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Women's Peace Work: Navigating Religious and Tribal Norms in Iraq

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Introduction

In the last two decades, women's rights activism in Iraq has grown significantly. This growth has however been accompanied by a deepening of misogynistic attitudes in Iraqi society towards women engaged in women's rights and political activism. Women have secured seats in parliament thanks to the quota system and there are more women's rights activists in Iraq than before the invasion of Iraq in 2003 by the US-led coalition, but women face even more discrimination in public and private spaces and on online platforms. This can be attributed to the 2003 invasion and subsequent violent conflicts, corrupt governments, militarisation of politics and the destruction of the economy, infrastructure, and security. All of this has disproportionately affected women by leading more women than men to lose access to jobs and education and has made the space for voicing women's issues and rights even more volatile and challenging (REACH 2019). Moreover, gender-discriminative, misogynistic, and patriarchal interpretations of customary and religious norms have been strengthened, thereby increasing the pressure particularly on women who try to take up public roles and work on women's rights.

However, women's rights activists in Iraq have continued to defy these challenges and to carry out their work and participate in public life. They carry out peace-related work initiating peace and reconciliation processes and play key roles in the ongoing protest movement (WILPF 2021). They campaign and raise awareness to change the legal and institutional system in order to eliminate gender-based discrimination. The struggle for women's rights is challenging and risky work. Women activists face harassment, kidnapping, assassination and misogynistic defamation (Pax for Peace 2020). They carry out their efforts in an environment where a genuine state-led agenda to eliminate gender-based discrimination in the political, economic and legal system is absent. Moreover, conservative customs and norms, mainly propagated by religious and tribal authorities, contribute to the pressure women's rights activists face in Iraq historically and today. As a result, the space for women to carry out civil and political activism is limited.

Thus, in Iraq we observe two contradictory processes taking place concurrently. On the one hand, gender-discriminative interpretations and implementations of customary and religious norms remain prevalent, while on the other women's rights activism and women's efforts to join in public life is also growing. There is a quota since 2005 for women to occupy parliamentary seats (25% in the Iraqi Parliament and 30% in the Kurdish Parliament). International peacebuilding work puts gender equality at the centre and as a result women's rights organisations receive funding and support from international donors.[1] However, only a very small proportion of funding goes to to women's rights organisations and there are significant issues with the way this funding is allocated and distributed perpetuating existing power dynamics and colonial hierarchies (Kaya, Makki and Tabbasam 2022).

[1] Funding from the GIZ in women's peace work in Iraq has for instance enabled the research behind this chapter.

International donors' focus on gender equality security and development policies in post-conflict contexts has led to the expansion of organisations working on women's issues in the civil society sector and has increased the visibility of the women's rights agenda in Iraq. On the other hand, the same international actors have made political, economic, and security-related pacts with conservative forces in Iraq in the establishment and governance of the new regime, which has a conservative approach to gender equality that seeks to maintain patriarchal hierarchies and structures. International actors have supported these two groups – women's rights activists and the political elite – despite them upholding entirely different agendas with regards to gender.

This is not to say that women's rights activism and religious conservatism in Iraq both expanded simply due to international support. The struggle for women's rights in Iraq goes back to the formation of the state in the early twentieth century (Efrati 2012). International intervention is also not the only factor that led to the rise in religious conservatism in Iraq. However, it is hard to ignore the fact that international intervention and involvement have ended up, whether intentionally or not, supporting actors with patriarchal and conservative attitudes towards gender equality. Almost twenty years after the invasion, conservative voices and religious and tribal authorities are more influential than ever, and this is having significant implications on women's efforts to take part in public and political life and play a role in building peace in Iraq.

This chapter touches on the impact of international intervention and conflict on religious conservatism and on the women's rights agenda in Iraq to provide contextual background for understanding the relationship between the women's rights agenda and conservative forces that are against or critical of this agenda. It seeks to answer the following questions: How do religious or tribal customary norms influence women's position and women's rights activism? How do women's rights activists perceive the influence of religious or customary norms on women and on their work? The chapter argues that tribal and religious customary authorities significantly obstruct the work of women's rights activists. As long as the political governance of Iraq continues to function as it is, this contradiction and tension between anti-gender equality forces and pro-women's rights actors will continue, creating significant challenges and risks for women and women's rights activists.

The chapter relies on the findings of a GIZ-funded research project led by Ilham Makki and myself. This was a policy-oriented research project that sought to analyse women's involvement in peace and transitional justice processes in Iraq and examine how they impacted women.[2] The role of religious and tribal authorities and norms during these transition processes, and their impact on women's ability to participate in them – which is the focus of this chapter – were not a key focus of the original project. Initial interviews conducted during the data collection phase, however, showed the need to expand our focus. As a result, further questions on these dimensions were added to the interview questionnaire. In this chapter, the goal to analyse Iraqi women's peace work moves to the background and acts as a trigger to examine tribal and religious dynamics in relation to women's involvement in politics and activism.

The chapter first provides a brief note on methodology in the collection and analysis of data. It then contextualises the transformation of Iraqi politics since the 2003 invasion and the changes in women's political and personal rights as well as women's rights activism until today. Finally,

[2] The findings from the project were published in 2021 in Z. Kaya and I, Makki (2021) *Women and Peace in Iraq: Opportunities, Challenges and Prospects for a Better Future***.** elbarlament, Berlin.

it offers an account of Iraqi peace and women's rights activists' perceptions of tribal and religious authorities, of the increased influence of traditional and hyper-masculinist gender norms in Iraqi socio-political life, and of how this influences their work in particular and women's participation in public life in general in today's Iraq. Their insights show mostly contradictory but also complex relationship between women's rights activists and tribal and religious authorities.

