

# Discussing the Most Important Rights for Women in Iraq

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## Discussing the Most Important Rights for Women in Iraq\*

### 1. Introduction

In this working paper, we illustrate our preliminary results of the first stage of the research regarding Iraqi women's perceptions of their rights and incorporation or embodiment of those rights. The research is on-going, but some tendencies can be revealed already at this piloting stage.

Each individual is born into social structures and organisations that are full with spatiotemporal constructions of laws and norms within which the person is socialised (von Benda-Beckmann & von Benda-Beckmann, 2014). By and within these constructions, people live and (re)act. Individuals move in spaces and abides by those laws, norms and orders nearly "automatically", often without conscious realisation, but only following what he/she has learned over time (Gadd, 2016; Tedeschi, 2020). The bodies incorporating the role of law are dynamic and changing, 'where a person's identity takes place in the *legal spaces* (such as the home, the street, market) that flow and connect' (Braidotti, 2002:2). Those flowing and connecting legal spaces operate simultaneously on different scales and from different interpretative standpoints (Sousa Santos, 1987). Inside the legal spaces, different *normative orders* exist. In the case of Iraqi women, those legal orders originate from, to mention but a few, traditional values and duties, own/collective memory and experiences, religious, tribal and sectarian norms and identities. Hence, even the smallest acts in any legal space are more or less controlled, sometimes in an almost invisible way (Philippopoulos-Mihalopoulos, 2013) by multiple, often contradicting legal orders. The spatial settings within which an individual acts are transformed constantly. Those spatial settings can become transformed, for instance, with knowledge of (human) rights and new norms, such as norms regarding women's roles in society, obtained for example through literature, cinema, travel and/or physical, social, digital spaces, such as the Internet.

Iraq voted in favour of the Universal Declaration of Human Rights at the United Nations General Assembly in 1948. The International Convention on the Elimination of All Forms of Discrimination Against Women entered into force for Iraq on 12 September 1986.

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Iraq approved the Cairo Declaration of Human Rights in Islam at the Organisation of the Islamic Conference in 1990. The rhetoric after the US-led invasion, which toppled the regime led by Saddam Hussein, put Iraqi women at centre stage, but what the world has witnessed is that women's rights and lives are being exploited in the name of competing political agendas (Al-Ali, 2018), and their exclusion from any meaningful participation in the state (re)building (Ismael, 2014). Rampant domestic violence, verbal and physical intimidation, sexual harassment, rape, forced or pleasure marriage, female genital mutilation and honour-based killings have continued in the post-invasion Iraq (Al-Ali, 2018). Consequently, legal rights are an essential component of shaping women's everyday lives in the post-invasion Iraq, but so is the daily battle over their bodies in homes, on the streets and in the public discourse more generally. Violence against women and girls has recently reached new levels of cruelty in Iraq (especially due to the country's displacement crisis) (Johanssen, 2019). Sexual and gender based violence has no roots in any religion, sect, or nationality, but is a universal phenomenon that disproportionately affects women and girls under various patriarchal discourses throughout history (Johanssen, 2019). This is also the case in Iraq.

The internal and external dynamics of the history, the nature and extent of socioeconomic development, religion and local customs and state policies for instance, are defining and transforming the lives of women (Tohidi, 1998). The variables such as geographical origin, class, level of education, and job opportunities have an impact on the social choices of women. For instance, an urban, rich, educated, working, married woman could have more social choices than rural, poor, nonworking, illiterate and unmarried woman could (see e.g. Sadiqi, 2016). It is indeed in the intersections and stratifications of the coexisting legal spaces of various scales, multiple legal/normative orders deeply embedded in religious and tribal traditions manifested throughout the time, where Iraqi women are situated, where the (non)experiences of (human) rights are intimately felt and possible contradictions among the multiple normative orders encountered.

## **2. Methods**

At this first stage of the research, we have conducted an on-line survey and carried out in-depth interviews with 12 Iraqi women living in Iraq. The survey is on-going and explores what women, living in Iraq, consider to be the rights of women and which rights are the most important for them.

The survey was created based on focus group discussions with five Iraqi women. Moreover, one of the authors of this working paper is an Iraqi woman. The questions were designed to illustrate the perception the women have regarding their rights, but

also to elucidate what Iraqi women consider as the most important for them. The discursively consensual homogeneity of 'women' as a group is, of course, mistaken for the historically specific material reality of different groups of women (see e.g. Mohanty, 2011). Thus, by no means are we trying to convey that our results would represent all Iraqi women. However, some patterns should be noted and the results illustrate a clear direction for the future research. When the first draft of the survey was ready, the questions were reflected upon and further developed with a larger focus group of 14 respondents. The aim was to make the questions understandable and the modes of answering intuitive for Iraqi women.

The whole research so far has been carried out during the COVID-19 pandemic inhibiting any face-to-face contact. We have carried out the survey on line (and the survey is still active). We have directed it to all women aged over 18 living in Iraq. The survey has been distributed via social media channels and by using snowballing technique. We have been in touch personally (by phone and via Zoom) to professors in two universities in Iraq, who have spread the survey among female students. Moreover, we have contacted so far two women's organisations operating in Iraq, which have distributed the survey. The survey combines different forms of replying. Some of the questions have multiple-choice options, whereas others have a space for freely formulated replies. In this pilot phase, we have received 176 replies (additionally 14 replies from the focus group. However, those replies are not yet included in the analysis). The replies have been analysed with cross tabulation and frequencies using SPSS. Free text replies have been analysed by theory driven content analysis paying attention especially on rights described in the answers and the elements affecting the realisation of those rights. General patterns can be identified from the replies. However, it will be interesting to see, whether those patterns remain the same when the survey has been completed and the aimed 300 replies achieved. If not, we need to investigate the variables most likely affecting the altered replies.

In addition to the survey, we have conducted in-depth interviews with 12 Iraqi women living in different parts of Iraq including the Kurdistan region of Iraq. The interviews have been conducted via WhatsApp mobile phone application either as a group meeting including several participants or individually. The lengths of the interviews have varied from 45 minutes to 2 hours and 30 minutes. We have met the same women several times. In this working paper, we will not provide a comprehensive analysis of the whole interview material, but rather concentrate on elements in the interview discussions revealing aspects regarding women's understandings and perceptions of their rights, the realization of those rights and possible contradictions in the legal and normative orders causing challenges for the possibilities to enjoy their rights concretely.

