**Amendments to the Iraqi Personal Status Law No. 188 of 1959, as well as other laws, and the terrifying repercussions of amending them to further adhere to sectarian extremism**

**By Pascal Isho (Warda)**

**Chairperson of the Hammurabi Human Rights Organization**

**Ambassador of Peace for the International Women's Peace Group (IWPG)**

**Member of the Advisory Group for Iraqi Women to the Head of the United Nations Assistance Mission for Iraq - Baghdad**

**Former Minister of Migration and Displacement**

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If we start with a definition of the Personal Status Law, then in a nutshell we can say: It is a set of legal rules that regulate the relationship between individuals, in terms of lineage and marriage and what results from it in terms of affinity, birth, guardianship, custody, and mutual rights and duties, and what may befall them in terms of dissolution, which entails rights to alimony, custody, inheritance, and wills.

This law, which has undergone several amendments since its enactment in the last century, has not been without several amendments. But the most important thing is that the amendment should be for the sake of development, not for the sake of regression or the legal violation of the dignity and rights of the human being subject to this law. It is worth noting that this law is the closest to civil among the personal status laws in the Middle East, although it has clearly been bound by the principles of Islamic law. We reviewed some of the previous amendments through which we reached the conclusion that the amendments did indeed carry within them the priorities of the leadership and religious authorities of the dominant group. The case, for example, is the repealed Governing Council Resolution 137 of 2003, which was repealed, is conclusive evidence of this issue, as it aimed to repeal Personal Status Law No. 188 of 1959 and replace it with Islamic law, considering that the political majority is from the religious parties of the Shiites. However, the comprehensive feminist rejection, consisting of the voices of women from all Iraqi sects, including, in fact, the largest number of them were Shiites. With these unified efforts, this decision was canceled by working to expand awareness among decision-makers and organizing demonstrations rejecting the cancellation of the law and demanding the cancellation of Resolution 137, in addition to imposing a constitutional percentage of no less than 25% in the Legislative Council, out of the demands that were originally: 40-50% for women in all decision-making and administrative circles.. Thus, women opened the door of salvation for the Personal Status Law before it was exposed to its last breaths, before the Iraqis took power from the United States administration, which headed the international coalition in Iraq led by Ambassador Paul Bremer.

It is certain that the amendment strategies by religious parties marginalized politically vulnerable groups such as women and national and religious minorities in the country. However, it can be said in general that previously, most of the amendments were initially aimed at development and making things closer to the civility of Iraqi society, such as the articles related to women and their right to custody of their children, leaves to devote them during the period of childbirth and the first months of motherhood, and establishing nurseries in or near departments to help working mothers follow up on their children during working hours, free education for children until university age, and setting the age of marriage initially at 18 years and not 9 years as those demanding the imposition of this amendment claim.. These are among the rights that we adhere to in the Personal Status Law, which should not tolerate violent extremism based on sectarian differences. It must be amended like other discriminatory Iraqi laws in some of the following mentioned articles regarding the religiously different other, and I mention some of them: 1- Discrimination on the basis of religion is clear and represents a blatant, codified violation regarding the acceptability of marriage to a woman of the book by a Muslim man or woman and preventing that for a non-Muslim to marry a Muslim woman or man! Meaning, "the street is one-way, mandatory"! This case was mentioned in Personal Status Law No. 188 of 1959, Article 17: "A Muslim man may marry a woman of the Book, but a Muslim woman may not marry a non-Muslim." Where is the justice here? 2- Article 29 of the Constitution states:

