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Women's Rights and Islamic Law in the New Iraq Constitution
By Zainab Salbi

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The liberation of Iraq from Saddam Hussein should not mean the restriction of rights for women. Unfortunately, this might be the case if the reports of the new Iraq Constitution allow broad interpretations of Islam to govern women's lives.

From my experience in Iraq and conversations with Iraqi women from all socio-economic backgrounds, I know their identity is strongly linked to religion. I also know that the role of Islam in the Constitution is hotly debated. The wide range of diverse opinions has not been aired publicly because of security risks. Yet, an issue as critical as the role of Islam should not be negotiated behind closed doors without public engagement or input.

A handful of secularists are daring to call for a complete separation of religion and state. On the other end of the spectrum, many are arguing for a traditional interpretation of Islamic law and its influence in the Constitution. Still others want a middle ground.

The key questions today are: first, how will Shari'a be interpreted and, second, how will Iraqis close loopholes that allow fundamentalists use their interpretations to curb women's rights.

Leaving interpretation of these rights, which fall under the jurisdiction of civil or family law, up to religious authorities could be devastating. At stake are issues that affect women most directly, such as the right to custody of children, the right to inheritance and the right to divorce on the same grounds as men.

The new Constitution should contain non-negotiables that allow women's equal social, political and economic participation in the future of Iraq. The Constitution should support the rights of women at all levels of Iraqi society and uphold international human rights standards.

Everyone realizes this is an opportunity of a lifetime in Iraq's history. Iraqi women are clear about the need to protect their rights, regardless of their secular or religious convictions. In a survey conducted by Women for Women International in late 2004, 94% of the women in Iraq's three biggest provinces said they want to protect their legal rights in the new Constitution, whether or not the framework is religious or secular.

It is important to note that the words "secular" and "religious" are viewed and interpreted differently in Iraq than here. For many Iraqis, the Arabic translation of "secular" is atheism, a concept that is not culturally acceptable. Even Saddam Hussein's self-proclaimed liberal laws affecting women were based upon concepts of Islamic law, known as Shari'a.

While much of the consternation in the United States is about Shari'a in Iraq, it is important to remember that Islam is not inherently bad for women's rights, just as secular law is not automatically good. It is possible to use an Islamic framework to secure women's rights, as other countries like Morocco and Malaysia have.

Experts from those countries met with Iraq's Constitutional Committee members and Iraqi women and men leaders at a conference in the safety of Jordan in June. After hours of passionate and sometimes heated discussions about the role of Islam in the new Constitution, the Iraqi participants agreed that the Constitution should have supremacy over local and religious laws.

The Iraqis also recommended that women and men be given the same rights, protections and responsibilities. While everyone agreed that the Constitution should abide by international conventions previously signed by Iraq, including the Convention on the Elimination of All Forms of Discrimination

against Women, conference participants also insisted on maintaining a quota for women's seats in the government and increasing it to 40%, as inspired by international conventions, to replace the 25% quota that was granted for them in the Transitional Administrative Law, which currently governs Iraq.

In the last 13 years, I have worked exclusively with women in post-conflict regions, from Bosnia and Herzegovina to Afghanistan, from Colombia to the Democratic Republic of the Congo. The time after conflict provides women with a window of opportunity to redress past inequities and expand women's rights. I have concluded that to build stronger nations you need to build stronger women, from the grassroots up. Countries overcoming war and conflict have shown that when women are protected and engaged as full citizens in a country, the entire country fares better.

Women's rights must not be negotiated away in the rebuilding of Iraq, and most importantly, not in the Constitution - a document that will serve as an anchor for the country's future and set a standard in the Middle East. Ensuring women rights, within the rule of law and supported by interpretations from the Quran, the key indicator of success in establishing a free and prosperous Iraq.

The window of opportunity will quickly close for women - and for all of Iraq - unless constitution drafters agree on strengthening and protecting women's rights. This is a major stepping stone to building a strong country. Iraq has the chance to seize the opportunity.