In this survey, we decided not to include questions defining the religion of the respondent. For the purpose of this survey, it is irrelevant which religion would affect the rights of a woman. At this stage, it is enough to see whether religion, tradition or habit for instance (whatever they might be) restrict the possibilities of women in Iraq. Furthermore, in this working paper, we do not provide any spatial analysis of the geographic differences, which might be detectable from our data. That will be a matter of future analysis when the survey is completed.

### **3. A brief look into the development of the legal and normative situation(s) of women in Iraq**

Most post-colonial states, such as Iraq, have multi-legal-orders created by European colonial powers, which imposed the new European systems of law over the pre-existing systems of jurisdiction (Merry, 1988). This legal pluralism is constituted by multiple legal and normative orders. Those norms and orders include, among others, codes borrowed from European law as well as ethnoreligious codes and Islamic *Shari'a* (Ahmed Zaki, 2017). *Shari'a*, the body of Islamic law providing guidance to Muslims, is based on the Sunna<sup>1</sup> and Qur'an having approximately 80 verses concerning legal issues referring to the role of women in society and their rights related to, for instance, marriage, divorce and inheritance (Coleman, 2006). Although not all those 80 verses contradict human rights, religion is one of the defining elements of the current struggle that impedes women's access to rights in Iraq today.

Iraq's Constitution was adopted in 1925. At that time, the Constitution divided Iraqi citizens into three different classes regarding the law and established three different courts: civil and religious courts in urban areas and Tribunal Criminal and Civil Disputes Regulation (TCCDR, or more commonly called 'tribal law') for tribesmen in rural areas (Ali, 2018). Religious *Shari'a* courts were to handle especially the matters of personal status, issues of marriage, divorce and inheritance (Efrati, 2012; Coleman, 2006).

In 1959, a Personal Status Code in Law no. 188 was adopted and both *Shari'a* courts and TCCDR were abolished (Ali, 2018). However, the impact of the tribal law is still clearly seen in spheres such as family matters (Coleman, 2006). Colonial settlers' engagement and alliance-building with the most conservative structures within the society affected a 're-tribalization' of policies, including family law and women, a process which has been described as the 're-subordination' of women (Efrati, 2012). During this time, however,

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<sup>1</sup> Sunna, which literally translates to 'way of life or rule of behaviour' refers to the Prophet Muhammad's actions and oral pronouncements (see e.g. Fornara, 2018).

women were granted equal shares in inheritance, which was again changed in 1963 with the Ba'th political party and later with Saddam Hussein (Ali, 2018).

In the 1970s, the Ba'th implemented a series of legislative measures aimed at encouraging women's participation in the labour force, such as free childcare, equal salaries and paid maternity leave (Ali, 2018). Until the 1980s, Iraq was touted as the country with the most educated women and the most developed and efficient higher education system in the region. However, in parallel with this development, for example Penal Law no. 111 (1969) authorized domestic violence in the framework of *ta'dib al-zawja* (domesticating the wife) (Ali, 2018). Further, the transformation of households into a subsistence economy led to the domestication of professional women (Ismael & Ismael, 2008).

On August 6, 1990, following the Iraqi military invasion and illegal occupation of Kuwait, the United Nations Security Council imposed comprehensive sanctions on Iraq in resolution 661 (UN, 1990). However, women's family role began to change significantly even before the international sanctions, during the Iran-Iraq war 1980–1988, when the government outlawed contraceptives and emphasized the role of women in reproducing the Iraqi population to compensate for the massive death toll of the war (Saliba, 2019). The revival of "honour killings" in Iraq occurred not only on a popular level under the sanctions, but was also supported by the state legalization (Saliba, 2019). In 1990, Saddam issued a decree granting immunity to men accused of committing honour crimes (i.e. crimes against women suspected of having violated the codes of social conduct) (al-Jawaheri, 2008; Al-Ali, 2007).

The invasion and toppling of the regime led by Saddam Hussein did not bring equal rights for women and men. Despite the rhetoric of women's liberation, women were almost absent from the provisional government following the 2003 invasion and an increasingly tribalized legal system contributed to the further subordination of women's rights (Efrati, 2012). The up-to-date Iraqi Constitution states that no law can be passed that contradicts the 'established rulings' of Islam (Coleman, 2006). Ali (2018) argues, based on the findings of Charrad (2011), that the more state politics favour kin-based social groups, the more family laws are conservative. Indeed, Article 41(1) of the Iraqi Penal Code no. 111, legally allows the husband to punish his wife. In addition, the Penal Code provides mitigated sentences for violent acts, including murder, for 'honourable motives' or for catching one's wife or female relative in the act of adultery or sex outside of marriage (see also Human Rights Watch, 2021). Furthermore, Article 394 of the Iraqi Penal Code states that it is illegal to engage in extra-marital sex, a violation of the right to privacy that disproportionately harms lesbian, gay, bisexual, and transgender (LGBT) people, as well as women in general, given that pregnancy can be deemed the evidence of the violation (Human Rights Watch, 2021). However, organisation Equality Now

(2021), the 2019 winner of the International Gender Equality Prize, awarded by the Prime Minister of Finland, points out that according to Article 14 of the Constitution of Iraq, Iraqis are equal before the law without discrimination based on gender, race, ethnicity, nationality, origin, colour, religion, sect, belief or opinion, or economic or social status. However, this article of the Constitution is not enforced. As an example, despite the system of organized rape, sexual slavery, and forced marriage of the Islamic State in Iraq and Levant (ISIL), and even where defendants admitted during prosecutions to subjecting Yazidi<sup>2</sup> women to sexual slavery, prosecutors neglected to charge them with rape (Human Rights Watch, 2021).