Methodology

The interview-based data used in this chapter was collected through collaborative research and fieldwork in November and December 2020, during which 91 interviews were conducted in Baghdad, Basra, Erbil, Kirkuk, Najaf and Nineveh.

The research questions were co-developed by Ilham Makki – an Iraqi anthropologist based in Iraq who has been actively involved in women's rights issues both as a researcher and activist for many years – and myself – a non-Iraqi academic based in the UK who has been conducting research on gender and conflict in Iraq for nine years, working closely with certain women's rights organisations in Erbil, Duhok and Baghdad. Our respective experiences helped shape the process of the interviews and led to a deep understanding of gender and peace dynamics in Iraq and in each provincial context. The six provinces were carefully chosen to avoid presenting a narrow and singular view about women's position in private and public life, and their roles in politics and peace processes in Iraq. Iraq has a diverse ethnic, religious and ideological composition. Women and women's rights activists have different experiences and perspectives in each province (and there is variation within each province as well) due to different political, social and security contexts. Moreover, each province experienced conflict, displacement, instability, and political tensions in different ways. The interviews were conducted when international travel was restricted due to Covid-19, and I could not therefore join the fieldwork in person.[3] To conduct the interviews, Makki formed a research team of six students and activists (one for each of the six provinces), all women, who lived in their respective provinces, spoke the local language and had experience in working on peace and women's rights in their province.

Makki and her research team approached potential respondents with relevant experience on the topic of the research and then, using non-probability snowball sampling, they reached out to other potential respondents recommended or referred by those they interviewed. Researchers in each province paid attention to include a diverse range of participants based on gender, ethnicity, religion, class, occupation, and education. All respondents were involved in an area of work, voluntarily or as a profession, related to peace, peacebuilding, or reconciliation. Most of them worked on issues related to women and gender. Participants were not asked to reveal their ethnic, religious, and sectarian identity unless they voluntarily shared this information. All the respondents were Iraqi, and no foreign individual was interviewed, although a small number of the interviewees worked for international organisations. Most of the respondents had multiple positions and affiliations. For example, a respondent could be a legal expert working for the government while also being involved with a civil society

[3] I continued working closely with Makki throughout the process through regular online meetings and WhatsApp communication. Interviews took place during the open period when Covid-19 curfew was partly lifted by the Iraqi government. Therefore, most of the interviews could be conducted face-to-face (under Covid safe conditions). Nine interviews were conducted over the phone because the respondents did not want to meet face-to-face due to Covid-19 related concerns. Focus group discussions were not held due to restrictions.

organisation as an activist. We categorised the respondents based on the work they said they were doing at the time of the interview and the work they most associated with. The charts below list the number of respondents based on gender, age, and area of work/institutional affiliation.

Chart 1: Number of respondents in each province based on gender

GENDER	Baghdad	Basra	Erbil	Kirkuk	Najaf	Nineveh	Total
Woman	13	11	10	11	14	10	*69*
Man	3	4	5	4	1	5	*22*

Chart 2: Number of respondents in each province based on age

AGE	Baghdad	Basra	Erbil	Kirkuk	Najaf	Nineveh	Total
20-29	0	4	2	3	3	7	*19*
30-39	3	4	0	5	6	6	*24*
40-49	6	4	7	5	6	2	*30*
50-59	5	3	4	1	0	0	*13*
60-69	2	0	2	1	0	0	*5*

Chart 3: Number of respondents based on area of work or institutional affiliation

Leaders or employees in Iraqi civil society organisations	42
Civil activist (did not want to reveal institutional affiliation)	14
Government official	15
Legal expert (usually working for the Courts or Ministry of Justice)	4
Working for International Non-Governmental Organisations	6
Working in the media sector	4
Business	2
Academic	3
Police (woman)	1

The security situation influenced the fieldwork. Women's rights are a highly controversial issue and several women in Iraq involved in this work have been publicly humiliated, assaulted and murdered. Women working on women's rights can be labelled as agents of foreign actors and threats to Iraqi culture and customs. Therefore, some of the potential respondents did not accept the invitation for an interview as they believed that the researchers were affiliated with women's activists, whom some consider as non-patriotic or *awlad-i safara* (children of the embassies). Some of the other potential respondents declined the invitation due to the fear that this research might be supported by external parties hostile to their political blocs and parties.[4] Some of the respondents did not want the interviews to be recorded or required further assurance that their audio record would not be shared and deleted as soon as the transcription was completed. We therefore decided to keep all interviewees' identities anonymous and will only provide background to the position of the interviewee, paying extra attention to avoid revealing their identity.

1. Women, Peace and Conflict

The international political and normative frameworks and discourse on 'women' and 'peace', such as the Women, Peace and Security (WPS) agenda, generate certain meanings and

[4] These issues were most prevalent in the province of Basra.

assumptions about these concepts, which influence women and women's rights movements across the world and in Iraq. International actors present women's inclusion in peacebuilding and post-conflict as an opportunity for women's socioeconomic and political empowerment and as a way of making peace possible and lasting (O'Reilly 2015; Qasas 2017). The academic scholarship has also argued that women's inclusion in peace processes increases the likelihood of reaching a peace agreement and making agreements last (O'Connell 2011: 455; Khodary 2016: 501). Women are seen to have certain capacities or ways of working – such as focus on root causes and durable solutions, access to diverse groups, mediation skills – that render them valuable as agents of peace and reconciliation (Anderlini 2007). The scholarship has also showed that meaningful and non-tokenistic participation of women can increase the likelihood of durable peace and helps to prevent violence and conflict (Perry 2020: 3). However, international and national level gender programming has primarily focused on the protection of women rather than their participation in peace-making and post-conflict processes (Krause and Enloe 2015: 329).