Democracy May Set Back Arab women By Trudy Rubin

Philadelphia Inquirer
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As the democracy debate intensifies in the Middle East , many Arab women are asking this question: Will democratic elections mean that our freedom will be curtailed?

If this concern seems strange, consider the story of Salama al-Khafaji, a courageous dental surgeon who risked her life to run in Iraqi elections. Her 17-year-old son was shot dead in 2003 during an attempt by insurgents to kill her, but she continued her work as a member of Iraq 's first interim governing council. A motorcyclist toting a machine gun nearly assassinated her during the election run-up in January.

Khafaji is a symbol of Iraqi bravery, but she also is a symbol of Shiite piety, who wears an enveloping black abaya that resembles a Catholic nun's habit, circa 1950. She ran on the victorious Shiite list endorsed by Grand Ayatollah Ali al-Sistani.

And she wants to replace civil laws on "family status" that affect women - laws on marriage, divorce, custody and inheritance - with Islamic laws that would roll back many rights of women.

Welcome to the new Iraq , where free and fair elections may have a negative impact on women. U.S. pressure ensured that every third seat in the Iraqi assembly was set aside for a woman. But the bulk of female candidates were selected by Shiite religious parties that believe women should be subject to religious law.

If other Arab countries follow Iraq and open up their political systems, this will bring more gains for religious parties in the region. This is because secular Arab parties have largely been discredited by association with dictators or corruption. In Lebanon 's "democratic spring" of street demonstrations, one of the strongest parties has been Hezbollah, a Shiite Islamic movement. In Egypt , which is witnessing a small political opening, a bigger opening would result in Islamic parties' gaining substantial power. When Islamic parties enter parliament, women's rights become a bone of contention. "Women are the bargaining chip," says Assa Karam, an Egyptian expert on Arab women's rights who works for the United Nations Development Program. Karam says that when Islamic parties are jockeying for power with secular parties or governments, "compromises on women's rights take place."

Thus, for example, contentious Islamist deputies in Kuwait focused on blocking women's suffrage. Thus,

in Iran in years past, when hard-line Islamists were frustrated with political gains by Islamic moderates, the hard-liners demanded more restrictions on women's dress code. When male politicians quarrel, women became the sacrificial lambs.

And thus, in Iraq, where the victorious Shiite list knows it can't impose religious law on all issues, it will likely focus on putting "family status" law under the control of clerics. Secular Iraqi politicians are likely to compromise first on issues relating to women as they horse-trade with religious parties on writing the constitution. This kind of compromise has happened before.

In Iraq, in late 2003, the interim Iraqi Governing Council (including some secular members) passed Resolution 137, which aimed to overturn Iraq's 1959 civil law on family status. This resolution opened the door to religious laws permitting polygamy, child marriage, and divorced mothers' losing custody of a male child at age 2 and a female child at age 7. Resolution 137 was overturned only after strong opposition by Iraqi women's groups and a threatened veto by U.S. occupation czar Paul Bremer.

But the United States cannot veto laws passed by an elected legislature. Every major official on the Shiite list supports the ideas of Resolution 137. When I interviewed Khafaji in her Baghdad office, she scoffed at the secular Iraqi women who opposed the resolution, whom she labeled "exile women with extreme liberal thoughts." She said Iraq's constitution must be "suitable for our society and customs."

So where does that leave Iraqi women's rights?

Fortunately, Iraq has a long history of activist women, among the most highly educated in the Arab world. They will fight to have a say on the drafting committee for the new Iraqi constitution. U.S. officials can help from the background, but that help shouldn't be too overt.

"The U.S. can press on the constitution," says Iraqi American Zainab Salbi, head of Women for Women International, a Washington-based organization with operations in Iraq and other strife-torn countries. "But if it is too loud, it will trigger a conservative reaction."

Yet at a time when religious parties are ascendant, pressure by secular women may not be sufficient to prevent women from being pushed back.