#### **4. Perceptions of the rights of women and (un)realization of those rights**

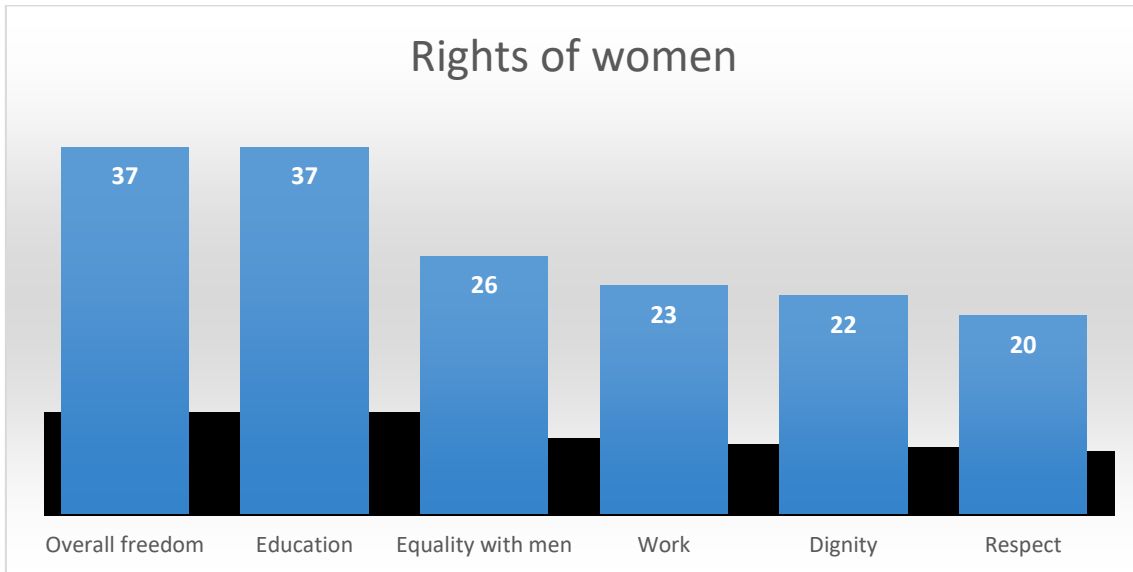
All human rights are also rights of women. However, as many other Middle Eastern countries, Iraq lacks the tradition of human rights. Islamist political parties do not always separate the human rights from the colonial past and expansionist or hegemonic tendencies (real or imagined) (Sadiki, 2004). The Islamist parties, governing Iraq today, are not fully committed to human rights in theory or in practice (Alkifaey, 2019). Consequently, the human rights situation in Iraq is poor. According to Amnesty International (2021), the COVID-19 pandemic and the lockdown, which followed the spread of the virus, further exacerbated especially the vulnerability of women and girls in Iraq as domestic violence increased, resulting in even deaths of women.

As mentioned, legal rights are an essential component shaping women's everyday lives in Iraq. In our on-line survey, we asked an open-ended question 'What are the rights of women?' in order to find out whether or not the rights described by the women themselves, correspond to the human rights that Iraq as a state has agreed to respect. Moreover, by asking about the rights, we receive important information about whether or not the women are familiar with their legal rights. Furthermore, in order to strive for cultural sensitivity, it is essential to attempt to discover and comprehend the multiple ways in which human rights are understood and what kinds of rights are seen as important. Hence, we also asked an open-ended question 'What are the most important rights for women?'. In Table 1, we have listed the most commonly mentioned rights that respondents in our survey considered as the rights of women (see the complete list of entries in Appendix 1).

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<sup>2</sup> Yazidis are a minority indigenous to Mesopotamia, united by the ethnic and religious identity.

Table 1. Rights of women according to survey respondents with the number of times a certain right was mentioned.

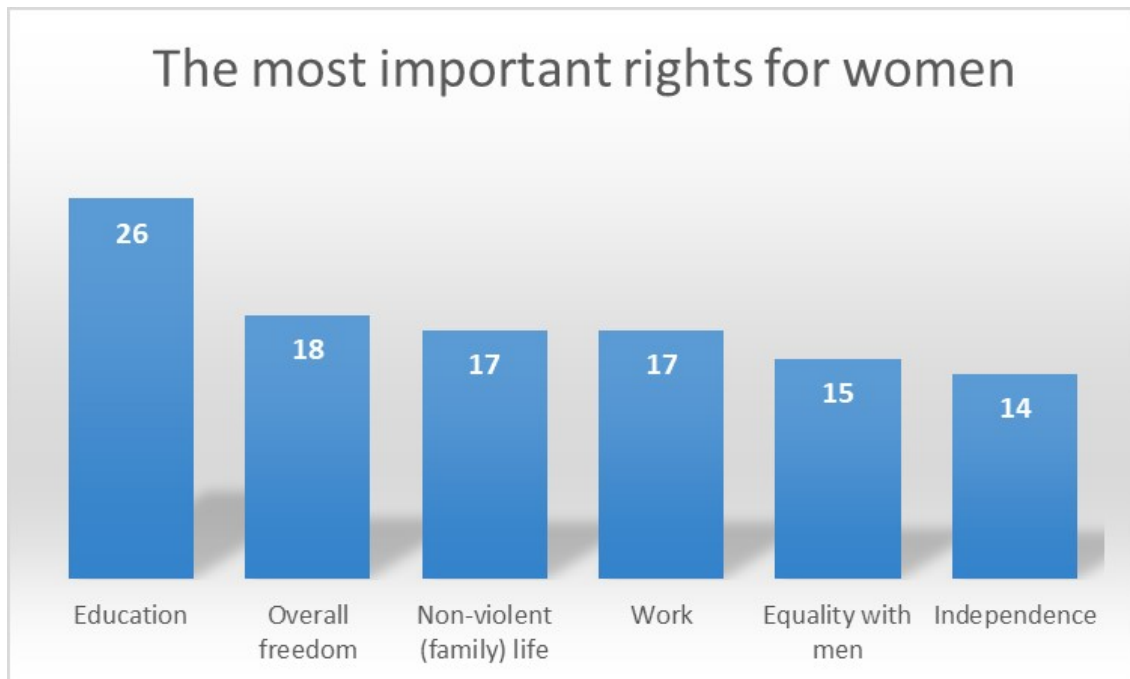


When we look at Table 1, we see that the rights the responding women most repeatedly mention, all reflect women’s often subordinate position to men in Iraq. Overall freedom was most often mentioned as a right of women together with the right to education (see Table 1), which are not axiomatic for women in Iraq today. Women consider also that they should have the right to be seen as equal to men, have right to work and right to be treated with respect and dignity. All these rights are approved by the state of Iraq by favouring the Universal Declaration of Human Rights.

The most important rights for the women participating in this research so far entangle together with elements increasing the possibilities for a woman to get independency (even when the right to be treated as equal to men would not become realized). We see in Table 2 that independence was mentioned 14 times in the survey replies as the most important right for a woman. Additionally, we see that the women, who participated in our survey, most often considered education to be the most important right for women. In case a girl is able to obtain education, she might be able to work (being the third most often listed as the most important right together with the right for non-violent family life) and earn her own living making her more independent.



Table 2. The most important rights for women according to survey respondents with the number of times a certain right was mentioned.