First: A- The family is the basis of society, and the state preserves its entity and religious, moral and national values. This means only Islamic religious values ​​without other religions, since a minor child is forced to change his religion by law, as stated in Article 26 of the Unified National Card Law No. 3 of 2016. While what is in effect is that the child is not able to make a decision. This article confirms the movement of retrogressive amendments. Until 1971, in Article 21 of the repealed Civil Status Law, it stipulated only in the case of the father converting to Islam.. So the loss was relatively less for the family that falls into this predicament. From the aforementioned date, the situation went from bad to worse, as neither the interest of the child nor the interest of the family concerned was more important in the view of the author of the text than imposing Islam arbitrarily on the minor when one of the parents converted to Islam. B - The state guarantees the protection of motherhood, childhood and old age, and cares for the young and youth and provides them with the appropriate conditions to develop their talents and abilities. However, from the above it became clear that non-Muslim children are not considered to have the right to "childhood and the development of their talents and abilities", i.e. they do not have the special right to avoid their psychological stress before the age of puberty, mental maturity and the intellectual ability to choose freely, contrary to what is stated in the Penal Code, 111. When a child commits a crime or any felony, as a minor, he shall not be sentenced to death or cruel treatment, etc., considering childhood during that sensitive period of a person's life. From here the question to Article 26 above: Are non-Muslim children not children? And Constitutional Article No. 14 "Iraqis are equal before the law?" In addition to Iraq's commitment to the Convention on the Rights of the Child and all texts that represent the international bill of human rights and also those that constitute international human rights law. When then will these very old articles be amended and inspired by the spirit of international law based on preserving human dignity and respecting his right to life, freedom and equality before the law? Because this lack of justice, even in the event of issuing a special law for the personal status of Christians or other religious minorities, is hampered by Article 2: A) of the Iraqi Constitution, which states that “No law may be enacted that contradicts the constants of the provisions of Islam” and marginalizes the subsequent paragraph with: “No law may be enacted that contradicts the principles of democracy.”

3- As for the issue of religious freedom, which is going from bad to worse, the codification of the violation is imposed using arguments of Sharia, while there is no text in Sharia that clarifies this!

4- The National Card Law states in Article 26: A: The state guarantees “the freedom to change religion for non-Muslims.” Here we must not understand that the overwhelming majority of Iraqis are Muslims, and they have no right to choose their religion because Penal Code 111 practices the punishment of apostasy against them, i.e. the death sentence. These unjust laws derived from temporary constitutions in previous regimes must be amended, and most of what the current constitution requires of laws has not been addressed by legislators to date.

Let us not forget that the discriminatory laws above are the main reason for the Iraqis’ conviction Non-Muslims, and even Muslims, have outnumbered other religions in terms of their emigration because they also dream of religious freedom and freedom of opinion, etc. They are just like others who are convinced that the solution is to emigrate and leave the country even without liquidating their property, especially Christians. It has become clear to the public that the property of Iraqi Christians is not being bought at the prevailing prices, and so are other religious minorities, who say, “They will leave it and emigrate and we will take it for free!” The evidence for this is the thousands of Christian homes in Baghdad and other cities, which were previously seized by the regime and the people, and are currently seized by influential people, citizens, and even neighbors! They are all cheering the weakness of the Christian presence currently because, in their belief, this enables them to seize their money and property for free. In this regard, years ago, our organization Hammurabi for Human Rights submitted a significant number of cases that included complaints from their families to the Supreme Court, whose spokesperson said, "The numbers are increasing and the issue unfortunately began in the 1990s in the Kurdistan Region, Baghdad and other locations."

Thus, this escalation indicates that there is a specific strategy, the firewood of which is religious minorities in particular.

Perhaps this is the case in all Middle Eastern countries, and what we are anticipating in Syria, we hope will be different from what we fear in light of regional conspiracies and international interventions.