Salbi worries that secular and religious women aren't talking to each other. She says secular women must learn to couch their arguments in language understandable to religious ears.

A similar argument was made to me by Ferial Masry, a gutsy Saudi American woman who got 40 percent of the vote as a Democratic candidate for state Assembly in California in November.

Masry says Arab women who confront religious opposition must "reframe the discourse in terms [the religious] understand. It is important in conservative societies to have examples." When she explains to Saudi men why women should vote and run for office, she uses examples of powerful women in Arab history. And then she talks of her own experience as a Saudi woman running for office in the United States. Masry was lionized by Saudi women - and men, too - when she talked about her campaign experience during a recent visit to her native country, where women don't yet have the vote.

That effort to reframe the discourse might bear fruit in Iraq, where someone such as Khafaji insists that she wants to fight for more rights for women, but through expanding the definition of Islamic law. If Khafaji and her secular opponents could share their mutual concerns over the rights of women, perhaps they could find a way to join their efforts.

That may be a long shot. But unless secular Iraqi women (and the Western women's groups and U.S. officials who want to help them) can find a language the Muslim public can understand, Iraqi women may soon find their rights curtailed by Islamic parties - parties brought to power through the democratic vote.

U.S. Women May Find Equality Is Not Biggest Issue

By Jane Eisner

Philadelphia Inquirer

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Sameena Nazir came to the United States about a decade ago from her native Pakistan, a veteran of efforts to improve human rights in a country where 80 percent of women in rural areas were illiterate. At the time, the Taliban was tightening its oppressive grip on Afghanistan, preventing women from leaving their homes for school or work, and Nazir was eager to spread the word in the West.

But, much to her dismay, she found that few in America wanted to listen. "I could see how this was going to engulf the whole region, and it did, yet nobody here was doing anything," she said. "It was not on anybody's priority list. It was very frustrating." The raw indifference that greeted Nazir and others in the mid-1990s has melted into concern and understanding today in an America wounded and chastened by terrorism and war. Now there is interest in the plight of women in those Muslim countries where religious law and local customs conspire to deprive them of basic human rights.

We know about female genital mutilation in Nigeria, and women barred from the polls in Saudi Arabia, and the female activists slaughtered by insurgents in Iraq. Nazir, a senior research coordinator for Freedom House, a nonpartisan advocate for democracy, was on Nightline on Wednesday, talking about an outrageous case of a gang rape in Pakistan in which all the perpetrators were somehow let free.

Attention is finally being paid. That's the happy news. More complicated is the fact that even the most well-intentioned attempt by Americans to help women in the Muslim world is now tainted by the suspicions generated by war and occupation. Women for Women International, which helps American women correspond with and financially support women in nations torn by war, had to suspend its letter-writing program in Iraq. It is too dangerous for women there to be in possession of a U.S. postmark.

A further challenge is to focus on what actually might help, not hinder, the improvement of women in societies where conventional Western feminist political rights may be not nearly as important as education, economic empowerment and social support. Americans "have a political burqa," says Iraqi-born Zainab Salbi, the dynamic president of Women for Women. "Have you ever worn a burqa? It makes you see in only one direction. We need to understand the reality of these women. We need to compete in the same way as religious establishments are competing for their hearts and minds." Salbi illustrates her point this way: The Taliban would go to a widow with eight children and offer her a sack of rice if she relinquished one child to an Islamic fundamentalist school. "We can talk about feminism as much as we want," she adds, "but if we don't compete with that sack of rice, we're just talking. When you are hungry you don't think about politics. It's very arrogant of us if we don't reach out to the tangible needs of these women."

