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## US War Crimes: The Continuing Deterioration of Women's Rights in Iraq

By Haifa Zangana

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*The following text published by the Brussels Tribunal is Haifa Zangana's presentation to the European Parliament in Brussels on 29 January 2014.*

“The regression in women's situation is so devastating that she has reached the bottom of human needs. Just to survive.” Haifa Zangana

The National Iraqi News Agency reported on Fri 24<sup>th</sup> January that the Iraqi military's mortar shelling the night before left 4 people dead and 32 more injured “including women and children” and Saturday's military shelling of Falluja left 5 people dead and 14 more injured — “most of them women and children.” Falluja General Hospital was shelled as well.

Iraqi's government assault on Anbar continues. Maliki's Collective punishment is called “Revenge for the martyr Mohamed” which was preceded by a campaign with the title: “Revenge for martyrs”.

And the attacks have been indiscriminate leading many civilians to flee. – The UN refugee agency on Friday reported[1] that more than 65,000 people had over the past week fled the conflict in the cities of Fallujah and Ramadi in central Iraq's Anbar province. Since fighting

broke out at the end of last year, more than 140,000 people have been made homeless by fighting according to Iraq's Ministry of Displacement and Migration.



This number comes on top of the 1.13 million people already internally displaced in Iraq and who are mostly residing in Baghdad, Diyala and Ninewa provinces.

“Many of the displaced, nonetheless, are still in desperate need of food, medical care, and other aid. As the insecurity has spread, many families who fled several weeks ago have been displaced again,” according to the UN.

The UN in Iraq has asked the government to facilitate the opening of a humanitarian corridor to reach displaced and stranded families in Anbar province. Currently, it is impossible to reach the area from Baghdad and relief agencies are using roads coming from northern Iraq.

Why am I talking about this and not about workshops for women's empowerment and gender equality and political participation? Because in order to fully address women's issues and come with helpful policy suggestions, we need to address women not as separate from the rest of society, but as a part of it together with men.

.. and allow me to read the rest of the report :

“Other areas of Iraq including Baghdad, Erbil, Kerbala, Salah-al-Din and Ninewa have witnessed the arrival of thousands of displaced people. People are reportedly without money for food and lack suitable clothing for the rainy conditions. Children are not in school and sanitary conditions, particularly for women, are inadequate.”

The suffering of the displaced is far beyond the sheer loss of a house, it is the loss of neighborhood, community; schools and health services, the feeling of safety associated with family ties and in the long run the submission to the newly manufactured identity . The lack of one of these or the combination of all leads to extreme levels of trauma, fear, depression, anxiety and Post Traumatic Stress Disorder[2].

The regression in women's situation is devastating.

I will focus on violence in the public sphere and how it became so prominent that women have been forced to give up hard earned rights, such as employment, freedom of movement, abolition of polygamy, and the right to education and health services, seeking instead, protection for themselves and their families.

The occupation of Iraq in 2003 left Iraqi women in a terrible state of regression on two interrelated levels. The first level is relevant to women as citizens in an environment that lacks guarantees and protection by a credible national criminal justice system embodying international standards. This subjects women as well as men to violations of their human rights.

The second level is to do with gender-related violence in public which is particularly relevant during occupation, war and armed conflict, often providing the context for sexual abuse, rape, and trafficking of women and girls.

***Iraq “remains in a state of low-level war” with nearly 9500 civilians were killed in 2013.[3]*** ***The right to life and physical security*** are the first casualties of the current “ low level war” affecting women as citizens whether the violence targets them directly (physically) or indirectly (the killing of their children or male relatives leaving them as heads of households). War and occupation have claimed over a million Iraqi lives,[4] thus leaving behind an approx million widows and 5 millions orphans.

## **Widows**

Widows often queue at doors of social welfare offices for months on end for their application forms to be processed or to retrieve insufficient payments. Women wander the streets “to sell cheap goods, or stand at the gates of mosques and other religious institutions with the hope of receiving some distributed items—whether blankets, clothing or food products.

The phenomenon of women begging in the streets has become commonplace in Iraq. Invariably, the government's response is to arrest them and throw them in prison, Instead of finding permanent solutions to lift them from this suffering.”[5] Only 120,000 are estimated to receive State aid. A widow's monthly aid is \$85, while the average monthly rent is \$210.

## **Employment**

In the private sector only 2% of all employees are women. 10% of households are headed by females who are widowed, divorced, separated, or caring for sick spouses. They represent one of

the most vulnerable segments of the population and are more exposed to poverty and food insecurity as a result of lower overall income levels. ( UNAMI fact sheet 2012)[6].