According to the Council on Foreign Relations, between 1992 and 2019, only 13 per cent of negotiators, 6 per cent of mediators, and 6 per cent of signatories were women in formal peace processes across the world, and 7 out of 10 major peace processes did not include women (Council on Foreign Relations 2020). Even though women across the world contribute to peace and are involved in "brokering ceasefires, coordinating humanitarian support, shaping peace negotiations and leading reconciliation efforts", such examples remain limited in scope (Krause and Enloe 2015: 328). Their more localised involvement in informal peace work is typically ignored and not built upon. In Iraq, for example, women's small or large peace initiatives are overlooked by both Iraqi and international political actors (Khodary 2016: 499-501).

The international peacebuilding agenda is imbued with binary conceptions of peace and war, and superficial understandings of how women play a role in these. This binary view creates a disconnection from the reality on the ground. In the case of Iraq, like in many conflicts, it is almost impossible to understand war and peace in binary terms. In Iraq, it makes more sense to talk about protracted conflict. Since the 1980-88 Iran-Iraq War, Iraq has entered a protracted conflict context where it witnessed the Gulf War, conflict with and attacks against the Kurds in the north, the 2003 invasion, sectarian war in 2006-2008, ISIS's attacks in 2014, and the War against ISIS until 2017. Throughout this process, especially since 2003, Iraq has become an insecure and violent place for many Iraqis, exacerbating discrimination and violence against women, as explained in the next section.

This chapter therefore considers peace and conflict not as two separate absolutes but as interrelated and co-constitutive processes. In each conflict/peace context there are different meanings of peace and women's role in peace processes connected to different world views, ideological positions, and to the actors who are defining them. During fieldwork, research participants defined peace and peace-related activities in a comprehensive way that goes well beyond narrow and formal conceptions of peace. They did not define peace simply as the absence of violence and did not talk about violence simply as physical violence. They referred to it as structural violence that harms people by preventing them from meeting their basic needs and fulfilling their lives and goals, as violence generated and perpetuated by social, political, and legal structures and institutions.[5] Indeed, peace does not always mean order and stability,

[5] Some examples of how interviewees defined peace were: what creates tolerance and coexistence in society; enables women and men to have freedom of opinion and protest; allows women to get out of the house without fear of harassment, kidnap, assassination; enables women and men to take an active role in public and in social

and violence, particularly 'structural violence' (Galtung 1969), continues to exist in the absence of direct war and violence. Violence against women during 'peacetime', for instance, continues while it may exacerbate during 'war' and 'conflict' (Moghadam 2005: 70). Moreover, processes defined as 'peaceful' can be extremely violent, and post-conflict contexts sometimes can be even more violent than 'wartime'.

The peacebuilding practice has also turned a blind eye to the increasing militarisation and securitisation of the 'peace' agenda. This has had significant implications on the women's rights agenda and has led to its securitisation and instrumentalisation, specifically the WPS, in the name of achieving peace (Otto 2016). The United Nations Security Council Resolution (UNSCR) 2242, which makes direct references to women's participation in countering violent extremism, is a clear example of this (Kaya 2020: 15), showing how such international agendas are informed and shaped by the political and military interests of powerful states. Moreover, rather than taking multiple conceptions and approaches into account, existing approaches to peace and women are imbued with cultural stereotypes and generalisations about women's situations in specific contexts. For instance, there is a tendency to treat the Middle East as somehow different when it comes to gender issues. Typically, religion and tribal structures are presented as the reason for women's position in the Middle East. These assumptions lead to inaccurate conceptions of problems and their causes, and therefore in turn lead to ineffective strategies and policies. There is a failure to understand that the condition of women in Islamic societies has changed throughout history and religion played a varied role as it interacted with pre-Islamic, tribal, and colonial traditions, and Western and capitalist influences (Keddie 2007). This failure leads outsiders to criticise culture and religion, more specifically Islam, to explain the treatment of women, and in turn, it often creates a backlash against women's rights defenders in these societies. This only damages the women's rights agenda in these countries.

Conservatives in Iraq, who happen to be part of the political elite and who collaborate closely with religious and tribal authorities, interpret the international gender rhetoric as part of a Western political agenda and as a threat against their 'national' way of life, culture and religion, and sometimes consider women's rights activists as the allies of the West (Kaya and Makki 2021: 40). This leads to public and direct pressure and threats towards women such as online defamation (Orto 2021), harassment, kidnap threats (Pax for Peace 2020) and even assassinations (BBC 2020). Women's rights organisations mostly receive their funding from international donors, and this further increases the suspicion towards them. Yet, ironically, the same Iraqi political elite that criticise women's rights defenders for receiving funding from international donors conveniently overlook the even greater amounts of international funding, political support and technical assistance that have gone to the reforming of the political system, security sector and the military, which consolidated their positions as the political elite in Iraq (Dodge 2013).

In short, the more the women's rights agenda is seen as a 'Western' political agenda, the more it harms women's rights work in Iraq. Such a view entirely overlooks the existence of a long history of Iraqi women's rights movement and perceives this movement as an international import (see Efrati 2021; Al-Ali 2012 and 2018; Ali 2018; Al-Ali and Pratt 2009; Mojab 2004). The fact that Iraqi women's rights defenders endorse international frameworks such as the Convention on the Elimination of Discrimination Against Women (CEDAW) does not mean that they endorse the political agendas pursued by foreign states as well. Women peace and

media without fear of hatred and defamation; ensures women's access to receive the right kind of health service, to jobs and earning a living for themselves and their families.

rights activists in Iraq are stuck in a complicated place defined by the intersection of foreign funding and international/regional politics, and this creates significant risks for them.

