks that thrive on the spoils of war, the displaced and the desperate.

And she was the perfect mark.

Nadia was living in Sinjar, northern Iraq, in 2014 when ISIS rounded up thousands of women and girls like her from the Yazidi ethnic minority and forced them into sexual slavery. But she says she managed to escape, fleeing with her family through scattered hills to an IDP camp in Iraqi Kurdistan. CNN is not using Nadia's real name out of concerns for her safety.

Still, she was haunted by the fate of others who were not as lucky. She said she started sending money to a man she believed was a trusted friend, who she had met while on the run from ISIS and who said he was coordinating humanitarian aid for other Yazidis. Encouraged by their conversations and propelled by her desire to help, she began organizing demonstrations at the camp, demanding the release of Yazidi women.

Then the calls started. "I would get the threats by phone," Nadia said, explaining that she wasn't sure who was harassing her. "I wasn't afraid for myself, but for my little sister. They said, 'If you don't come, we know where your sister goes to school.'"

When she received a letter from an NGO supporting her application for asylum in the United States, she reached out to her friend, asking for help to get to the embassy in Baghdad. "He said, 'My sister, I can take you. I know a guy in the Iraqi parliament, I can take you to him.'"

On the road to the capital, she sensed something was wrong. "He kept stopping to talk on the phone and send messages," she told CNN. "I said, 'Take me back, I want to go back.' He said, 'No, it's ok, it is about a group of Yazidi girls I freed from Fallujah, they are waiting for us in Baghdad.'"

"He knew my weakness, I was happy when I heard that some of our girls were freed. He convinced me to continue the trip," she said.

When they arrived in a rundown Baghdad neighborhood, notorious for its drug gangs, the unthinkable happened. The old man, who her friend had told her was a parliamentarian, greeted them in a dilapidated building. "He said to me, 'You are mine now, you are mine now.'" He was the head of a sex trafficking gang.

Nadia was shocked. The friend she had trusted all along -- with her money and with her fears -- had sold her into sexual slavery.

"I started fighting ... I started hitting them. They both beat me hard," she said. She says they sedated her with an injection and everything went black.

When she came to, she said she was surrounded by empty bottles and dirty plates, naked and in pain from having been raped by multiple men. She says she thought it was as many as 10, judging by the mess they left behind. "I lost my life, I was destroyed," she said. "Three months they would torture me like this, every day."

Nadia tried to run away, but each time her captors caught and beat her. One time they attacked her so brutally that she had internal bleeding and was taken to the hospital. She heard doctors talking about how they had to save her organs.

In the hospital room, Nadia said the head of the gang would sit at her bedside, stroking her hair and calling her his daughter. He told the medical staff that she had a mental illness and had fallen down the stairs.

When Nadia was released from hospital, she said another woman -- another victim of the gang -- was brought in to keep watch over her. Nadia begged the woman to let her go, but the woman just laughed.

The woman lifted her shirt, revealing a scar on her stomach she said she got when they stole one of her kidneys. "This is what they did to me. I had two little children and they sold them," she told Nadia, before adding: "you will be forced to stay with them, you will get used to this, all that is happening to you."

After months of abuse, just when Nadia thought her life would end, she was rescued. She said she wasn't sure who the men were that saved her, but they took her to a hotel run by a Yazidi and she was ultimately reconnected with her family.

Now, Nadia says she wants justice.

"I am fighting this," she said. "I am using what is remaining of my breath to be a voice for us all, so that this doesn't happen to anyone else."

"Everywhere, there are victims"

Statistics are difficult to come by due deficient identification guidelines and a lack of referral procedures in Iraq. A dearth of coordinated agencies tracking trafficking activities in the country also means that accompanying data is nearly nonexistent.

But by many accounts, human trafficking has become rampant in the refugee camps dotted across Iraq, as well as in cities like Baghdad, where modern day slavery and forced prostitution networks are growing. Agents from trafficking networks often promise to resettle refugees from Kurdistan, but instead bring them to hotels and brothels in Baghdad, Basrah and other cities across southern Iraq, according to reports from by both the US State Department and SEED, a Kurdistan-based nonprofit.