According to the IKN survey, only 14 percent of women are working or actively seeking work, compared to 73 percent for men. Those who are employed are mostly working in the agricultural sector, and women with a diploma have a harder time finding jobs: 68 percent of women with a bachelor's degree are unemployed. [7]

This is happening while every week, an estimated \$800 million is unlawfully transferred out of the country[8], while Iraqis are left deprived of basic needs.

## **Death Penalty**

Iraq is currently host to one of the highest execution rates in the world:

1,300 prisoners are said to be on death row, women are among them[9], Some executions are carried out secretly. Under current Iraqi law, 48 offenses are subject to the death penalty.

Just in 2013, 169 people were executed, the highest such figure since the 2003 US-led invasion, placing it third in the world, behind China and Iran. On 21 January the Ministry of Justice issued a statement confirming that the authorities had executed 26 men on Sunday, making the total 38 hanged within four days. "AI also learnt that on the same day, the presidency's office ratified around 200 cases of people sentenced to death, paving the way for their executions to be carried out.

Most of those executed on Sunday, all of them Iraqi men, were convicted on charges of terrorism, under the draconian 2005 Anti-Terrorism Law."[10]

United Nations High Commissioner for Human Rights Navi Pillay likened Iraq's justice system to "processing animals in a slaughterhouse." She also mentioned that Iraq's justice system is "too deeply flawed to warrant even a limited use of the death penalty, let alone dozens of executions at a time," warning that the death penalty undermines efforts to reduce violence and achieve a more stable society. Torture, sexual abuse and the threat of rape and actual rape are frequently inflicted on detainees, regardless of their gender.

This is of concern in view of the lack of trials conforming to the minimum of standards of fairness and "well documented cases of confessions being extracted under duress." [11]

The effect of execution and holding male detainees without charge or trial for prolonged periods and often in faraway camps or prisons is disastrous on their women relatives, no matter how resilient they are, as the entire burden of running the household has been thrust upon them.

## **Education**

According to a 2007 Oxfam report, some 92 per cent of Iraq's children suffer from learning impediments.[12] Most of the school buildings are in a fragile state as a result of neglect, corruption.

This results in considerable damage including lack of drinking water and toilets – the lack of access to sanitary facilities places a particular burden on girls.[13] Some primary schools are left without desks or chairs for pupils and teachers.

Parents are reluctant to send their children to school for fear of violence as a result of both military attacks and gang crimes, e.g. kidnapping and rape. In addition to family poverty, the distance from home to school with lack of transportation and the need to help at home constitute additional obstacles.

In the case of higher education, kidnapping and targeted assassination of over 400 male and female academics[14] have forced thousands of other academics and teachers to flee the country. Their positions are replaced by mostly unqualified teachers and academics with forged certificates and degrees.[15] Their appointment, rather than being based on qualification and merit, is based mainly on sectarian favoritism and political loyalty to the regime. The lack of professionalism and standards in education inevitably result in poor teaching and by extension academic achievement by the students.

### **Women's political participation**

Article 47 of the Iraqi constitution, guarantees women 25% of the members of the Council of Representatives. This quota system has been applauded by women organisations and international community as one of the great achievements of the "New Iraq". This appraisal is made regardless of how little actual difference it makes to Iraqi women in general and how it has been used as a sheer token to cover up the volume of crimes committed against women under occupation.

The irony is that even this nominal step was neglected by the present government formed in late 2010. In fact, among the 44 Ministers, there is only one woman appointed as Minister of State for Women's Affairs. Furthermore, The Minister, Dr. Ibtihal al-Zaidi does not believe in equality between women and men in Iraq. "I am against the equality between men and woman", she told a local news agency. "If women are equal to men they are going to lose a lot. Up to now I am with the power of the man in society" she explained.[16]

Most female MPs have shown little interest in women's rights but rather focus on representing their sectarian party's policies towards women. In essence, they duplicate whatever their fellow male MPs already advocate. Concerns ought to be raised about the significance of having a female MP. [17] DR Jenan Al-Ubaedey, a female MP, for example, has been more committed than any other male MP to justify the beating of women and polygamy. "[18]

### **The right to demonstrate**

In June 2011, government-backed thugs armed with wooden planks, knives, and iron pipes, beat and stabbed peaceful protesters and sexually molested female demonstrators in Tahrir square in Baghdad as security forces stood by and watched, sometimes laughing at the victims.[19]

