

Iraqi Women and Legislation

One of the major achievements of the Ba'ath Socialist Revolution of July 1968 has been the improvement of women's legal status in Iraq based on the following principles:

- The revolution is the rise for freedom aiming at the service of people and human progress; however, a revolution is not a real one if it does not aim at women's emancipation and the development of their material and cultural condition.⁽¹⁾
- Popular mobilization and any action by the people would be incomplete without women's strong and effective participation.⁽²⁾
- Strengthening women's position in the forms of rights and customs in society is part of the process of women's emancipation.⁽³⁾

Moreover, close cooperation between the Iraqi President and the General Federation of Iraqi Women (G.F.I.W.) resulted in many significant changes in laws affecting women. One example that the G.F.I.W. quotes is the case of an Iraqi woman who has sent the Federation a letter seeking its help concerning a court decision to evacuate the matrimonial house after her husband filed for divorce. The woman was arguing against the decision on the ground that she helped her husband buy the house and had lived in it for the past 16 years with her eight children.

The letter was sent to the President who responded favourably by issuing Resolution No.77 of 1983. It stipulates that a wife may continue, after divorce, to live without her husband in the joint matrimonial home for a period of three years, provided that the wife herself did not file for the divorce.

On the 17th of July 1970, a new legislative policy was enacted in Iraq. It guaranteed equality of rights and duties among citizens without discrimination of sect, race, language, social background or religion.

This policy can be divided into five main sections from which we chose the laws pertaining specifically to women.

1. POLITICAL RIGHTS

The **Interim Constitution** of Iraq stipulates that woman enjoys equal rights to man in all fields. **The**

(1) Saddam Hussein, "About Revolution and Women", pp. 20-69.

(2) Ibid.

(3) Ibid.

Law No.55 of the National Assembly (1980) gives women the right to vote and be elected for the National Assembly. In the 1980 election 16 out of 19 women were elected and in 1984, 33 out of 46.

Article 7 of the Personal Status Laws sets 18 years as the legal age for marriage, and 15 years if the person has the legal approval of his/her guardian or father.

2. ECONOMIC RIGHTS

Labour Law No.151, 1970

Its amendments cover the working hours of working women and give them the right to feed their babies during work, the right to have a pregnancy and maternity leave (fully paid) and provides care for infants in nurseries provided free by the employer.

The Law of Pension and Social Security No.39, 1971

Gives working mothers and their babies free health care and gives women the choice to retire at the age of 55, while the age of retirement for men is 60.

Regulation No.36 on the Employment of Women, 1972

Prevents women's employment in jobs "not suited to their nature or that constitute social and health risks to them".

The Law of Agrarian Reform No.117, 1970

Gives women the right to economic independence and acquisition of a land, to reclaim it and cultivate it.

The Law of Agricultural Cooperatives

Gives women the right to join these cooperatives on equal footing with men to enable them to practice various agricultural activities competently.

The Law of the Estate Bank

Gives the wife the right to borrow money to build a house independent of her husband.

3. ADMINISTRATIVE RIGHTS

The Law of Civil Service No.44, 1977

Gives female civil servants 72 days for pregnancy and maternity leave including a minimum of 21 days for delivery.

The Law of Equality Between Men and Women No.9, 1975

Considers the woman's income independent from her husband's; gives her legal exemptions related to income-tax; allows her to receive marriage allowance even if her husband does, and children's allowance if

her husband doesn't and gives the children the pension of her two dead parents.

Law No.113, 1977

Allows women to join the armed forces, the Air Force Academy, the police and national security organisms.

4. EDUCATIONAL RIGHTS

The Law of Compulsory Education No.118, 1976

Provides for compulsory free education for children of both sexes till the age of ten, and ensures equality in education till the end of the primary level.

The Law of the National Comprehensive Literacy Campaign, 1978

Requires illiterate citizens of both sexes, between the ages of 15 and 45, to attend literacy classes at specialized centers and popular schools.

5. SOCIAL RIGHTS

The Laws of Personal Status, 1959 and 1978

The laws and their amendments regulate the relationship between married couples in order to guarantee their rights and that of the children. **Article 57** gives the mother the right to nurse and bring up her child in all circumstances, unless judged unfit and harmful to the child by court. It raises the age of custody from 7 to 10 years old and extends it to 15 in some cases when it proves to be good for the child. Moreover, if the father of the child dies or breaks any of the custody conditions the child remains with his/her mother until the age of maturity; and no relatives, male or female, may contest the mother's right for custody. However, the custody of the child may be transferred to the father if the mother breaks any custody conditions.

Article 10 states that the marriage contract should be made before a court, and imposes punishment on anyone who contradicts this provision.

Article 45 states that no man can take a second wife unless by court consent, or unless he is separated from his first wife.

Article 9 states that marriage by force is deemed not valid by law if the marriage is not consummated, and is liable to punishment.

The Laws of Inheritance, Article 19

States that daughters shall inherit when there are no sons.

The Laws of Social Welfare, 1980

Ensures Social Security for all citizens during their life and their families after their death. It places the

wife on the same footing as her husband by regarding each of them as head of the family. This law also covers families with no income or low income; physically, mentally and psychologically disabled children; widows; orphans; disabled persons; and children from broken families.

Article 133 of this law regards the widow or the divorced wife who has a minor living with her as the person entitled to the social welfare salary.

The Law Of Care for the Legal Minor, 1980

Refers to the mother as the minor's legal guardian. It sets up a special fund to undertake the payment of alimonies for women whose husbands are imprisoned, absent or very poor.

6. Resolution No.1611 of the Revolutionary Command Council

In respect to the wife's housing, it states that "the inherited house may not be sold or joint property removed, if it is occupied by the wife of the deceased, as long as the wife lives and unless she agrees to the sale of the house or the joint property. Such agreement must be made before court". (23/12/82)

Resolution No.1, 2/1/1983

Stipulates that a wife shall remain (on request) after divorce or separation, living alone in the conjugal home owned by the husband. This decision shall be included in the divorce or separation case.

Conclusion

According to the G.F.I.W. reports, the laws and resolutions pertaining to women issued after the 1968 July Revolution endeavour to build a "New Iraqi Woman", giving her the opportunity for independent decision-making safeguarding all her rights in her private and public life. Moreover, according to G.F.I.W., these laws are being gradually enacted in order to match the process of change happening in all the all Iraqi society. Thus, they are being used as effective and practical tools for sustained change rather than theoretical ones.

This article is based on two sources:

"Report on the Progress of Iraqi Women and Implementation of the Programme of Action of the U.N. Decade for Women", prepared by Ali A. Manhal for the General Federation of Iraqi Women - Secretariat of Researches and Studies, Shafick Press, Baghdad.

"The Legislative Policy in Iraq and its Reflections on the Legal Status of Women", distributed by the G.F.I.W. Headquarters at the Baghdad Meeting for Women of the World, (4-8 March 1985).