Therefore, it is important to understand how Iraqi women's rights activists and peace activists navigate this political context dominated by religious and tribal values and structures that seem to present the women's rights agenda as non-Iraqi, foreign and against religion and custom. The fieldwork for this research showed that Iraqi women's rights and peace activists represent a plethora of positions and views with regards to peace, feminism, and religious and tribal norms. These issues and the relationship between them are extremely complex on the ground and different views and conceptions co-exist. Understanding and appreciating this complexity could contribute to understanding the conditions that shape women's rights work in the protracted conflict context in Iraq since the 2003 invasion, how women see the role of religion and tribal affiliations in carrying out their work on peace and women's rights, and how tribal and religious actors perceive women and their role in building peace.

2. Tribal and religious norms and the Iraqi state's approach to gender

The Iraqi state's treatment of women has been influenced by conservative interpretations of tribal and religious norms since its formation. The British Mandate in Iraq (1920-1932) institutionalised patriarchal and patrimonial gender hierarchies based on supposed customary and religious rules. For instance, women's legal issues fell under family law and were dealt with by religious courts in cities and by tribal courts in rural areas, and the British Mandate institutionalised this (Efrati 2012: 51-55). There was some improvement in the status of women thanks to the development of a unified and civic law (*al-kanun al-madani*) under General Qasim's Republic (1958-1963).[6] The Ba'ath regime (1968-2003) initially pushed for women's empowerment, especially in education and labour, as part of the nation-building effort. In later years, however, it reinforced conservative religious and tribal norms that allowed gender-discriminative and unfair practices, especially during the years of economic sanctions and militarisation due to 1980-88 Iran-Iraq War and the 1990-91 Gulf War (Al-Ali and Pratt 2009). In the 1990s, the regime used tribal and religiously conservative norms and practices as justification for the ill-treatment of women. The Faith Campaign that started after the 1991 Gulf War banned women from travelling abroad without a male relative, made the punishment for "honour killing" lighter, made prostitution punishable by death, and used sexual violence, abduction and rape against women and men who opposed the regime (Ali 2018: 113; Al-Ali and Pratt 2009; Amnesty International 2001: 132).[7] The regime also allowed early marriage and encouraged women to have more children, defining the "good" Iraqi woman as the mother of future soldiers (Ali 2018: 100; Rohde 2010: 102-111).

Women with certain identity affiliations experienced specific gendered violence. For instance, sexual violence against Kurdish women was seen as part of an ethnic cleansing strategy during the *Anfal* Campaigns (Hardi 2011; Ahram 2019). In the post-2003 period, during the sectarian war, the proliferation of religious armed groups, and the rise of ISIS, the targeting of women intersected with identity-based prejudices. Violent acts were justified through negative projections of minority groups and members of the opposite/other sects (Lamani 2009).

[6] The Constitution of 1958 provisioned equality between men and women and the 1959 Personal Status Code improved the terms for women in marriage, divorce, inheritance, and child custody relative to the previous rules (Ali 2018: 62-63).

[7] Cases of women experiencing sexual violence and rape are reported more than men's probably due to the greater stigma around the rape of men.

Conservative interpretations of religious norms and tribal norms became even more dominant after 2003. The invasion, sectarian violence, ISIS's insurgency, security vacuum, economic deprivation, destruction of infrastructure and corruption weakened the rule of law and institutional rules and regulations and led to the emergence of multiple armed groups and the proliferation of weapons (NDI 2020: 26). Sexual and gender-based violence in its many forms – including harassment, human trafficking, forced prostitution, temporary (pleasure) marriages, rape, kidnapping and femicide by non-state or state-affiliated armed groups – became rampant (Al-Ali and Pratt 2009; UN Iraq 2015). Insecurity and religious extremism made minority women (Yezidi, Shi'a, Shi'a Turkmen, Christian, Shabak and Kaka'i women) direct targets both before and during the ISIS insurgency (Maisel 2008; IWN 2019: 7-8). This process also resulted in large scale internal displacement, which had gendered risks for women and exposed them to sexual exploitation, prostitution, and sexual trafficking (IWN 2019: 11) and created severe problems for households headed by women (NDI 2020: 14).

After 2003, women's campaigning in Iraq played an important role in the adoption of a 25% quota (30% in the Kurdistan Region) for parliamentary seats and quotas in local provinces. However, women's substantive participation in formal politics, their inclusion in high level political positions, in political decision-making, and in conflict resolution and peace processes has remained limited and tokenistic (NDI 2020: 8, 15; IWN 2019: 12-13). Indeed, women face several challenges in joining politics in Iraq. Their opinions are mainly seen as relevant when it comes to issues related to the family and children by most of society and policymakers, and they do not usually obtain leadership roles (EPLO 2017: 3). Politically active women, such as members of parliament or electoral candidates, face character assassinations and defamatory sexist false claims in the public sphere and on social media (IWN 2019: 12). The important roles Iraqi women play in development, peace, conflict resolution, reconciliation and cohesion on the ground are largely ignored (Khodary 2016). Still, women's rights defenders and activists continue to defy challenges to participation in public life, politics and peace processes. They actively engage in developing peace as well as recently in the protest movement (2019-2021), and they constantly push for changing the legal system and policies.