"When you look everywhere, there are victims," Dr. Ali Akram al-Bayati told us, sitting on a bench on the bank of the Tigris river. Pointing to families picnicking and teenagers snapping selfies, he said there was a lack of awareness within Iraqi society about what was happening behind closed doors.

Al-Bayati works to combat human trafficking as part of the Iraqi High Commission for Human Rights, which was set up and funded by the government. Ostensibly set up as an independent institution, the commission's mandate is to gather information, investigate cases and bring them to court, but al-Bayati says it lacks the finances and power to do so effectively.

Nadia's case is among the many that the commission is trying to support. According to Nadia, the Iraqi justice system is failing her: the case is being buried in both Iraqi Kurdistan and Baghdad.

On paper, the Iraqi government has stepped up efforts to prosecute and convict traffickers, but al-Bayati said it has failed to tackle the sweeping nature of the problem. His claims are backed up by the State Department's 2019 Trafficking in Persons report.

Iraq's government "increased law enforcement efforts, but did not hold criminally accountable officials complicit in trafficking, including child soldiering and sex trafficking," the State Department said, citing reports that officials in key security positions had played a role in protecting traffickers from prosecution. "The government continued to lack implementing regulations for the anti-trafficking law, hindering its ability to enforce the law, bring traffickers to justice, and protect victims."

Inconsistencies in Iraq's 2012 anti-trafficking law, which criminalized some forms of labor and sex trafficking, has opened opportunities for wrongful convictions.

According to the State Department, the Iraqi government also failed to report what efforts it had made to pursue allegations that security and military personnel in IDP camps were complicit in sexual exploitation and trafficking of women and girls.

"If you are talking about human trafficking, of course when you investigate you will see some of the officials who are involved in that," al-Bayati said. "Whether they are higher or lower officials, of course it's not in their interest to reveal all the facts."

Naming the officials would be pointless. They are too powerful, and his own commission is too weak, al-Bayati says. He told us he had received subtle threats but when pushed he wouldn't go into detail at the risk of putting his life into more jeopardy.

Gaps in the government's referral procedures have also prevented many victims from receiving appropriate services -- the government-run trafficking shelters in Baghdad remained empty throughout 2017, according to the US State Department Trafficking in Persons report.

Al-Bayati said he was aware of around 150 reported cases of sex trafficking across Iraq in 2018. Only four to five women were placed in government shelters, he said.

Last year, al-Bayati said, 426 people were detained for alleged involvement in trafficking crimes -- only 53 were sent to prison.

But available figures aren't reflective of the scale of human trafficking in the country. Fear of retribution and stigma, as well as a lack of faith in the government and the judicial process, silences victims and those who work with them.

Still, there are those trying to help -- albeit, discretely.

Operating in plain sight

When we arrived at the address for the anti-trafficking NGO, there was no way to know that we were in the right place. There's no sign outside and the first-floor masquerades as something else. We aren't naming the NGO to protect the safety of its employees.

Such a level of secrecy came as a surprise given the relative security in the Iraqi capital these days. The NGO is afraid of getting targeted by gangs and militia groups operating with impunity beneath the city's vibrant veneer.

Inside a room, Ahlam sat in a plastic chair, trembling under a black abaya which concealed her face. All we could see were the soft billows in fabric created by the wringing of her hands as she described how she became prey for sex traffickers in Baghdad.

"It all started with my older brother," said Ahlam, whose name has been changed for her safety.

In 2014, Ahlam's brother joined ISIS in their home province of Diyala, north of the capital, quickly rising to the rank of Emir. He married Ahlam off to an ISIS fighter, but when her husband was detained a few months later, she moved back in with her brother.

Ahlam said her brother had become more radical and more cruel during his time with ISIS. She said he beat her and her sisters and imprisoned her in a room with no food. When she complained to another relative, her brother threatened to kill her.

A cousin ultimately helped her flee to Baghdad, but once she got there she had no one to turn to for help.

"I was in the street, going around lost. Baghdad is a big city, a crowded city," she said. "I got in a taxi. The driver asked me where I want to go, and I said I don't know."