Seventy-six percent (76 %) of the respondents in our survey said that they could choose their education freely. As to the interviewees, only one had not been able to study and hence Sabrin 46 said, *“I don’t want my children to end up in the same situation where I am. I am dependent on my husband. That’s why I support them in their education as long as possible”*. However, out of the women who replied in our survey that they could freely choose their education, 31 % said that they were free to choose, yet under certain restrictions. In one of our interview sessions, Susan 24 said, *“Master’s Degree would be great! It augments the salary. However, often girls get married already when they are on their Bachelor level in studies making it difficult to study further.”* Fatima, our 18-year-old interviewee said, *“I can study so far. However, if dad says that school ends now, it ends now. A daughter needs to obey his dad; otherwise she is not a good girl, a good person”*. During the sanctions, Iraqi women experienced a decline in their educational opportunities. In an intersectional analysis, Saliba (2019) showed different attitudes towards the possibilities of the generation, which was born to the young adults of the time of the sanctions combining different temporal layers together. The variables such as geographical origin, class, level of education, job opportunities (with or without a salary) and marital status for instance, have direct influence on gender perceptions, political awareness, self-awareness, independence and critical assessment (see also Sadiqi, 2016).

According to our survey, work was considered not only as a women’s right, but also actually one of the most important rights, giving the woman more financial

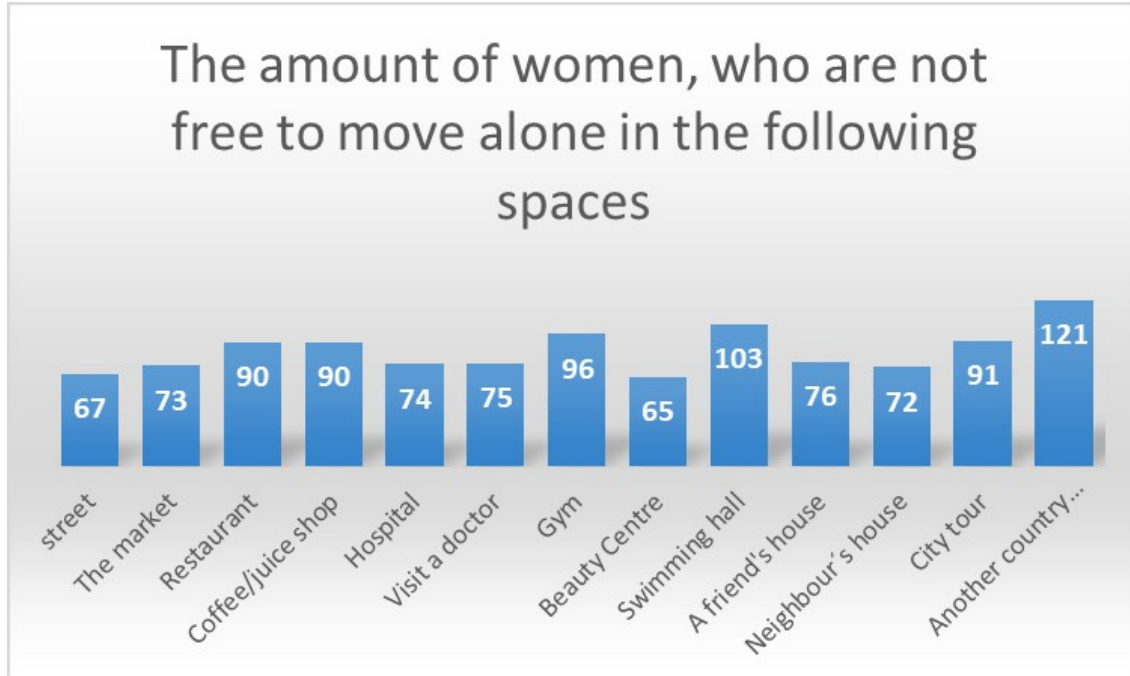
independence from her husband and her extended family. Forty-six percent (46 %) of the survey respondents were working. Five of the working women, however, reported that they were not getting paid for the work they do. Sabrin 46 said, *“The husband can prohibit the woman from working. He can say that the woman is not allowed to work. The woman needs to obey. She doesn’t necessarily even have strength to disobey. Whatever kind of thought I would have regarding my self-worth, he will win. He is above. We know it’s not right, but we don’t say anything. If we say, it might lead us to divorce”*. In her study about Muslim women and piety, Piela (2011) described the dilemma of the women in her research of choosing between staying at home, working outside the home or balancing the two. She showed how, according to the traditional thinking, the domestic role has to remain a priority with the paid work being organised around it (Piela, 2011).

As seen in Table 2, in our research the right to overall freedom reached the second position as the most important right for a woman. However, 111 women in our survey (63 %) replied that they could not even move freely. Sixty-three women (36 %) in turn, said that they could move freely. But, out of those 63 women, 39 women said that they could move freely, yet not everywhere. Freedom as a concept is socially constructed and we internalise its meaning through time and through interaction with different spaces. The fact that a woman says that she is free to move, but under certain restrictions, is one example of the differences in the ways of considering the rights and freedoms. One can consider herself free even when not being totally free.

Different normative orders are active in different legal spaces. The altered codes of behaviour are suitable in public spaces compared with settings that are more private. What people *are expected to* do within certain spatial settings has an impact on whether or not a space or a spatial setting is allowed or suitable for women. According to our survey so far, one of the less restricted spaces was a beauty centre, often frequented mostly by women. On the other hand, travelling to another country was not possible for 121 women out of 176 (see Table 3). Whether a woman is allowed to travel, depends greatly on her family (e.g. what kind of social conduct is seen as appropriate). Women might more easily travel with other women in a group or for example with her female relatives. According to our study, it is less usual that a woman would travel alone or in a mix-gender group. It is worth noting, however, that travelling overall with an Iraqi passport is restricted and getting a visa can be complicated. This is the case regardless of the gender of the person. Another aspect seen in Table 3 is that those less ‘forbidden’ spaces, such as the street or a market, are related to the household chores women are often responsible for or they are private and closed spaces such as a friend’s house for instance. Sabrin told us, *“Men can come and go as they please. Normally men leave the*

house to take a walk or something. Girls stay at home. They put things in order, clean and cook”.

Table 3. The amount of women, who are not free to move alone in the following spaces.



As Zubair and Zubair (2017) described, there is social regulation and control over thinking and movement as well as values and unpractised ideologies. Consequently, freedom to do something is not only regulated by law or legal norms, but sometimes a woman herself has incorporated the tradition, for example, as a guiding principle or the ‘rules’ she has learned through the time. Hadeel, aged 49, gave an example of how she had felt on the street outside her home.