Gender-discrimination: the influence of religious and customary norms on legal reform and implementation

In Iraq, conservative conceptions of customs and religious rules continued influencing legal regulations after 2003. For instance, Iraq's Penal Code does not criminalise violence against women, and several provisions create impunity for these crimes. Article 41(1) states that "the punishment of a wife by her husband, the disciplining by parents and teachers of children under their authority within certain limits prescribed by law or by custom" is the exercise of a legal right (*al-haq al-qanuni*) and as such is not a crime. Article 128 provides justification for crimes that are the result of "provocation" (*tahrīd*) and protection of "honour", (*sharaf*) and Articles 130 and 131 provide mitigations for related felonies and misdemeanours (IWN 2019: 2).

The Iraqi Civil Code also contains discriminatory articles. Article 102 of Code 40 stipulates that fathers, grandfathers, or a court appointed person can serve as the guardian of a child, not the mother. This is in contradiction with the Iraqi Personal Status Law that grants custody and guardianship to the mother or leaves it to the court to decide (IWN 2019: 2). According to the Ministry of Interior's regulations, women are not eligible for a housing card if they are

unmarried, abandoned, or live alone (except orphans, widows, and divorced women) (IWN 2019: 3).

Several interviewees elaborated on the custom- and religion-based laws that discriminate against women in detail. For instance, an attorney (a man) at the Court of Basra said that according to Article 380 of the Penal Law, a woman is a criminal if she cheats on her husband, but if a man cheats on his wife, his act does not count as a criminal act. During the interview, the former president of the Supreme Council for Women's Affairs Pakshan Zangana[8] drew attention to women's situation in relation to polygamy and divorce. She said that if a woman tries to divorce when her husband wants to marry another wife, she risks losing contact with her children. This is because civil law gives the guardianship of the child to the father, and if the father is not alive or capable, guardianship is given to the paternal grandfather or uncle, but not the mother. She also pointed out that in courts the testimonies of women are not treated as equal to those of men. A woman lawyer and human rights activist from Erbil recalled: "I saw this with my own eyes in 2012. A woman brought her son and daughter as witnesses to her divorce hearing because her husband left her 20 years ago. The judge accepted the testimony of the boy but did not accept the testimony of the girl". Judges can interpret laws based on their perceptions of women's positions in society and based on customary rules and traditions. As a result, even gender-equal laws are not fully implemented.

The Iraqi state introduced a range of legal changes and policy initiatives to reduce discrimination against women over the years, but their implementation remains limited. For instance, it launched the National Strategy to Combat Violence Against Women in 2013, the National Action Plan 1325 in 2014 (renewed in 2019) and the Strategy for the Advancement of Women in 2014. The Anti-Violence Against Women Strategy (2013-2017) and the National Strategy on Advancement of Women in Iraq (2014) called for legislation on domestic violence/violence against women. The draft Domestic Violence Law proposed to the Iraqi parliament in 2015 and further amended in 2016 is still – at the time of writing this chapter in 2022 – waiting to be passed (HRW 2019: 7). Since 1991, and especially since 2003, the women's rights movement in the Kurdistan Region of Iraq has put pressure on the regional government which has resulted in changes in the Kurdish regional legal system and in women's participation in public and political life that went beyond the Iraqi Government's changes. For example, some of the discriminative laws in the Penal Code related to disciplining the wife, marital infidelity, and "honour" killing have been changed. The Regional Government also adopted the Violence Against Women Prevention Law in 2011 and established the Directorate for Combating Violence Against Women, among other legal changes and strategies.

However, despite efforts in campaigning and advocacy, positive change is either not happening or progress remains extremely slow.[9] The majority of the respondents interviewed for this research project repeatedly emphasised that the existing laws that provision gender equality are not implemented fully, while laws that discriminate against women continue to exist, which in turn further perpetuates dominant and traditional customary and religious norms. This creates significant obstacles for improving women's socio-economic status and political participation.

[8] Zangana did not mind her identity being revealed in publications from the research.

[9] Many women's rights organisations in Iraq are not only campaigning against existing discriminations in the legal system, but are also trying to address the issues women face as a result of the protracted conflict. For instance, the Iraqi Women Network [Shabaka al-Nisa al-Iraqiyat] prevented the adoption of Decree 137, which was proposed by the Supreme Court and sought to make Sharia law the main source of the rules that govern the personal and civil lives of individuals (WILPF 2019). This draft law was justified based on the Article 41 of the Constitution that allows religious norms to govern the lives of communities.

Research participants argued that a stronger rule of law and political will to eliminate discrimination against women is necessary to weaken gender-discriminatory customary rules.

In addition to this, as explained earlier in this section, the protracted conflict in Iraq has further exacerbated discrimination and violence against women. The number of households headed by women has increased, as well as the lack of or limited access to education and employment, early marriage and polygamy due to the need for social protection, and violence against women by military groups which pushed women away from public spaces (Kaya 2016; IAU 2012; GICJ 2014; Beaumont 2016). Despite the urgency of the situation, Iraqi policymakers continue to neglect women's issues. The head of the Iraqi High Commission of Human Rights in Basra, Prof Mahdi Al-Tamimi,[10] said that the Iraqi government is not serious about ensuring women's rights. He stated that the government talks about having other priorities, such as security concerns, economic crises, which it believes trump women's issues. Similarly, a woman government employee in Najaf[11] said that the government is not genuinely interested in changing discriminative laws or introducing gender-equal ones. She argued that gender-bias is engrained in the minds of the political elite and in the state institutions, and that this negatively impacts the laws and their implementation. Similarly, a woman lawyer and women's rights activist in Erbil[12] said political parties are dominated by men who "have a problem with women having an equal status and do not understand the needs of women". Finally, two respondents in Najaf – a woman government employee and a woman administrative employee working for an NGO focusing on human rights – emphasised the lack of interest by the political elite to improve the situation of women, and believe that if politicians were serious about change, they would have adopted the domestic violence law. In the absence of genuine interest by the political elite and the government in changing discriminatory laws, they will continue to feed and perpetuate social norms that impact women negatively. As long as this situation persists, women's ability to make inroads into public life will remain difficult.