Confused and scared, Ahlam poured her story out to him. He was sympathetic and offered to help. "I thought a savior had arrived. I said to myself finally there is good in the world. He said he could find me something with a relative," she recalled. "I said 'where?' He said, 'you will find out later.'"

First, Ahlam said she was brought to a casino, before being sold to a brothel.

"He brought me to another woman who took me to a house," Ahlam recalled. "I realized that the girls there work as prostitutes."

The NGO where Ahlam ultimately sought shelter is focused on identifying potential victims before they become ensnared in these networks. They have teams working across the country with vulnerable populations, displaced people living in camps, those desperate for work, and others living in the streets.

They try to spread their message through word of mouth and alert potential victims to warning signs, but Iman al-Silawi, the head of the NGO, said there were neighborhoods they don't dare go to.

Ahlam says she begged to leave the brothel, but the madame beat her, broke her phone and sold her on again.

"She forced me to work as a prostitute. She would bring men into the house and she would force me to have sex with them," Ahlam said, sobbing. Ahlam was trapped in the brothel for a few months before seizing an opportunity to run away.

According to people who work with victims, Ahlam's story is representative of the way trafficking rings operate today across Iraq: in plain sight. Those with ties to the networks -- like the taxi driver -- keep their eyes out for vulnerable women and try to lure them in.

And, with a large population of vulnerable people, those networks have swelled, their tentacles reaching across the country and up to the highest levels of government.

"What is my crime?" Ahlam asked. "What have I done to deserve this?"

She bowed her head and contemplated her future. Gone are her childhood hopes of a happy life, a loving husband, a family -- dreams that were first stolen from her by ISIS, then by those exploiting her vulnerability, and finally by her own government which failed to protect her.

Slaying of Instagram star shocks the country

By Sinan Salaheddin

ABC News (03.10.2018) - <https://abcn.ws/2DTa8b8> - She was a 22-year-old former beauty queen, fashion model and social media star, whose daring outfits revealed tattoos on her arms and shoulder.

Tara Fares won fame and 2.8 million Instagram followers in conservative, Muslim-majority Iraq with outspoken opinions on personal freedom, such as: "I'm not doing anything in the dark like many others; everything I do is in the broad daylight."

It was also the way she died.

Last week, she was shot and killed at the wheel of her white Porsche on a busy Baghdad street during the day, apparently by a man who leaned in briefly and opened fire before speeding away on a motorcycle with an accomplice.

The killing, caught on security camera video, followed the slaying of a female activist in the southern city of Basra and the mysterious deaths of two well-known beauty experts.

The violence has shocked Iraq, raising fears of a return to the kind of attacks on prominent figures that plagued the country at the height of its sectarian strife.

Iraq is still recovering from its bloody fight against Islamic State militants. The country has been without a government since national elections in May, and riots have repeatedly broken out in the south over the authorities' failure to provide basic services.

"These harrowing crimes are worrying us," said Iraqi human rights activist Hana Adwar. "There are groups that want to terrify society through the killing of popular women and activists ... and to tell other women to abandon their work and stay at home."

It is not clear whether the deaths of the women are connected, and reports that they knew each other could not be confirmed.

Fares, with an Iraqi father and a Lebanese mother, first became famous in 2015 when she won an unofficial Baghdad beauty pageant organized by a social club. She has become a social media darling, with bold posts and photos of herself posing in elaborate makeup, tight jeans and blouses that showed off her tattoos.

A YouTube channel drew more than 120,000 followers in addition to those on Instagram, where she shared makeup tips.

She gave details of a brief marriage at 16 to an abusive husband who posted intimate photos of her on social media and took away their now 3-year-old son. Fares said the experience taught her "strength ... and how not to let anyone control me in anything."

Fares also spoke out occasionally against religious, tribal and political leaders.

While many young Iraqis shared her videos and pictures, others criticized her lifestyle as racy and un-Islamic.

She lived in Iraq's self-ruled Kurdish region with her family, visiting Baghdad from time to time. In a TV interview this year, she said her family had converted to Islam in 2002.