Foreign occupation and armed conflict also become issues of women's rights, because of the economic deprivation and political tumult that ensue. "When you have civil war or internal insecurity, the normal mechanisms of life and government are disrupted," Nazir says. "A lot is done in the name of security, and women become more vulnerable." As much as we try, it is difficult for many American women to understand such conditions, to imagine managing a household without electricity 22 hours a day, or when a husband is abruptly forced into military servitude, or when work and study are banned. Michelle Weisberg of Ardmore has corresponded for years now with a series of "sisters" in Bosnia through Women for Women's program. She has learned how much she has in common with mothers in a distant land, but she also has been struck by something else. "I was surprised by the hopelessness they feel in terms of having control over their own lives," she says. "These are bright, intelligent women, yet the overall devastation they've lived through makes a great impact."

My conversation with Weisberg surprised me in another way: How quickly I had forgotten about Bosnia, a society strafed by war a mere decade ago. Our collective amnesia helps us move on, but it also contributes to an American willingness to invest in a crisis only until the next one erupts.

The Center for the Advancement of Women surveyed U.S. women in the fall of 2002, a year after the Taliban fell, and found that interest in women's rights in Afghanistan already had significantly declined.

"There's more education and awareness today about women's rights," says Faye Wattleton, the center's president. "But I make a distinction between that and consciousness, a commitment to do something." Let's hope we won't have to make the same plea to remember and act a decade from now.

Contact columnist Jane Eisner at 215-854-4530 or jeisner@phillynews.com. Read her recent work at <http://go.philly.com/janeeisner>.

In Baghdad, women fear everyone

By **Joan Ryan**

The San Francisco Chronicle

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Zainab Salbi is the kind of woman who, in Hollywood, might star in movies with motorcycle chases and leaps from rooftops and the bad guys tossing up their hands in defeat. You wouldn't think this about her right off. She is soft-spoken and slight. Her pixie haircut frames high cheekbones and an easy smile.

But she has the quiet fearlessness of someone who has seen things. She grew up in Iraq during Saddam Hussein's brutal regime and was a teenager when bombs fell during the 1991 Gulf War. In her job, she slips in and out of war zones. Bosnia. Afghanistan. Nigeria. Congo. Colombia. She has talked about her work on "Oprah" six times, the most recent on Monday. She is featured this week in U.S. News & World Report.

A recognized force for women's rights and self-sufficiency in war-torn countries, she is not easily shaken.

But over lunch in San Francisco this week, she said her recent visit to Baghdad from her current home in Washington, D.C., was unlike anything she has experienced. She so feared assassination she slept in a different house every night. For the first time in her life, she covered herself with a traditional Muslim scarf when she went outside, afraid of the religious fundamentalists who have been attacking, kidnapping and killing women in professional and leadership roles.

Salbi knows 14 Iraqi women -- businesswomen, translators, activists, journalists, public officials -- who have been slain in the past 10 months. While Salbi was in Baghdad in October, one friend, a pharmacist, was kidnapped and killed; her body found 10 days later on a highway. Her head had been wrapped in a scarf, something she never wore.

"Men in suits with machine guns came at around 7 o'clock to the pharmacy, handcuffed and blindfolded her right in front of everybody," Salbi said. Professional women are hiring protection, but, Salbi said, "most of the time, you're scared of your own guards. They're often informants, passing on information about what you're doing and talking about, where you're going. You're afraid of everyone."

The violence, Salbi says, has consequences far beyond the personal tragedies. It has driven many of Iraq's most prominent and talented women into their homes and out of public life, just when their participation in reconstructing the country is so crucial.

Salbi, 36, knows better than most -- having witnessed, in country after country, what happens after wars when women are marginalized -- that Iraq can never succeed as a democracy if women are not instrumental in shaping the new Iraqi constitution this summer.

"I call it Code Orange in Iraq right now," said Salbi, president of Women for Women International, the D.C.-based organization she founded 10 years ago. "Women are barometers for how a society is going. Bad things in a society always start with women, and good things, too."

She cites the Taliban as an example. When women were being persecuted, few paid any attention.

"People saw it as something that just impacted women," she said. "So we left it alone."

But eventually the violence spread, turning Afghanistan into a toxic culture that bred a brand of terrorism that landed on our own doorstep. "In hindsight, you can see how it all started with women. I see it in all these places, a pattern that starts with women and spreads. Women are the softest door. The kitchen door. Nobody pays attention when it's opened."