3. Customary Rules and Women's Position in Public Life

This section offers a deeper look into customary and religious rules and how they influence women's position in social and political life, especially that of women's rights and peace activists. Customary rules (*al'aeraf* or '*urf*) and gender norms, and their impact on women's participation in peacebuilding during protracted conflict, were discussed and defined in multiple ways by respondents. Five different and interrelated categories emerged regarding the impact of customary rules and norms dominant in society on women's participation in public life and on the work of women's rights activist: 1) the priority given to women's domestic roles; 2) sexist views on women's ability to take responsibility and leadership roles; 3) women's lack of economic power; 4) sexual and gender-based violence; and 5) legal rules and norms that discriminate against women, and the lack or weak implementation of gender-equality laws due to customary norms.

Research participants stated that sexism against women, which takes many forms, negatively impacts women's position in private and public life in Iraq. Two respondents in Basra, a manager working in civil society and a journalist working for a TV channel, said that sexism generates pejorative views about women's capabilities that consider them as unsuited to lead,

[10] Al-Tamimi did not mind his identity being revealed in publications from the research.
[11] This government employee used to work for a civil society organisation and defined herself as an independent women's rights activist.
[12] This lawyer has been working in the field of human rights for fifteen years and cooperates with many women's rights organisations.

to have authority, or even to drive. Several respondents across all six provinces believed that most of society considers women to have an 'emotional' nature, and that therefore they are seen as incapable of making the appropriate decisions required in political, administrative and management roles. As a result, women are seen as more suited for domestic roles, and maternal and marital responsibilities, whereas men are seen as more suited for roles that require being active in public life, decision-making, and leading. A woman community police officer in Najaf said that in an office environment, men and sometimes women have difficulties accepting a woman "as a manager who gives orders. He does not want to see the woman as his manager at work". Similarly, a woman government employee in an administrative position in Basra reported that the trainer at a workshop she attended in her workplace said that "women are weak and should not work in government institutions, or any institution."

A large number of respondents from all provinces elaborated on the connections between economic disempowerment, sexism, and violence against women, all of which silence women and hinder their participation in public life, politics, and peace processes. They emphasised the role of dominant customary and religious norms in this. They stated that women are typically expected to give up work after marriage, confining them to the domestic realm, making them dependent on men, and preventing them from taking public roles. For instance, two respondents from Kirkuk, a man civil activist who is also a representative of the Kakai sect, and a woman social researcher, said that in rural areas many women are prevented by men in their families from voting. A woman TV journalist from Basra stated that being economically dependent on men makes it difficult for women who would like to join politics to run their election campaigns without resources. A member of a peace committee linked to the government and civil activist in Kirkuk said that the position of widowed and divorced women is particularly precarious because most of them cannot support themselves and their families. He also added that "people think they are disgraced, they should not leave their houses at all". Women who want to join politics thus face obstacles due to customary rules.

Respondents also emphasised how customary rules and the legal system create and perpetuate violence against women. They discussed violence in its many forms (physical, emotional, social, and legal) as a key factor that silences women and prevents their participation in public and political life: women who experience domestic violence end up having to put up with this violence because they do not have the economic means to break out from their situation; the dominant customary and religious norms that justify this social violence are typically upheld by the political, tribal, and religious elite; and such norms define women's bodies as sources of men's and families' honour placing men as their protectors, who are thereby tasked to prevent any "dishonourable" act that may expose women to the public eye.

As stated by two interviewees – the vice-president of a civil society organisation that works on minority groups' human rights in Erbil, and a woman administrative employee at a human rights organisation in Najaf – conservative women and men perceive gender equality as something that threatens their way of life and their families because they think it will incite chaos and instability. A woman civil activist and a teacher in Nineveh said that conservative mothers and fathers as well as grandparents do not want their daughters and granddaughters to go to university because they think this will "corrupt their morals". Another participant, a woman director of a civil society organisation in Najaf, said that conservative sections of society, and especially men, see the women's rights agenda as a threat because they think that if their wives and daughters start believing in this agenda, their authority at home and in society will change. These views were defined by participants as forms of societal violence that put pressure on women to conform to certain expectations and roles.

Legal violence against women was also extensively discussed by the respondents. Many stated that the legal arena creates violence through its gender-discriminative provisions, as discussed above, due to lack of implementation of existing laws but also due to the absence of laws that protect women's rights.[13] Several participants pointed out that if a woman goes to the police station to complain about an online blackmail or harassment issue or about physical violence at home, she is usually not taken seriously and, in many cases, the community and officials blame the woman, trying to make her give up on her efforts to seek justice. A man political activist in Basra said that women are even asked to go back to their husband or family and "apologise instead of seeking her rights". Several respondents said many in society believe that if women want to avoid being harassed or attacked, they should stay at home. As stated by the head of an organisation that helps women develop leadership skills (a woman), who is also part of the Iraqi Network for UNSCR 1325, "most people, even women themselves, consider harassment and violence as normal". Therefore, in most cases, whether it is domestic violence or other forms of violence (street, online, etc), women either withdraw their complaint or remain silent because they are not protected by the law and are pressurised by the community not to "shame" husbands and families.