All of the above paradoxes have nothing to do with the reality of the concept of law itself, since the first foundation of law in the world, which is the Hammurabi Code, the subject of law has been to organize society and not to differentiate based on religious, national and sexual affiliation, but rather with the aim of bringing it out of chaos and curbing the power of the strong over the weak. Thus, Hammurabi enacted laws derived from the traditions and customs that were in effect in Mesopotamia at that time, to make human life together a possibility governed by justice and mutual respect in a system that establishes human coexistence. It is worth noting that Hammurabi's Code, in some articles, was extremely violent, such as the article "an eye for an eye and a tooth for a tooth", etc., because this was the reality of what was in effect at that time, i.e. it can be believed that the context and balance of commercial exchange itself, such as selling wheat and other agricultural crops, by exchanging one commodity for another from crops, could have achieved justice according to their legal belief at that time. This was in effect instead of paper money. About two thousand years BC, the King of Babylon established the first, most ancient and most complete legal systems in the history of ancient civilizations. The law contains 282 articles, 50 of which are for crimes and their penalties. Then, after the invasion or what is known as the Islamic conquest, criminal legislation became applicable in the country and continued to be applied during the rule of the Ottoman Empire from 1534 until the issuance of the Ottoman Penal Code in 1858 AD. With the end of Ottoman rule with the dismantling of the empire, its state ended in 1922, when the last Ottoman Sultan, Muhammad VI, was overthrown. The British occupation of Iraq began at the end of World War I, when the Commander-in-Chief of the British forces issued the Baghdad Penal Code, which became effective from the beginning of 1919 and remained in effect until the issuance of Local Penal Code No. 111 of 1969 AD, which entered into force on July 19, 1969 AD. It was amended and remained in effect until 2003 AD, after which the Director of the Coalition Authority issued three orders regarding the Penal Code, and suspended the death penalty, as well as the provisions of Articles 200, 221, 222 and 225. With some other amendments, then after the dissolution of the Coalition Authority, the Iraqi Interim Government issued Order No. 3 of 2004, which stipulates the reinstatement of the death penalty by hanging for civilians convicted of premeditated murder and other crimes. In contemporary Iraq, we find a strange phenomenon in the legislation of Iraqi laws: there is always something resembling a partial understanding of the concept of unification of the country that King Hammurabi did. This unification is understood as meaning the erasure of the ethnic and religious diversity of weak groups, in favor of strengthening the religion of the majority at the expense of minorities. This is often presented as duties and rights imposed on everyone, as they are calculated according to the religious law of the majority without allocating room for diversity for the rest of the groups in the law itself. This is whether for marginalized groups such as women and children, or for the various religious and ethnic minorities that the Ottomans confined to the narrow-sighted millet system. We are not surprised today by the lack of understanding of the nature of democracy and the political ability to practice the federal system in the shadow of a young democracy. Sometimes the federalization of the country is prevented under the pretext of division, and other times federalism is considered as if it were independence or close to it, as is the case in the Kurdistan Region today.

Without a doubt, this is and still is the deep-rooted influence resulting from the influence of Ottoman thought, whose occupation of the land of Mesopotamia lasted for a long time. Praise be to God, on 3/11/1917, the era of Ottoman rule in Iraq, which lasted for about 4 centuries of backwardness, hunger and feudalism, ended, and its methods and culture deeply entered the thought and behavior of Iraqis in general and Muslims in particular. We see this through the reality of Iraqi laws, where even if marginalized groups are mentioned in passing, they are often symbolized in an unimportant way and with a negative spirit that lacks real legal texts, or there was no positive reference in their favor at all, as is the case in the text of the Personal Status Law, especially with regard to religious minorities. The old law (the Law of Materials) was adopted regarding marriage, separation or annulment. In the case of Christians, churches are the ones that issue the endorsement of what is equivalent to (the church marriage contract) which the judge authenticates in the original in the Personal Status Court and adopts in the marriage file which also becomes a civil record and accordingly issues the marriage certificate and not the marriage contract. In any case, marriage in Christianity is a covenant and not a contract.

It is clear from the absence of legal articles specific to minorities in the text of the Personal Status Law, even in the new constitution, Article 125 on cultural and political rights: "This constitution guarantees the administrative, political, cultural and educational rights of the various nationalities, such as the Turkmen, Chaldeans, Assyrians and other components, and this is regulated by law." However, this article remained a marginalized article, an orphan that remained like ink on paper without any law that interprets these rights administratively, nationally, culturally or politically.