“The government responded to largely peaceful demonstrations with violence and to worsening security with draconian counterterrorism measures.... The government responded to increasing unrest with mass arrest campaigns in Sunni regions, targeting ordinary civilians and prominent activists and politicians under the 2005 Anti-Terrorism Law. Security forces and government supporters harassed journalists and media organizations critical of the authorities.”[20]

### **Gender based Violence in public space**

The lack of basic security in the streets, road blocks, collapsed health systems, water contamination and the feeling of fear, anxiety and despair are factors which affect mothers. Being able to give birth safely is becoming a privilege rather than a fundamental human right.

Roughly 38 per cent of pregnant women are anemic. Furthermore, in 2010, lack of donor funding has forced the United Nations to cut back on its humanitarian efforts in Iraq which means its food aid agency halting distributions will affect some 800,000 pregnant and nursing women and malnourished children, as well as up to 960,000 schoolchildren.[21]

The maternal mortality rate for Iraq remains the highest in the region. Of all maternal deaths, 80% can be potentially avoided by interventions during pregnancy, childbirth, and the postpartum. 47.7% of women reported difficulties in receiving health care from governmental health institutions due to lack of money to pay for services while for 40.6% it was difficult to reach the service.

### **Birth defects**

Young married women in Fallujah, West of Iraq, are increasingly reluctant to become pregnant for the fear of giving birth to monstrously deformed babies. In November 2004, US troops used white phosphorus bombs in their major offensives against the city of Fallujah.

Dr Chris Busby, a visiting professor at the University of Ulster and one of the authors of the An epidemiological study on Fallujah says:

“The people of Fallujah are experiencing higher rates of cancer, leukaemia, infant mortality, and sexual mutations than those recorded among survivors in Hiroshima and Nagasaki in the years after those Japanese cities were incinerated by U.S. atomic bomb strikes in 1945”[22]

Mozhgan Savabieasfahani, an environmental toxicologist at the University of Michigan’s School of Public Health and author of the book Pollution and Reproductive Damage, notes that increasing numbers of birth defects have also been seen in Mosul, Najaf, Basra, Hawijah, Nineveh and Baghdad. In some provinces, adds Dr Savabieasfahani, the rate of cancers is also increasing. She says:

‘Sterility, repeated miscarriages, stillbirths and severe birth defects – some never described in any medical books – are weighing heavily on Iraqi families.’[23]

### **Temporary marriage**

On the issue of personal status law (family law), attempts of superseding the advanced 1959 law with the introduction of a sectarian version of Shari’a Islamic law were thwarted in 2004. However, in the realities of a country where laws are neither adhered to nor are respected, Iraqi civil law is also not enforced.

Subsequently, a pre-Islamic cultural practice known as Muta’a (Pleasure) permitting temporary marriages, has been revived within the Shi’a community following the footsteps of Iran where this practice is widely practiced.

Iran has been actively promoting Muta’a since the “Islamic Revolution” of 1979, as essential for a society’s sexual health. Muta’a allows a man who wishes to have sex with a woman to “marry” her in the presence of a religious figure, who acts as a Muta’a broker. The man will specify how long the marriage will last, ranging from few hours to many years.

A small mehr (dowry) will then be paid to the woman. Such marriages have no protection or guarantees for women and their offspring in Iraq. Only a man has the right to renew the marriage upon expiration—for another mehr—or to terminate it early.

Temporary marriage and unregistered marriages in civil courts are now rife especially amongst poor women in Najaf and Karbala cities, the most revered places in Shi’a Islam. The marriages are conducted mostly under the protection and encouragement of religious institutions where seminars are hosted to promote temporary marriage to women. These seminars intend to convince women that such practice is acceptable and will, in fact, benefit the women.[24] Muta’a is seen by many Iraqis as a form of prostitution despite the religious legality.

### **Polygamy**

The other phenomenon which was rare in Iraq and has since witnessed a comeback is polygamy; a by-product of poverty, unemployment and women’s need for economy assistance and social “protection”.

Polygamy is promoted by some officials and politicians with the support of several religious groups as a way to address the issue of ever increasing number of widowed and unmarried women. This is despite the fact that polygamy is illegal unless there are exceptional circumstances which requires a judicial authorization.