Hours after she was gunned down on Sept. 27, a video on social media showed her body being carried away by a group of young people, with her face and white shirt stained with blood. She was buried in the Shiite holy city of Najaf, her grave decorated with a black-and-white photo of her, along with red plastic flowers.

In August, Dr. Rafeef al-Yassiri, a plastic surgeon labeled "Iraq's Barbie," died under mysterious circumstances. Authorities initially called it a drug overdose but have not offered an update in over a month, leading to rumors she might have been poisoned.

Al-Yassiri, a Shiite Muslim with a prominent social media presence, ran the Barbie medical center, which offered cosmetic surgery as well as treatment for war victims and those with birth defects.

She posted photos of herself in full makeup and fashionable clothes, promoting her latest projects to more than 1 million Instagram followers. She also worked with local and religious charities.

A week after her death, Rasha al-Hassan, the owner of a well-known beauty center in Baghdad, was found dead in her home. Authorities initially said she suffered a heart attack.

On Sept. 25, a gunman killed Soad al-Ali, a prominent activist in the southern city of Basra. Al-Ali had organized protests demanding better services and jobs and decried the growing influence of Iran-backed Shiite militias in the area. Police said the killing was "purely personal" and had nothing to do with the protests.

Last weekend, another former beauty queen, Shaimaa Qassim, posted a video on Instagram in which she tearfully said she had received threats through social media.

Prime Minister Haider al-Abadi has ordered an investigation into what he called "well-planned kidnappings and killings." He said organized groups are "carrying out a plan to destabilize the security situation under the pretext of fighting perversion."

Security agencies have not yet commented on the investigation into Fares' death and no group has claimed responsibility.

Iraq once boasted a liberal society and progressive laws for women and the family, going back to the 1950s. Those gains were eroded after the 2003 U.S.-led invasion, which toppled Saddam Hussein and led to the emergence of powerful religious parties and a rise in extremism.

Posters on some streets, particularly near shrines, exhort women to cover their hair and wear an abaya — a long, black cloak that covers the body from shoulders to feet.

"After the killing of Tara Fares, I feel speechless," columnist Mohammed Ghazi al-Akhras wrote on his Facebook page. "We've reached the moment of total anarchy. They will kill everyone they don't like. ... The state of death is taking shape."

In one of her videos, Fares had chastised a Shiite cleric who she said had sought a temporary marriage with her, a tradition in Shiite communities that critics compare to prostitution.

"I'm not afraid of the one who denies the existence of God, but I'm really afraid of the one who kills and chops off heads to prove the existence of God," she wrote on Instagram in July.

Bride's killing in Iraq shows new law needed

Iraq's new parliament should prioritize passage of domestic violence law

By Belkis Wille

HRW (08.08.2018) - <https://bit.ly/2B0o5Td> - The horrific case of an Iraqi woman apparently murdered at home should prompt Iraq's new parliament, once formed, to finally pass a draft domestic violence law which has been pending since 2015.

According to Iraqi media and BBC Arabic, one day last week a bridegroom returned his bride to her parents the day after their wedding, complaining that she was not a virgin. Media reports claim that upon hearing the accusation, a family member beat her to death. Media reports say that police have arrested a male relative.

While the man will likely now face trial for murder, it is possible that he may benefit from a reduced sentence under a provision in Iraq's penal code allowing for shorter sentences

for violent acts – including murder – for so-called “honorable motives.” But there is no “honor” in such brutal and needless killing. Moreover, the murdered bride would be just one of hundreds of women and children who suffer violence at the hands of their families in Iraq each year.

If passed, Iraq’s new domestic violence law would oblige the government to protect domestic violence survivors, including with restraining orders and penalties for breaching them, and the creation of a cross-ministerial committee to combat domestic violence. It would also require the government to provide shelters so women at risk of violence have a safe place to go if they are forced to flee their home.

The draft law is not perfect. It contains several flaws, including a preference for families to address violence through “reconciliation committees” rather than prosecution, and could be improved. Iraqi authorities should also set clear penalties for the crime of domestic violence, and close the loophole that lets abusers receive reduced punishments for so-called “honor” crimes, both not addressed in the draft law.