*‘I am not supposed to walk alone on the streets. Throughout my life, I have learned that it is not safe for me, nor should I have anything to do on the streets to begin with. Anyway, I knew my husband had gone out to buy some medicine in the pharmacy when I heard an explosion. There was a terrible fight within me, as if there was another me telling me to stay indoors, saying that it is not safe to go out and another me saying that might be the father of my children is lying somewhere wounded and without help. When I got out from the high gate in front of our house to our home street, I felt like panicking. I was afraid that a random car would stop my way and the driver would take me into the car and drive away. I felt naked even with my ‘abaya’<sup>3</sup>. Well, I wasn’t taken anywhere and when I reached the end of the block of my house, I saw my husband approaching. Only when he reached me, was I able to calm down and not to be afraid’.*

<sup>3</sup> Black large garment, which covers the woman from head to toes. Abaya does not cover the face.

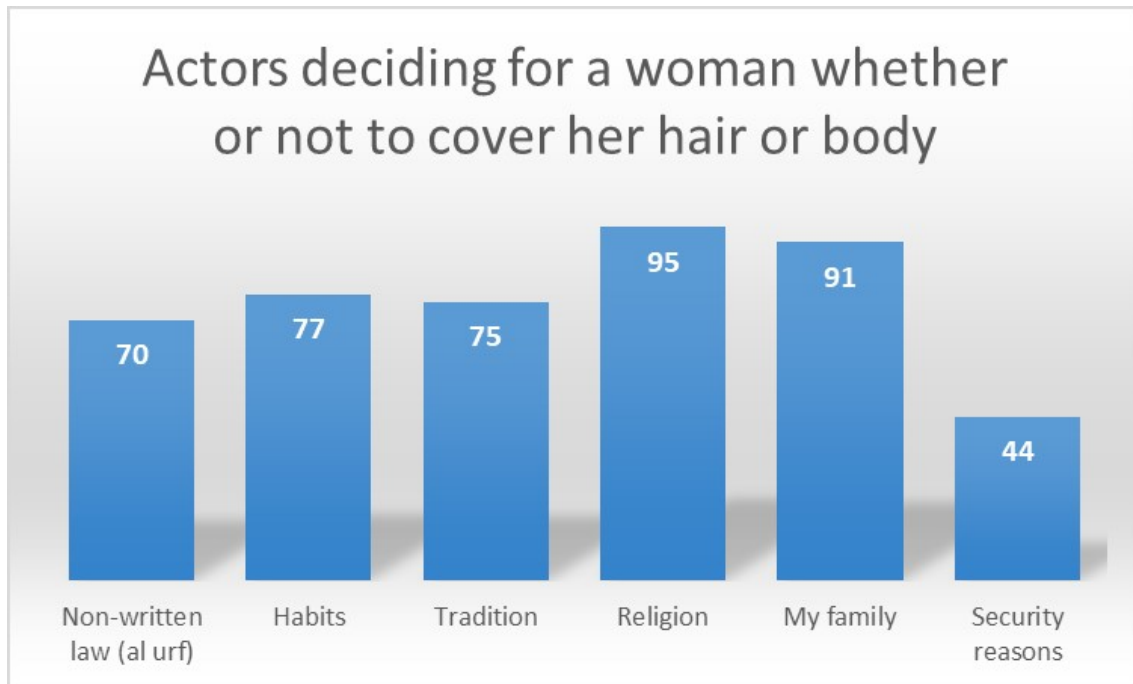
Hadeel did not question the authority of her husband. She bodily felt anxious when she was 'out of her place', in a place where she *was not supposed to be*. Patriarchal interpretations depicting women's participation in the public space as an onslaught on their modesty and hence, as a religious 'sin' (see Tschalaer, 2015) become sometimes incorporated in women inhibiting their freedom to move even in situations where *they could and even should move*, as we saw in Hadeels story. Abir 36, told that she is able to move freely. *'I can move freely. However, I need to tell my husband where I will go, with whom and approximately the time when I will return home. It is not an option that something would happen spontaneously, that I would meet a friend for example, go, and visit her making my schedule to change'*.

## **5. Spatiotemporal elements impeding women's access to rights in Iraq today**

In the Pakistani case, illustrated by Zubair and Zubair (2017), financial independence does not automatically lead to autonomy and self-realisation in making decisions concerning marriage, employment, travelling abroad and other life choices. This is true also in Iraq. Those elements definitely affect the possibilities of women, but there are other actors and elements setting norms for the actions of women as has become evident also in our research. Gender-specific burdens related to prevailing cultural attitudes, social norms, and practices that are being reinforced by the general social climate of social conservatism towards women as well as widespread nepotism, are materially felt by the women in Iraq (Ali, 2018). In the post-invasion period in Iraq, according to Saliba (2019), the increased sectarianization of rule and decentralization of power left tribal and religious leaders with greater control, further contributing to the constant scrutinizing of female piety and social conduct and even violence against women. Related to the overall freedom, which the majority of the women in this research referred to as one of the most important rights for them, includes both rights to bodily and social self-determination. In addition to studying the freedom of movement in different spatial settings, we have investigated the right to choose one's own partner and right to determine one's own clothing, for instance whether or not to cover the hair and body. As an example, according to our study, 95 (54 %) of the respondents replied that the religious rules directed the choice for them regarding whether to cover their body and hair or not. It is worth noting though that many women, although wanting to ensure that their rights are respected and acknowledged, cannot afford, or are unwilling to assert their own rights in a way that estrangers them not just from the family, but also from their larger community (Hegland, 1995). Mona 30 reflected on this, *'I know I have some rights, or that I should have at least. But, what do I get with my legal right to decide whether to cover my body or not if by choosing what*

*is right for me, I lose my family and even worse, my children?'. These women's choices regarding for instance clothing or other social conduct may be indeed rooted in their faith, but the decisions are also commonly linked to other factors (see also Fornara, 2018).*

Table 4. Actors and elements inhibiting women's freedom to choose whether to cover their hair or body.