In the West of Iraq, in the province of Anbar[25]for example, the Islamic party and some officials offer money to men willing to take more than one wife. The grant ranges between 750 American dollars to take a second wife, and up to 2,000 American dollars to wed women who had been married before[26]. Charities are sponsoring second marriages as well with the support

of some women organisations which see polygamy as a pragmatic step to reduce the dangers of prostitution.

However, other women and human rights organizations see polygamy as a political manoeuvre to cover up the plight of Iraq's most vulnerable women. They argue that widows and poverty stricken women need employment and monthly social welfare (as it used to be under the Baath regime), and micro-finance projects that would help women become self-sufficient, a near impossibility even in a resource rich country like Iraq.[27]

The effects of wide spread polygamy, no matter how it is marketed, will damage what Iraqi women have been struggling to get rid of for over a century. Combined with temporary marriage, it is a huge degrading step backward.

### **Trafficking in persons**

Although Iraq is a signatory of several UN protocols and pacts that protect human and labor rights, according to the 2011 Trafficking in persons (TiP) Report, Iraq is a source and destination country for men, women and children subjected to trafficking for begging, prostitution and organ trafficking.

For less than 16 years old girls, prices range from 30,000 US dollars; older girls attract the price of 2,000 US dollars. The traffickers are aided by sophisticated criminal networks that are able to forge documents and pay corrupt officials to remove impediments.<sup>[28]</sup> Girls as young as 10 or 12 have been trafficked from Iraq into countries including Jordan, Lebanon, United Arab Emirates and Saudi Arabia for sexual exploitation.

Other victims trafficked within Iraq end up in nightclubs or brothels, often in Baghdad. The large population of internally displaced persons and refugees moving within Iraq and across its borders are particularly at risk of being trafficked. In 2013, the US State Department released a report on human trafficking in the world, According to the US report, Iraq was categorized as a hotbed of human trafficking and smuggling from all over the world[29]

### **Torture and sexual violence**

Torture, sexual abuses and rape in Abu Ghraib and dozens of other Anglo-American camps and detention centres has continued in the hands of Iraqi forces under the control of the interior and defence ministries. These forces have been trained by US and British forces.

Detainees, in some cases, in the aftermath of Abu Ghraib scandal, were handed over to Iraqis to be tortured while occupation troops claimed no responsibility. This gave Iraqi security forces the green light to continue the torture tradition to coerce confessions that would lead eventually to the detainee's executions under Article 4 of anti terrorism law.

The sexual nature of torture, sexual abuses, and the threat of rape have become one of the terrifying "familiar" tools, practiced with impunity, against detainees regardless of their gender.



They are used to humiliate, break the will, control, and destroy deeply rooted cultural values such as honor; a value which is equally important for both men and women.

Numerous human rights reports document that women are subjected routinely to sexual abuse, torture and rape since 2003.

Women are detained for various reasons. There are women who have been arrested for “security reasons” accused of being terrorists, terrorist’s facilitators, potential suicide bombers, and ex-Baathists. Some are taken as hostages to intimidate or force their male relatives to admit crimes that they had not committed.

On 25th January 2009, the Minister of Women Affairs Nawal al-Samarrai said women prisoners were routinely beaten, abused and in some cases raped in both US and Iraqi prisons. Many women detainees have disappeared after being arrested by US and Iraqi forces and since their families do not report the cases it is difficult to give the exact figure of women detainees.

Minister Al -Samarrai added that political parties and militias hold sway over the courts and judges. The result of both is that prisoners often remain in prison indefinitely.

Classified government documents obtained by Human Rights Watch reveal that torture is systematic. Detainees endure wide ranging abuses during interrogation sessions usually to extract false confessions. If the detainees still refused to confess, interrogators would threaten to rape the women and girls in their families”[30].

Ramze Shihab Ahmed, a 68-year-old man with dual Iraqi-UK citizenship, was held incommunicado, tortured and raped with a stick after he traveled to Iraq to secure the release of his son Omar.

Both men were beaten, suffocated, given electric shocks to the genitals, and suspended by the ankles. Torturers also threatened to rape Ramze’s first wife, who lives in Mosul, in front of him, and threatened Omar that he would be forced to rape his father if he did not confess to killings. Both men signed “confessions”.[31]

### **Role change**

Women, have had to step out to protect their families, and to carry out the necessary daily tasks, some of which have traditionally been associated with men, such as burying the dead and searching for their missing male relatives in morgues.

Queues of women waiting for news about their detained or missing husbands, sons, fathers or brothers have become almost a fixed feature in front of prisons, detention camps, and ministries of human rights, interior or justice. Some have been without news of their loved ones for many years.

