

Women's Rights Under Scrutiny

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New parliament is expected to debate legislation that diminishes the status of women.

When Shanaz Osman was asked to be a witness for a friend's marriage, the judge asked her to find another woman to be a co-witness or stand down and allow a man to perform the role instead.

Under Iraqi personal status law, certain civil legal proceedings recognise a woman as being worth only half as much as a man. Accordingly, Osman needed to find another woman to be considered as equal to one man. In the end, her sister accompanied her to the marriage service.

"I'm surprised by the incorrectness of the law," said Osman. "As a woman, I'm considered to be half a witness for some legal issues, while other legal proceedings consider me to be a full witness."

Personal status legislation, which deals with issues such as marriage, divorce, custody, inheritance and other related topics, follows traditions laid down in Islamic law. In many family-related proceedings, a woman is considered to have half the status of a man. In criminal cases, however, male and female witnesses are acknowledged as equals.

When family members die, women are eligible for only half the inheritance that their male relatives receive. Zhian Ali was awarded half the estimated value of her father's estate, even though she spent a large part of her salary buying appliances and furniture for the family's new home. "I did not even get half the money I spent on the house," she said.

The personal status law is one of many issues that will be considered when parliamentarians begin drafting a permanent constitution, a key function of the new National Assembly. Last year, plans to annul the controversial legislation were put on hold by the interim Iraqi Governing Council.

The outgoing human rights minister Baktiar Amin said that dealing with the personal status law would be a daunting task for Iraq's lawmakers.

"Striking the right balance between society's traditions and norms on one hand, and human rights and civil liberties on the other will be the main challenge for those drafting the constitution," said Amin.

There's likely to be strong resistance to a change in the law. Soran Mahwi, a lawyer, is among those who do not feel it's unfair. He argues that when a man marries a woman, he has to support her. Therefore, when his father dies he should be entitled to more of the estate than female members of the family.

Advocates of a reform of the legislation say that with the drafting of a permanent constitution there's never been a better opportunity to lobby for change.

"Rights must be fought for. They are not given," said Sairan Abdu-Rahman, a female lawyer. "We women jurists must be assertive in demanding our rights. We must fight the biggest part of this battle, because we have more legal awareness than other women."

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