Impunity facilitates violence against women and leads to the prevalence of harassment and defamation of publicly active women, as stated by several participants from Basra, Kirkuk, and Nineveh. A young women's rights activist working for an international organisation in Kirkuk concluded that "men can do anything they want", including harassing women on the street, and call this "manliness" (*rujula*). The society criticises, defames, bullies, and demoralises woman candidates in elections and their personal lives are publicly discussed, while man candidates are not exposed to such treatment. This harassment and defamation can also turn into physical attacks and killings. Respondents from all governorates, but especially those in Baghdad and Basra, also talked about assassinations and attacks against women during protests between 2018 and 2021, which have pushed women away from the streets. The gender-discriminative legal system and the weak (or no) implementation of laws that provide for gender equality thus strengthen gender-discriminative customary and religious norms, as well as norms contributing to the legal and social violence women experience. Many respondents connected this to the government's lack of will to address these issues as the key underlying problem that hinders the possibility of changing customary norms. These rules and norms emphasise women's domestic roles over public roles, reinforce sexism, question women's capabilities to carry out responsibilities typically carried out by men, lead to sexual and gender-based violence, silence women's voices, and perpetuate gender discrimination in the legal system. All this led to women's exclusion from politics, decision-making at all levels, and participation in peacebuilding processes during protracted conflict.

4. Religious and Tribal Authorities and Women's Rights

The respondents observed that since the invasion of Iraq the influence of religious and tribal authorities has further increased. Almost all of them defined tribal *sheikhs* and religious clerics as powerful forces that restrict women's roles in the public realm and hinder women from reaching their goals and raising their voices. They believed these actors play a key role in promoting customary rules on women's position in the family and in society. They are the most conservative forces and most resistant to change and are strongly committed to their

[13] For instance, in terms of protection against online harassment and blackmail, or in cases of domestic violence.

interpretations of religious rules, customs, and traditions. Most of the respondents defined religious clerics as harder to work with than tribal leaders when it comes to women's rights issues. Although these views were shared by almost all respondents in all provinces, some of the participants also presented a more complex picture highlighting exceptions to the general trend. However, these respondents also stated that the number of such exceptions reflecting support for women's rights and their participation in public life is very small.

The interviews revealed that the influence of tribal and religious authorities on women's participation in peace processes and their participation in public and political life differs from region to region. Respondents, especially in Erbil and Kirkuk, said that religious authorities in the Kurdistan region in general are less influential in public life compared to other parts of Iraq, but are more influential in the south and centre of Iraq. There is also variation within each province. For instance, according to a man journalist and civil rights activist in Kirkuk, a more moderate religious discourse is prevalent in the city of Kirkuk compared to outside the city.

Respondents also said that religious leaders of minority communities, such as Christians and Yezidis, are more open to dialogue with women's rights organisations compared to Sunni or Shi'a clerics. Prof Al-Tamimi said most tribal and religious leaders are against gender-equality, they do not support existing gender-equality laws, and they also disseminate a negative, critical, and even disrespectful view of women's rights activists and organisations that work on women's rights. Three women's rights activists (all women) from Baghdad and Najaf explicitly voiced that even when tribal and religious leaders appear to be supporting women's participation in peace-making, for example, they say the right things in meetings and seminars, but in practice they do not actually believe in these principles and do nothing to uphold them.

Obstacles Caused by Religious and Tribal Authorities to Women's Rights

As explained in the previous section, conservative and traditional gender norms intersecting with religious and sectarian identities have been reinforced by the political regime since the early 1990s. Specific interpretations of the norms and practices of tribal and Islamic traditions justifying violent, discriminative, exclusionary and unfair practices against women have become particularly prevalent and acute during the Sectarian War and ISIS's insurgency. These issues were pointed out by the participants as well, who stated that most clerics and tribal leaders promote male-biased customary traditions and rules such as the idea of "honour".

A woman supervisor in the gender department of a government office in Nineveh, who also volunteers at a civil society organisation,[14] reported that she heard a cleric in Mosul saying, "a woman is a queen in her home … so why would women go out?" A member of a government-related peace committee in Kirkuk (a man) said that some religious clerics have been reported to say that women should not mix with men, and that it is shameful for a woman's voice to be heard by those outside their household. An investigative journalist and head of a media organisation in Erbil said he has heard a cleric saying that women activists violate the religious rules and that "women who participate in the protests [are] adulterous and immoral". Several respondents[15] said religious authorities deliberately obstruct the adoption of laws that are in line with women's legal rights because they believe that women's rights and equality between women and men are against religion. Two women respondents, both heads of women's rights

[14] Funded by PAX, a Dutch organisation.
[15] From Baghdad, Basra, Erbil, Kirkuk, and Najaf.

organisations respectively based in Baghdad and Basra, said that clerics opposed the adoption of the Domestic Violence Law and influenced the legislators in the parliament who follow these clerics to vote against the draft law.

An important insight that emerged from the fieldwork was that sectarian belonging did not really make a difference to the obstacles perceived by the respondents in relation to religious authorities and the conservative norms most of them promote. The source of the problem the respondents indicated was that the political elite and religious and tribal authorities want to maintain their mutual political support and a status-quo that benefits them. Religious clerics who promote norms that are discriminative towards women and that oppose women's participation in political life and in peace processes have this authority not necessarily because of the specific sect they are part of, but because they are seen to have the authority to decide what these norms are and how they should be imposed. They are seen to represent the norms more than the belief systems themselves irrespective of a specific sect or religion, such as Christians (Kalkeans, Maneans, or Assyrians among others).

