

Bush pressured to protect rights of Iraqi women

- [Edward Epstein, Chronicle Washington Bureau](#)

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Washington -- Congressional advocates for Iraqi women pressed President Bush on Wednesday to do more to ensure that the constitution nearing completion in Baghdad doesn't erode women's rights by adopting strict Islamic law.

The leaders of the bipartisan Congressional Iraqi Women's Caucus warned the president that rolling back the rights of any group in Iraq would threaten the country's long-term stability and its ability to become a functioning democracy.

"If the document remains unchanged, it holds the potential for codifying discrimination against women as well as limiting fundamental human rights for all Iraqis in a manner that may threaten the growth of democracy and freedom in Iraq," Reps. Ellen Tauscher, D-Walnut Creek, and Kay Granger, R-Texas, wrote Bush.

Drafts circulating of the lengthy, 153-article constitution -- already delayed twice beyond its deadlines for presentation to the National Assembly - - contain what many analysts say is troubling and contradictory language about the status of women. Today is the latest deadline for turning over the final draft to the assembly, after negotiations over objections by Iraq's Sunni minority about regional autonomy and control of oil revenues.

Reports from Baghdad say wording on 151 articles, including those involving women's rights, has been made final despite the U.S. congressional objections.

The preamble of the draft says the constitution will "pay attention to women and their rights." But it then says no law can contradict Islam's tenets. Under some strict interpretations of Islamic Shariah law, that could deprive women of rights in marriage, divorce, child custody, inheritance or the workplace. The draft also says no laws can contradict the principles of democracy or human rights.

What's more, the draft establishes a constitutional court on which experts in Shariah are guaranteed places. The scholars will have a role in deciding family disputes.

The constitutional draft does guarantee women 25 percent of the seats in the new National Assembly and says in Article 20 that "citizens, male and female, have the right to participate in public matters and enjoy political rights, including the right to vote and run

as candidates."

Tauscher and Granger, who persuaded the House of Representatives to pass a resolution last month calling on the constitution's drafters to protect women's rights, said they don't want the draft delayed again. Iraqis are scheduled to vote on the constitution on Oct. 15. The Bush administration, which has made the creation of an Iraqi democracy a key goal, wants the timetable adhered to as part of its program to cede control to Iraqi authorities.

U.S. Ambassador Zalmay Khalilzad has played a key public role in deliberations over the constitution in which Sunni, Shiite and Kurdish leaders have jockeyed for influence. He played a similar role in 2003 when Afghanistan drafted a constitution that guaranteed many rights for women.

The female House members warned that the rush to agreement should not be used as an excuse to shortchange women or other minorities. The drafters "cannot succumb to the short-term temptation of a document that enshrines the preferences of one group or another but must make good on their duty to produce a document that protects the rights of all Iraqis," they wrote.

Bush said Tuesday that the draft constitution protects women.

"The way the constitution is written is that women have got rights, inherent rights recognized in the constitution," Bush said, adding it is important that the draft said Islam is "not 'the' religion, but 'a' religion."

In Baghdad on Wednesday, Khalilzad said he did not think the constitution would lead to creation of a strict Islamic state.

"This constitution with regard to rights is a synthesis between the Islamic traditions of this country with the universal principles of democracy and human rights, and in that sense, it sets a new path for the future that others could also follow," he said.

The American diplomat said the draft represented a balancing act: "There are people who want entirely a secular state; there are people who want to establish a Shariah-dominated state. And given the realities, I think where they have come out is right for Iraq at the present time."

But some outside experts are troubled.

"As you go through the articles, you have to peel it back and make connections, and then the question of women's rights becomes more problematic," said Rend Rahim Francke, who briefly served as Iraq's post-Hussein ambassador to the United States and who began

the Iraq Foundation in Washington.

"The challenge will be monitoring legislation and what the constitutional court does ..." she added. "It's the place where the greatest level of violations (of rights) will come."

Leila Ahmed, a Harvard University professor of women's roles in religion, said the draft "is a signal of things to come rather than a bad thing itself. That's what is so troubling."

"President Bush says the constitution is good for Iraq. How about for Iraqi women?" she asked.

She pointed out that under Saddam Hussein's oppressive but secular regime women were allowed to enter professions. A 1959 Iraqi law puts such family matters as divorce, inheritance and marriage in civil courts. Some Shiite clerics want those cases moved to religious courts once the new constitution takes effect.

"After years of secularism we're introducing Islam in a new way into the constitution," Ahmed said. "The only other country in which they did this was Iran, and women's rights were thrown out there. It's a tragedy what we're seeing."

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