As for the share or percentage assumed to enable minorities to participate politically, especially Christians (5) seats in parliament, it has gradually turned into a means to include these minorities in the majority by exploiting them by the options of the main currents. Linguistic rights have also remained ink on paper in most areas. All this is evidence of an approach that lacks justice and sincerity, as if the law imposes the erasure of the civil identity of those who do not belong to a religion other than the majority religion.

Thus, the subject of laws in Iraqi thought has always carried in its priorities the intention of holding people accountable more than the intention of solving a specific problem with a law that regulates their lives. In the administrative corridors, this reality appears through the deadly administrative routine and the lack of will to complete citizens' cases with the required speed, which leads to employees procrastinating in their rights, and even resorting to old laws to prove cases that are not related to the subject, not to mention the difference in procedures between the service provided to the influential and what it provides to former officials and ordinary citizens. The biggest paradox is that when a decision is issued in favor of the authority, it is implemented without any delay, while decisions often rise above the law and even the latter changes magically if necessary, when a decision is issued in favor of the citizen! This is what was achieved in the new retirement law, where the official in charge of the service, such as the former minister, for example, was considered an employee! This is not true anywhere in the world, as the minister's service is short and its security, moral and dangerous requirements are immeasurable. Rather, his burning in front of society created for him and his family a kind of isolation and a need for precautionary protection from targeting him and his family. Therefore, the law is supposed to achieve justice and must contain articles that attest to the possibility of preventing a legal violation or a crime. If, in any case, a crime occurs and the person falls under the law, we must not forget the sanctity of human dignity, which must be a top priority. This means that even when sentencing to death, there must be humane behavior required from those responsible for implementing the law, out of respect for the value of the human being when convicting him with a penalty, even in the case of the most severe penalties. It is clear from all of the above that Iraq, as it is throughout its long history, has always gone through transformations, most of which had negative effects on the citizen due to the influence of the legislator, decision-maker and even the law enforcer, by the spirit and culture of numerous invasions that often practiced oppression, starvation and exploitation of the people, especially during the Ottoman occupation, when the country's wealth was looted and plundered, including the ancient antiquities currently found in all countries of the world due to the lack of protection and ignoring their historical importance. The liberation of Iraq from the Ottoman occupation, and then its liberation from the British mandate that lasted from 1914 to 1932, opened new horizons for it to establish its position in the outside world and join the League of Nations in 1932. It was the first Arab country to get rid of the mandate and join the League of Nations, and thus the establishment of the United Nations in 1945 in San Francisco.

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We conclude from the above that Iraq rose despite all the harsh circumstances after the occupation of the international coalition led by the United States and Britain in 2003, and continued to rise despite the unjustified delay in reconstruction and the lack of guarantees of civil peace and despite the sectarian chaos that spread at that time to the point that it led Iraq to a kind of civil war between Iraqis, starting with targeting Christians in Baghdad and Mosul before the end of Al-Qaeda, then the sectarian war between Sunnis and Shiites, then the excommunication of Christians, Yazidis and others of different religions and their exposure to forced displacement, captivity and sexual slavery, especially during the period of ISIS’s invasion of Iraq 2014-2017, where the most heinous types of genocide were practiced against Yazidis and Christians. During this dark era, ISIS also enacted unjust laws in Mosul and the areas that fell under its control, where it began to destroy the Christian heritage in Mosul, starting with the demolition of churches, some of which date back to the first centuries of Christianity, the captivity of Christian women as also happened in the Nineveh Plain, issuing orders to pay the jizya, imposing Islam by force, and annihilating entire areas and encroaching on Christian homes in Mosul, marking them with the letter “N” which means “Nazareans” according to Islamic books.

References: - The Iraqi Constitution of 2005

- Penal Code No. 111 of 1969

 - Personal Status Law No. 188 of 1959

- Unified Retirement Law of 1917

- Wikipedia regarding the historical part and numbers

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