

From Iraq

Join the International Campaign to repeal the Governing Council's Resolution 137, which cancels the current Iraqi Family Law and introduces the Islamic Law (*Shari'a*) in Iraq.

On 29 December 2003, the Governing Council passed a resolution No. 137 to cancel the current Iraqi family law in practice since 1959 and introduce the Islamic law (*Shari'a*) instead.

We believe that this anti-freedom, misogynist and anti-modernist resolution will push back the Iraqi society to the Stone Age. It will deny the most basic women's rights gained during decades of relentless struggle and set back their legal status by centuries. If the resolution is to become a law, women in Iraq will become subjects of daily abuses and exploitation for not observing the strict Islamic law and traditions. Polygamy, minor marriage, pleasure marriage (*mut'ah*), compulsory hijab, stoning women to death on adultery, acid-throwing on them, flogging for disobeying Islamic laws, beating women by their husbands, sexual segregation in public places will all be lawful. Women will be denied the right to leave the house without the permission of the husband, to travel without a chaperone, continue education after marriage, seek divorce, choose a partner without family's consent, and custody of children. They will be prohibited from working in many fields and participation in sport, dance, singing or even listening to music.

The current Iraqi family law, which was amended by the Ba'ath regime, is itself a reactionary and anti-women law based on *Shari'a*. It should be replaced by a progressive law that ensure protection of rights of women rather than a reactionary and misogynist law to deny those rights. The Organization of Women's Freedom in Iraq is running an International Campaign to repeal the Governing Council's resolution 137. We call on all individuals and progressive organizations to support our campaign. We request you to sign this petition and defend the rights of women in Iraq.

Source: <http://www.petitiononline.com/OWFI/petition.html>

From Morocco

Morocco Adopts Landmark Family Law Supporting Women's Equality

Women's Learning Partnership (WLP) and our partner organization l'Association Démocratique des Femmes du Maroc (ADFM) are pleased to report that on January 25, 2004, the government of Morocco adopted a new landmark Family Law supporting women's equality and granting them new rights in marriage and divorce, among others.

In April 2001, efforts to pass similar family law reforms were suspended while a Consultative Commission established by His Majesty King Mohammed VI studied the possibility of revising the Moudawana, Morocco's Civil Status Code that encompassed family law governing women's status. The continued

advocacy and awareness-raising efforts of women's rights activists, strong backing by government leaders such as Prime Minister Abderrahmane Youssoufi, and the personal public support of HM King Mohammed VI contributed to the Commission's decision in favor of a reformed Moroccan Family Law. In October 2003, almost two and a half years after the establishment of the Commission, HM King Mohammed VI publicly announced new reforms creating a modern Family Law consistent with the tolerant spirit of Islam and "lifting the iniquity imposed on women, protecting children's rights, and safeguarding men's dignity." During the fall and winter of 2003, women's rights organizations, organized within the "Printemps de l'Egalité" network, analyzed the details of the draft legislation's text and organized workshops, round tables, and discussion groups to prepare for renewed lobbying efforts in Parliament and to educate the public about the reforms.

On February 3, 2004, the Presidents of both houses of Parliament presented the unanimously approved new family law to HM King Mohammed VI. The new legislation replaces the family law included in the Moudawana and includes the following reforms:

Equality:

- Husband and wife share joint responsibility for the family;
- The wife is no longer legally obliged to obey her husband;
- The adult woman is entitled to self-guardianship, rather than that of a male family member, and may exercise it freely and independently;
- The minimum age of marriage is 18 for both men and women.

Divorce:

- The right to divorce is a prerogative of both men and women, exercised under judicial supervision;
- The principle of divorce by mutual consent is established.

Polygamy:

- Polygamy is subject to the judge's authorization and to stringent legal conditions, making the practice nearly impossible;
- The woman has the right to impose a condition in the marriage contract requiring that her husband refrain from taking other wives;
- If there is no pre-established condition, the first wife must be informed of her husband's intent to remarry, the second wife must be informed that her husband-to-be is already married, and moreover, the first wife may ask for a divorce due to harm suffered.

Enforcement of Law:

- The family law assigns a key role to the judiciary in upholding the rule of law and provides for the public prosecutor to be a party to every legal action involving the enforcement of family law stipulations.

Children's Rights:

- The woman is given the possibility of retaining custody of her child even upon remarrying or moving out of the area where her husband lives;
- The child's right to acknowledgment of paternity is protected in that case that the marriage has not been officially registered.

Source: <http://www.learningpartnership.org/events/newsalerts/morocco0204.phtml#adfm doc>