If improved, this draft law is the best chance Iraq’s new parliament has to tackle the scourge of violence in the home, fulfill its international legal obligations on domestic violence, and save the lives of countless Iraqi women and children.

Will Iraq abolish ‘marry your rapist’ law?

Tunisia, Jordan and Lebanon scrapped similar articles last year

Gulf News Iraq (31.03.2018) - <https://bit.ly/2q5woEy> - Iraqi women are ramping up pressure to abolish a law that lets rapists off the hook if they marry their victims, after Tunisia, Jordan and Lebanon scrapped similar articles last year.

Activists plan to demonstrate and use billboards to condemn the controversial law ahead of May parliamentary elections in the predominately Shiite Muslim, conservative society.

“We want to say to the Iraqi government – give women justice,” Rasha Khalid, a lawyer and member of Baghdad Women’s Association, a local rights group, told the Thomson Reuters Foundation by phone from the capital.

“Iraq is has to keep up with its surrounding neighbours like Tunisia and Lebanon and other countries that abolished this law.” Egypt repealed its law in 1999, and Morocco overhauled its law in 2014 following the suicide of a 16-year-old girl and the attempted suicide of a 15-year-old, both of whom were forced to marry their rapists.

Khalid wants to raise awareness so that voters can demand change going into the polls, as Iraq struggles to recover from a three-year war with Islamic State militants.

Intisar Al Jubory, who has pushed for the amendment to be put on parliament’s agenda, said “mass pressure” is needed.

“The repeal of this article preserves the dignity of women victims (against) the greatest humanitarian crime of rape,” the female parliamentarian said in a statement.

Women are often forced to marry their rapist to protect family honour and avoid societal shame, said Suad Abu-Dayyeh, Middle East consultant for the rights group Equality Now, urging reform to end the “re-victimisation” of women.

"It is a clear violation of their rights," she said by phone, adding that the law rewards men for committing rape.

"I was under constant stress, unhappy, feeling disgusted," Sabiha, a 32-year-old Iraqi woman who was pressured into marrying her rapist, a relative, told Equality Now. "I took every opportunity to initiate fights with him until I forced him to leave me."

Parliament rejects marriage for 8-year-old girls

Amendments would have instated discriminatory laws on family matters

HRW (17.12.2017) - <http://bit.ly/2AYnilb> - Iraq's parliament has rejected proposed amendments to Iraq's Personal Status Law (PSL) that would allow religious judges to impose discriminatory law on family matters, Human Rights Watch said today.

The amendments would have covered areas including inheritance and divorce, and, by giving powers to impose family laws to certain religious communities, would have allowed girls to be married as young as age 8 under some of these laws. The head of the women's rights committee in parliament rejected the initiative in mid-November, blocking the bill. However, two leading women's rights organizations say that some parliament members have threatened to continue to push for the amendments to secure votes in some parts of the country in the May 2018 parliamentary elections.

"Parliament's women's rights committee has made a great contribution to Iraqi society in rejecting this effort to scuttle Iraq's family law protections," said Belkis Wille, senior Iraq researcher at Human Rights Watch. "Threats by lawmakers to dismantle protections under the current law and restore discriminatory laws would be devastating to women's rights."

Parliament members from several Shia Islamic parties, spearheaded by the Fadhila Party, to which the justice minister belongs, proposed the amendments on November 1. The proposed amendments would enshrine Shia and Sunni religious establishment control over marriage-related matters and require courts to make exceptions to existing legal protections.

Hanaa Edwar, founder and general secretary of Al-Amal Association, a leading Iraqi human rights organization, and a member of the Human Rights Watch Middle East Advisory Committee, said the members also threatened to continue to push for the amendments unless the women's rights committee dropped key protections in a domestic violence bill pending before parliament since 2015.

"The proposed amendments seek to establish sectarianism and undermine the principle of citizenship and national identity of Iraq," Edwar told Human Rights Watch. "The amendments would violate key rights enshrined in Iraq's constitution and laws, and would treat women as inferior to men."