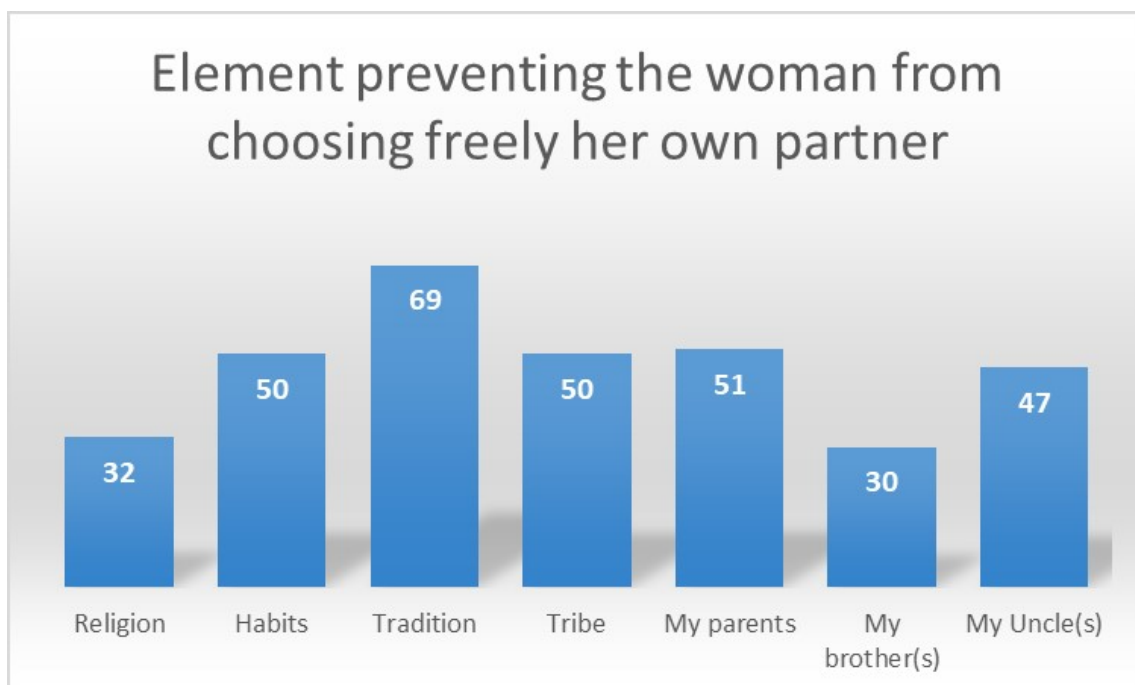
The post-invasion Iraq has been marked by the rise of sectarian violence, political chaos and the rise of more conservative Islamist forces (Ali, 2018). This has had inevitable impact on the rights of women. The patriarchal control of female behaviour and mobility is tangible for many women (Tohidi, 1998). Before the marriage, the woman is often seen under the supervision of her father and/or brothers or uncles. Susan 24 told us, *'I could not just bring a boy home from the university. There should be a roundabout way in which he could come to ask if he could marry me. It's complicated. It is easier among cousins as we can talk with each other more freely. If the guy, unknown to the family, would just come, my dad would directly ask where the guy has met me'*. Forty-one per cent (41 %) of the respondents directly said that they could not freely choose their partner. That means that either their marriage is already arranged, or that when a husband is suggested to them, they are not allowed to decline. Fifty-six per cent (56 %) answered that they could choose their partner freely, yet 38 % of those who considered themselves as free to choose, said that there were certain restrictions. In case a woman is free to choose her partner, it could also mean that she is allowed to decline the husband suggestion she is offered. However, being *free* to choose does not

automatically mean that the woman could freely meet a man and bring him home as we saw in Susan’s description. Noor 42 explained this, *‘In case the girl would come home with a boy, or a seemingly random boy would just come and ask for permission to marry the girl, the family would think that the girl has ‘done something’ and is not virgin anymore and thus, willing to marry this person’.*

This example clearly shows how the right of a woman to decide for her own body (virginity) is tightly intertwined with the reputation of the family in the larger social context. Seventy respondents (40 %) answered that tradition inhibits them from choosing their partner freely (see Table 5). Habits, the tribe and parents or other relatives were also mentioned as determining the partner to the woman. Noor 42 continued, *‘In my family, there has been a situation in which the girl was allowed to decline if she didn’t want to marry the man suggested to her. However, in the prevailing situation at the time, a shame, which could have encountered the family, could be avoided by her marrying a certain man. Thus, technically she needed to marry the man. Shame needs to be avoided as much as possible. It is stronger than tribal law or constitution’.*

Eight women in our study considered, however, that their right as adult women would be to be able to make their life choices without any parental interference.

Table 5. Elements preventing the woman from choosing freely her own partner.



As for some women, family and kin ties are seen as the primary network of socioeconomic protection, a way of gaining resources, power, recognition and emotional gratification (Tohidi, 1998), some women remain obedient to the norms and the rules even in the cases in which they would have opposite opinions or when they encounter even abusive or exploitative treatment. Sometimes the values and norms a woman herself has incorporated through the time, leave her balancing between those values on the one hand and the dangers encountered at home on the other. Nadjua 29 explained this, *I need to care about the reputation of my family. It is very important for me. A decent woman is only with one man during her whole life. This is what I have learned. I am lucky as I have an educated and kind husband. However, I know many who are not as lucky. They need to choose between aggression and even direct violence on one side or leaving and living against her own values and as a not decent woman on the other side*'.

In our survey, seventeen women (10 %) regarded a non-violent family life as the most important right for a woman (see Table 2). It is worth noting, however, that while honour-based killings and other gender-based violence increased during the period of the sanctions starting in 1990, they increased even further after the 2003 invasion (Saliba, 2019) and recently during the COVID-19 pandemic. Nonetheless, the reporting of these crimes declined for the fear of revenge against the women abused or against their families (Saliba, 2019; Lafta & Al-Nuaimi, 2019). In fact, according to the United Nations Population Fund (UNFPA) (2016), most women, who report the crime, decide actually not to proceed to open a legal case against the perpetrators. Barriers to reporting include the fear of losing male patronage, retaliation, stigmatisation or further sexual exploitation, including from reporting authorities (Johanssen, 2019). The difficulty of the matter became clear when Amal 32 shared her view, *'My husband can get aggressive when he is angry. In my family, I have learned that the wife is responsible for making the happy home. In case my husband acts in an aggressive way and even hits me, it is always my fault. I have done something to make him furious. For instance, in case I don't feel like having sex with him, he gets very angry. According to him, I should be grateful that he still wants me. It is easier just to give him what he wants, so that peace remains in the house and I don't expose the children to that anger*'.

What Amal shared is not anything surprising or new. Social disorder often comes about as an ascension of patriarchal control and regulation over women and girls' sexuality (Walby & Olive et al. 2015; Johanssen, 2019). This is a universal phenomenon with deep historical roots and is often legitimized through ideas about honour and the moral obligations to 'preserve them' (Johanssen, 2019). Those ideas, in turn, are keenly linked to the non-written laws (*al urf*), habits, traditions and religion, which greatly affect the lives and freedoms of the women participating in this research (as shown in Table 4).