Officers often demand hefty bribes to let women visit their relatives. According to a report by the Guardian

“Iraqi state security officers are systematically arresting people on trumped-up charges, torturing them and extorting bribes from their families for their release. Endemic corruption in Iraq has created a new industry in which senior security service officers buy their authority over particular neighbourhoods by bribing politicians, junior officers pay their seniors monthly stipends and everyone gets a return on their investment by extorting money from the families of detainees.”[32]

## **Why Anbar**

On 25 December 2012, demonstrators took to the streets in Anbar province, followed by others in several cities. Demanding the release of women detainees. Some of the women have been tortured, raped or threatened with rape according to reports by the committee of human rights in the parliament. The regime’s various spokesmen gave out contradictory responses: from denying the existence of women detainees arrested as hostages to force the surrender of their male relatives, admitting that some “terrorist” women were arrested, promising swift release, denying rape, to finally setting up a panel of religious personalities and officials to investigate.

The regime conducted a campaign of assassination of leaders of the peaceful demonstration, and where they could, they disbanded them by force. In Huweija, in the north of the country, 50 people were massacred. The regime has ended the peaceful protest in all but Anbar. In the end they resorted to link the protest to terrorism, and this is what is being carried out.

## **Conclusions**

What Europe can and should do to help Iraqi women?

### **First – actions to stop the atrocities**

The priority of international pressure is to ensure the current bloodshed stops, before it multiplies to a level comparable to Syria.

A public stance by the EU against social and political abuse is the best policy to fight terrorism

When Iraqi women asked about the most important issue their reply is security followed by health and education and employment.

Running workshops on political participation and democracy are great, but at time of conflict and war they are at the bottom of the list of priorities.

A Special Rapporteur should be appointed. This is a first step to monitor the crimes committed by the sectarian corrupt regime. These must be addressed to bring an end to a state of impunity.

**Second, and related point – the emphasis should be on the root causes of terrorism in government policy rather than focussing on Islamophobia and myths about foreign forces.**

Ban Ki-moon in his visit to Iraq on January 14 has singled out what the protests has been demanding all along: looking at the root causes of the problems. They are sectarianism, corruption, lack of basic services, violations of human rights, increasing unemployment and organised gangs and militias flourishing under a kleptocratic government.

**Third – Stop supplying weapons to a regime which is using them against the Iraqi people.**

The Stockholm International Peace Research Institute (SIPRI) shows in its annual report a massive disregard by many states in this respect. You cannot expect the Iraqi people to believe the West' good intentions when faced with the underlying reality, namely Western for a government which is oppressing Iraqi civilians.

**Fourth: Expose corruption and demand transparency. Where is Iraqi wealth stashed.**

The Maliki government has been harvesting over **\$100bn a year** for some time now, from the nation's oil wealth. That amounts to on average to about \$20,000 a year per Iraqi household of 7 people. The fact of the matter is that Iraqis are left deprived of basic commodities as a result of this process. The wealth is squandered or stolen, a situation illustrated by **Transparency International** as:

“Massive embezzlement, procurement scams, money laundering, oil smuggling and widespread bureaucratic bribery have led the country to the bottom of international corruption rankings, fuelled political violence and hampered effective state building and service delivery.”

Implementing justice is the only way to put an end to terrorism, and to allow the Iraqi people to rebuild their country and rehabilitate a cohesive social structure.

**Notes**

[1] The United Nations Refugee Agency issued the following today: January 24 (UNHCR)

[2] UNHCR , January 22, 2008

[3] <http://www.iraqbodycount.org/analysis/beyond/2013/>

[4] “A study, published in prestigious medical journal The Lancet, estimated that over 600,000 Iraqis had been killed as a result of the invasion as of July 2006. Iraqis have continued to be killed since then. The death counter provides a rough daily update of this number based on a rate of increase derived from the Iraq Body Count. The estimate that over a million Iraqis have died received independent confirmation from a prestigious British polling agency in January 2008. Opinion Research Business estimated that the death toll between March 2003 and August 2007 was 1,033,000.”

<http://www.justforeignpolicy.org/iraq> , see also ; Mortality after the 2003 invasion of Iraq: a cross-sectional cluster sample survey, Prof Gilbert Burnham MD a , Prof Riyadh Lafta MD b, Shannon Doocy PhD a, Les Roberts PhD , The Lancet, Volume 368, Issue 9545, Pages 1421 – 1428, 21 October 2006

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