The current law applies to everyone regardless of their religious affiliation, and is administered by Iraq's secular court system. The proposed amendments instead would require the secular courts to apply religious law on marriage, divorce, and inheritance. The amendments also recommend – but do not require – establishing specialized Personal Status Courts, headed by religious judges, to adjudicate family law issues.

The current law sets the legal age for marriage at 18, but allows a judge to permit girls as young as 15 to be married in "urgent" cases. According to a 2016 The United Nations

Children's Fund (UNICEF) report, 5 percent of Iraqi children are married by age 15, and 24 percent by age 18. According to a women's rights lawyer, this is because many families arrange marriages through religious marriage contracts outside the legal system, though they are illegal.

The amendments also would undermine protections for divorced women. Under the current law, if a husband requests a divorce, the wife has the right to remain in their marital home for three years at the husband's expense and to receive two years of maintenance and the current value of her dowry. If a wife requests a divorce, a judge can award her some of these benefits depending on the circumstances.

Because religious law offers fewer protections, under the proposed amendments, women would have lost many of these protections. For example, under the Jaafari Shia school of law, the woman has no right to the marital home, maintenance, or her dowry and children remain living with her for only two years, regardless of their age, during which she is not allowed to remarry.

Women would also lose some inheritance rights. Even under existing law, daughters inherit a lower proportion of a parent's wealth than sons. But under some religious laws, daughters would inherit even less and if the family has no son to inherit the agricultural land, it would revert to the state.

"The current personal status law was drafted by taking the most rights-upholding aspects of the different sects in Iraq," Yanar Mohammed, president of the Organization of Women's Freedom in Iraq, told Human Rights Watch. "The push for these amendments is part of a political game linked to the upcoming May 2018 parliamentary elections."

She said that while the driving forces behind these amendments came from a group of Shia Islamic parties, she feared that some Sunni members of parliament would also support them to give the clergy more authority over daily life. This is the second attempt in recent years to introduce discriminatory religious personal status laws. In February 2014 the Council of Ministers approved a draft law, the "Jaafari Personal Status Law," which would have covered Iraq's Shia citizens and residents, prohibited them from marrying non-Muslims, effectively legalized marital rape, prevented women from leaving the house without their husbands' permission, and allowed girls younger than 9 to be married with a parent's approval. After pressure from local human rights activists, parliament did not move the bill forward.

These new proposed amendments violate the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which Iraq ratified in 1986, by giving fewer rights to women and girls on the basis of their gender. They also violate the Convention on Rights of the Child, which Iraq ratified in 1994, by legalizing child marriage, putting girls at risk of forced and early marriage and susceptible to sexual abuse, and not requiring decisions about children in divorce cases to be made in the best interests of the child. The draft amendments appear to violate the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights by granting fewer rights to certain people on the basis of their religion.

The draft amendments also starkly contrast with article 14 of Iraq's constitution, which prohibits "discrimination and distinction between Iraqis" and guarantees the equality of all Iraqis "without distinction to religion, faith, nationality, sex, opinion, economic or social status." Article 13 of Iraq's constitution stipulates that it is the "supreme law" in Iraq and that "no law that contradicts this Constitution shall be enacted."

The CEDAW committee, the body of international experts who review state compliance with CEDAW, concluded in 2013 that, "identity-based personal status laws and customs

perpetuate discrimination against women and that the preservation of multiple legal systems is in itself discriminatory against women.”

In its 2013 review, the CEDAW committee has previously recommended that Iraq repeal discriminatory legal exceptions to the minimum age of marriage for girls. It said that legal exceptions to the minimum age of marriage should be granted only in exceptional cases and authorized by a competent court for both girls and boys, and only in cases in which they are at least 16 and give their express consent.

“While lawmakers may have failed this time around, the threat of these terrible amendments still looms, and is being used as leverage to try to whittle away at key human rights protections in the domestic violence law,” Wille said. “Iraqi parliamentarians should reject these efforts to reverse the progress Iraqi society has made in creating laws that protect all of its citizens.

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 Yezidi 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.