Moreover, tribal agreements have, on some occasions, instrumentalized girls as leverage of honour to mediate conflicts and settle disputes via *fasl* marriage, or a solution marriage (Johanssen, 2019), transforming women into objects whereby the wrongs can be made right, whereby peace can be brought. In such solution marriage, a woman is handed over to marriage in order to settle a dispute or mediate a conflict. According to Efrati (2012), in the city of Basra, in southern Iraq alone, 800 women found themselves in such marriages in the year 2012.

Five respondents explicitly mentioned the right to divorce as a right of a woman (see Appendix 1). The right to divorce (and if the discourse would not, in any case, label the woman in a negative way in the case of divorce) would facilitate women's escaping from abusive or otherwise unsuitable or unwanted marriages and incite their possibilities to be in a relationship more suitable for them. However, women are not equal with men in terms of divorce. Women can demand a divorce for example in case she states that her husband cannot satisfy her or that he is absent. A sheikh or a judge can grant a woman divorce. Many women consider divorce from a situational viewpoint. It might be challenging to manage on their own after the divorce. They may not have enough money to sustain themselves (let alone the children) or they might have no place to go, in case they would demand a divorce. This constrains women from getting a divorce. The right to education and work, in turn, would make women less dependent on their husbands or other male relatives enabling the women to provide livelihoods for themselves and possibly for their children even if they no longer were able or willing to stay in the marriage. Fourteen respondents considered the right to raise her own children even after divorce as a right of a woman and 12 considered it as the most important right. This is interesting, as the survey has been conducted in the autumn 2021, during the time when Iraq is determining whether the father will get automatically the full custody of the children in the case of divorce, even if the children were small. At the moment, the woman can have custody of the children after divorce if they are under seven years old, unless she remarries. In case she remarries, the children must stay with their father (or father's relatives), which severely harms the woman's actual possibilities to choose whether to remarry or not. In the case, however, the ex-husband agrees to let the woman have the children even if she plans to remarry or if he does not want to have the children for himself, the woman can keep the children. The new husband, who will be legally responsible for his wife, needs also to accept to maintain the children from the previous marriage of the woman. Nonetheless, some ex-husbands might find this embarrassing for them. These elements, to mention but a few, make some women stay in their marriages even despite the abusive relationship.

A law 'combating domestic violence' was adopted in the Kurdistan region of Iraq in 2011 that encompass a wide meaning of gender-based violence that includes 'any act, speech



or threat that may harm an individual of the household physically, sexually and psychologically and deprives him/her of freedom and liberties' (Ali, 2019). In the rest of Iraq, such a law does not exist. According to Ali (2019), civil society activists in Iraq tried to propose such a law in 2015, but it stayed in the Iraqi Parliament. The Parliament never voted about the suggested law. Ali (2019) described how conservative Islamist parties, which came to power after 2003, opposed any attempt to adopt such legislation, considering it as 'against religion' and a threat to the 'integrity of the family'.

## **6. Concluding remarks**

Women in Iraq consider overall freedom as their right and as one of the most important of their rights. The rights the participants of this research mentioned, are the same ones that Iraq as a state has approved to respect. However, women in Iraq do not always enjoy these rights in practice. The majority of the rights mentioned (e.g. rights to education, work, independence) by the women would in fact enable women to actually enjoy the right for overall freedom in case it was also socio-culturally provided for them. However, in addition to the legislation, there are various intertwined norms affecting the possibilities of Iraqi women to enjoy their rights "guaranteed" in the Universal Declaration of Human Rights and the Cairo Declaration of Human Rights in Islam, which Iraq has approved. Those normative orders having different impacts in different spatial settings or legal spaces originate from, to mention but a few, tradition, tribes, habits and religion.

Enjoying a right, such as freedom of expression or right to dissolve a marriage, might require neglecting or disregarding duties as a woman or living against the values the woman has incorporated. From a scientific viewpoint, in order to understand the valuations of the women and incorporation of rights, ethnic, sectarian and religious belongings have to be read in relation to social class, location (rural/urban), kinship relations (tribe/family) and political and symbolic powers (administrative, military, religious, tribal) while also keeping in mind that these belongings are relentlessly transformed (see also Ali, 2018). Consequently, women's rights should be approached from the vantage point of multi-sited and comparative ethnography for a more nuanced understanding about the complex terrain of women's lives in local level, local-global intersections and constellations of power (see also Abu-Lughod, 2010). Moreover, as researchers of human rights, we ought to ask when we can consider the rights to be fully provided, enjoyed and real. By acknowledging the material realities within which the rights are grounded and by comprehending what incites and constraints women's possibilities to enjoy and incorporate their rights on the one hand, we increase the much needed cultural sensitivity to human rights discussion (see e.g. Ali, 2019). This is the explicit aim of this current research project.

## References:

- Abu-Lughod, L. (2010) The active social life of “Muslim women’s rights”. A plea for ethnography, not polemics with cases from Egypt and Palestine. *Journal of Middle East Women’s Studies* 6(1) 1–45.
- Ahmed Zaki, H. (2017) Law, culture, and mobilization: Legal pluralism and women’s access to divorce in Egypt. *Muslim World Journal of Human Rights* 14(1) 1–25.
- Al-Ali, N. (2007) *Iraqi Women: Untold Stories from 1948 to the Present*. Zed Books: London.
- Al-Ali, N. (2018) Sexual violence in Iraq: Challenges for transnational feminist politics. *European Journal of Women’s Studies* 25(1) 10–27.
- Ali, Z. (2019) Feminism in Iraq: Beyond the religious and secular divide. *Gender a Výzkum / Gender and Research* 20(2) 47–67.
- Ali, Z. (2018) *Women and Gender in Iraq. Between Nation-Building and Fragmentation*. Cambridge University Press: Cambridge.
- Al-Jawaheri, Y. (2008) *Women in Iraq: The Gender Impact of International Sanctions*. Lynne Rienner Publishers: Boulder.
- Alkifaey, H. (2019) *The Failure of Democracy in Iraq – Religion, Ideology and Sectarianism*. Routledge: New York, US.
- Amnesty International (2021) [Iraq 2020](#). 30.11.2021.
- Braidotti, R. (2002) *Metamorphoses: Towards a Materialist Theory of Becoming*. Polity Press: Malden MA.
- Charrad, M. (2011) Central and local patrimonialism: State-building in kin-based societies. *Annals AAPSS* 636 49–68.
- Coleman, I. (2006) Women, Islam, and the New Iraq. *Foreign Affairs* 85(1) 24–38.
- Efrati, N. (2012) *Women in Iraq: Past Meets Present*. Columbia University Press: New York.
- Equality Now (2021) [Iraq – Penal Code No. 111 of 1969](#). November 4. 30.11.2021.
- Fornara, L. (2018) Islam’s (in)compatibility with the West?: Dress code restrictions in the age of feminism. *Indiana Journal of Global Legal Studies* 25(1) 463–494.
- Gadd, K. (2016) [Understanding affects in the lives of street children](#). *Social and Cultural Geography*