She showed me an excerpt from a 2004 policy brief titled, "Can Iraq Be Democratic?" prepared by a senior fellow at the Cato Institute. It says that in societies in which women play a subservient role to men, men also find themselves playing subservient roles to other men, and "meritocracy takes a backseat to connections and cronyism."

Conversely, study after study has shown that when women begin to be educated and incorporated into government and business, the entire society prospers.

Women make up 60 percent of Iraq's population. Yet when the Interim Iraqi Governing Council was established in 2003, only three of 25 members were women. No women were appointed to the Fundamental Law Committee. No women were appointed governors of any of the 18 provinces. Only one woman was appointed to lead any of the 25 government ministries.

On Sunday, Iraqis will elect 275 members to the National Assembly, which will draft a constitution. One-third of the candidates are supposed to be women, so presumably one-third of the elected membership will be women. But Salbi says the fear of abduction, rape and homicide not only is likely to keep female voters from venturing to the polls in large numbers, but it could keep the women who are elected to the assembly from serving as strong and outspoken members.

If Iraq's women have no voice, there is no democracy.

"The way women go," Salbi says, "the whole society goes."

Joan Ryan's column appears Thursdays and Sundays.

E-mail her at joanryan@sfchronicle.com

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Worrying about Iraqi women

By **Vicky Hallett**

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Growing up in Baghdad, Zainab Salbi, 36, was educated, wore whatever she wished, and had a strong role model in her working mother. She left for the United States just before the Gulf War and in 1993 founded Women for Women International, a group that provides emotional and monetary support for women in combat zones. Earlier this month, her group released its survey of 1,000 Iraqi women. Nine out of 10 remain hopeful despite the instability in the wake of the U.S. invasion.

What are Iraqi women hoping for?

The goal has shifted from a picture of what we want Iraq to look like to a series of micro-goals. The hopes have shifted to being able to send kids to school and being able to leave the house and not getting killed by a bomb.

It seems that women have been targeted by insurgents. Why?

Educated, middle-class women who leave the house in outspoken attire--they are being hit. Women are starting to retreat. If women go back home, we will lose. We will become much more conservative. Women [need to be] involved in the framing of the constitution, because when women are not negotiating, they are negotiated.

What do you predict for Iraq?

I'm one of those people who were very optimistic. We're not there. I don't want to say we failed, but I don't know how to snap out of it. I know a man who owns a factory, his wife is a professor, and they have a child. Now the factory is closed, she can't go to work, and their child can't go to school. You try to scramble for pieces of hope, but whoever can leave Iraq has left Iraq. I'm afraid women will retreat, but I understand why. The last time I was there, a few months ago, I completely covered my head. That's something I never did in Iraq. I was so scared for my safety.

One Hope At a Time: Building Afghanistan's Future

By **Joyce Lehman**

World & I: Innovative Approaches to Peace

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While living as a refugee in Pakistan, Mina Gul learned to make soap to sell in the market and so earned a small income. After 2001 when she could safely return to her home in Afghanistan, she sold the equipment. But without the small amount of capital she needed to start up again, she was dependent on her family. In July 2004, she borrowed 10,000 Afghanis (about \$200) to purchase the needed equipment and materials and could once again make soap to sell in the village. Shila stayed in Afghanistan during all the wars, but her husband left five years ago for Iran. The promise of money for her and their young son did not materialize. At age 10, he began working as an apprentice shoemaker, and for the past three years he and Shila have been making shoes together. With loan funds, she bought more raw materials and also will set up a small shop for her son. Shila does the sewing, and he finishes and polishes the shoes. Mina Gul and Shila are two of the 500 women in postwar Afghanistan who are clients of the microfinance program started by Women for Women International in April 2004. The Washington, D.C.-based organization has been in Kabul since 2002, providing services to women through its core programs of direct aid, rights awareness training, vocational skills training, and income-generating support.