- Hegland, M. (1995) Shi'a women in Northwest Pakistan and agency through practice: ritual, resistance, resilience. *Political and Legal Anthropology Review* 18(2) 65–79.
- Human Rights Watch (2021) [Iraq. Events of 2020](#). 20.11.2021.
- Ismael, J. (2014) Iraqi women in conditions of war and occupation. *Arab Studies Quarterly* 36(3) 260–267.
- Ismael, J. & Ismael, S. (2008) Living through war, sanctions, and occupation: The voices of Iraqi women. *International Journal of Iraqi Studies* 2(3) 409–424.
- Johanssen, H. (2019) Breaking the cycle of shame in Iraq. *Policy Brief, Middle East Research Institute* 4(32) 16.
- Lafta, R. & Al-Nuaimi, M. (2019) War or health: a four-decade armed conflict in Iraq. *Medicine, Conflict and Survival* 35(3) 209–226.
- Merry, SE. (1988) Legal Pluralism. *Law & Society Review* 22(5) 869–896.
- Mohanty, C. (2011) Under Western eyes: Feminist scholarship and colonial discourses. In Ashcroft, B. (ed.) *The Post-Colonial Studies Reader*. Routledge: London.
- Philippopoulos-Mihalopoulos, A. (2013) Atmospheres of law: Senses, affects, lawscapes. *Emotion, Space and Society* 7 35–44.
- Piela, A. (2011) Piety as a concept underpinning Muslim women's online discussions of marriage and professional career. *Contemporary Islam* 5 249–265.
- Sadiki, L. (2004) *The Search for Arab Democracy – Discourses and Counter-Discourses*. Columbia University Press: New York, US.
- Sadiqi, F. (2016) Female perceptions of Islam in today's Morocco. *Journal of Feminist Scholarship* 11 46–60.
- Saliba, S. (2019) Rendering Iraq: State feminism, imperial feminism and women's rights under sanctions. *Western Libraries Undergraduate Research Award*. 17.
- Sousa Santos, B. (1987) Law: A map of misreading. Towards a postmodern conception of law. *Journal of Law and Society* 14(3) 279–302.
- Tedeschi, M. (2020) The body and the law across borders during the COVID-19 pandemic. *Dialogues in Human Geography* 10(2) 178–181.
- Tohidi, N. (1998) The issues at hands. In Bodman, H. and Tohidi, N. (eds.) *Women in Muslim Societies – Diversity within Unity*. Lynne Rienner Publishers Inc.: London.

Tschalaer, M. (2015) [Muslim women's rights activists' visibility: Stretching the gendered boundaries of the public space in the city of Lucknow](#). *South Asia Multidisciplinary Academic Journal* 11.

UNFPA (2016) [GBV Assessment in Iraq](#). 30.11.2021

United Nations Security Council (1991). [Resolution 661](#).

von Benda-Beckmann, F. & von Benda-Beckmann, K. (2014) Places that come and go – A legal anthropological perspective on the temporalities of space in plural legal orders. In Braverman, I., Blomley, N., Delaney, D. and Kedar, A. (eds.) *The Expanding Spaces of Law – A timely legal geography*. Stanford University Press.

Walby, S. & Olive, P. et al. (2015) *Stopping rape*. Bristol University Press: Bristol.

Zubair, S. & Zubair, M. (2017) Situating Islamic feminism(s): Lived religion, negotiation of identity and assertion of third space by Muslim women in Pakistan. *Women's Studies International Forum*, 63 17–26.

## Appendix 1.

The list of entries as the rights of women and the most important rights of women with the number of entries.

	<b>Woman's rights</b>	<b>Times mentioned as a right</b>	<b>Times mentioned as the most important right</b>
19	Right to overall freedom	37	18
1	Right to education	37	26
26	Right to equality with men	26	15
5	Right to work	23	17
8	Right to dignity	22	8
9	Right to be respected	20	9
12	Right to raise children (even after divorce)	14	12
7	Freedom of expression	12	3
32	Right to a life without (family) violence	12	17
6	Right to choose one's own partner	11	9
18	Right to independence	11	14
2	Freedom of opinion	10	11
30	Right to safety	9	5
46	Freedom from restrictions	8	3
40	Right to a life without parental interference	8	6
29	Right to justice	7	2
20	Right to peace	6	1
38	Right to a good life	6	5
42	Freedom of choice	6	13
36	Right to enjoy human rights	6	
52	Right to salary	5	2
15	Right to choose whether or not to marry	5	4
4	Right to a life without persecution	5	
11	Right to divorce	5	
45	Freedom from abuse and exploitation	4	5
28	Right to political representation	3	1
35	Right to non-discrimination	3	2
16	Right to inherit	3	
23	Right to leave the house	3	
47	Right to choose whether to veil or not	3	
50	Right to abortion	2	1
33	Right to engagement in all aspects of life	2	5
10	Right to decide whether or not to have children	2	
17	Right to use her own money	2	
37	Right to trust	2	
49	Social rights also for women	2	
51	Right to free movement	2	

	<b>Woman's rights</b>	<b>Times mentioned as a right</b>	<b>Times mentioned as the most important right</b>
21	Right to self-confidence	1	1
44	Right to travel with her children	1	1
13	Right to live	1	2
39	Right to survival of her kids	1	2
34	Right to state protection	1	3
3	Right to health	1	
14	Right to knowledge	1	
22	Right not to work	1	
24	Right to have hobbies	1	
25	Right to acquire things to meet her needs	1	
27	Right to economic empowerment	1	
31	Right to basic living requirement	1	
41	Freedom from threatening	1	
43	Freedom from humiliation	1	
48	Freedom of religion	1	
54	Transparency in everything		1
56	Right to be cared and to care		1
59	Right to social security		1
55	Right to respect herself as a role model		2
57	Right to income		2
58	Right to have nursery for the children		2