Indeed, most of the participants in all six provinces criticised the clerics for pursuing interpretations of religion that are in accordance with their personal and political interests instead of with religious beliefs or specific sect-related norms. They estimated that while there are clerics who call for peace and tolerance, most, whether Sunni or Shi'a, instigate sectarianism, prejudice against Christian and other minority groups such as Yezidis, divisions, violence, and conflict. Three respondents –a woman member of a minority rights organisation in Baghdad, Zangana (in Erbil) and a man civil activist who works on the rights of Kaka'is in Kirkuk – said that religious authorities have connections with politicians, and they make statements in line with these alliances, and in turn, politicians use this religious rhetoric for their political ends to justify their positions and actions. A woman civil activist working in the women and security department of an international organisation in Kirkuk explained that "everyone knows that the view in religion is completely different from what he [the cleric] says. They deceive people for political purposes". Respondents in Nineveh also emphasised the role clerics played in the rise of ISIS. Several respondents in Baghdad, Erbil, Kirkuk, and Basra said people believe in what they hear from the clerics without questioning their discourses. A researcher in Kirkuk said that "people see the mosque is the house of God and say 'who are we to reject his word?'"

One of the woman interviewees in Nineveh, a young teacher and a civil activist, said that many men actually do not agree with the religious authorities' rhetoric regarding women, but they are also restricted by society: "there are many men in Mosul who do not object to their wives taking roles outside the house, but they are afraid of people talking. As a result, people restrict their women within the Mosul community. But when he goes outside Mosul you find him behaving differently, meaning that this person is afraid of the society's view of him." The interviews revealed that the religious authorities' interpretations of women's rights align with the dominant tribal and conservative traditions. Many respondents stated that the clergy do not actually follow "the real religion"[16] when it comes to providing their authoritative – and supposedly religiously backed – views on women's rights. Instead, they follow social customs and deliberately choose to use interpretations of religion that reduce the status of women, restrict their freedoms, limit their education, and prevent their enjoyment of economic and political rights. Most of the participants described tribal leaders as similarly constituting a force

[16] A term used by respondents themselves, which mostly referred to Islam being a religion of peace and co-existence, and also to the Qur'an itself.

that hinders women's participation in public life. Tribal custom ('*urf*)[17] in Iraq is followed more strictly in rural areas and in communities where tribal structures are dominant (Bobseine 2019: 11-12). The respondents said traditional tribal codes impose strict limitations on women's mobility and ability to access education and employment. They consider women as servants and carers for husbands, children, and other family members.

Respondents also talked about how tribal codes and customs prevent the implementation of laws that protect women's rights. Two interviewees – an official on the Council of Ministers in Baghdad and an attorney in Basra – said that tribal leaders see women's rights as a threat to their authority. Several respondents also gave examples of specific gender-discriminative tribal codes: for instance, "honour crime", which allows the brother or cousin of a woman to kill her if she does something that is perceived as harmful for the reputation of the family or the community, or *faslia*.[18] Members of tribes feel they should follow these rules and other tribal codes because people tend to depend on the tribal leadership for resolving issues, for justice, and for protection, especially in the absence of state-administered rule of law. Four women respondents[19] voiced that the reliance on tribal codes and leaders in resolving issues strengthens tribal leaders' power and authority vis-à-vis state authority and laws.

Is it possible for women's rights activists to collaborate with religious and tribal authorities to promote women's rights and public roles?

As the previous section showed, tribal and religious authorities and the norms and rules they promote create obstacles to women's rights and their participation in public life. This situation appears to be the general norm across Iraq, but there are also examples that reveal a more nuanced picture in certain contexts, although these examples are very limited in number and scope, probably because there are not many cases of this kind.

First, some of the respondents, particularly those in Baghdad, Basra, and Nineveh, talked about the possibility of working with tribal and religious authority figures to remove obstacles to women's participation in public life and in peace processes. They argued that since these authority figures are very influential in shaping the opinion and behaviour of their communities, if they are convinced about women's rights, this influence could be used for the benefit of the cause. They suggested that this kind of work could be started with more moderate clerics and tribal leaders. A woman member of a government-related peace committee in Nineveh, who is also a volunteer in the education field, proposed that "we can show them that women's rights are not contrary to Islam and that we are not trying to defy them". A women's rights activist who defined herself as a social researcher in Kirkuk ventured that "winning them to our side is better than them being against us, we just need to change their mindset".

However, many respondents highlighted the near impossibility of achieving this. They said this not only because the number of moderate tribal and religious leaders is very small, but also due to the fact that even these moderate leaders are very hard to rely upon. The manager of a women's rights organisation (a woman) in Basra said that people do not listen to women's rights

[17] Tribal custom in Iraq is a combination of tribal customs and certain interpretations of religious rules, overseeing and dealing with issues related to land, property, inheritance, fraud, and murder among communities – especially in rural areas (Bobseine 2019: 4).
[18] *Faslia* allows for the exchange of women for compensation to resolve issues between tribes and families. It is common among Shi'a tribes in the south (Bobseine 2019: 12).
[19] The head of a women's rights organisation in Basra, a member of a women's rights organisation in Erbil, a researcher in Kirkuk, and a member of a youth organisation in Nineveh.

organisations, but take religious or tribal authorities' words seriously, and yet, she added: "where do we get a tribal *sheikh* who supports the empowerment of women? The *sheikh* of the clan who gives the woman as compensation! How do we ask him to believe in women's roles? A cleric who believes in polygamy, how can we ask him to stop polygamy or not allow underage marriage?". The director of another organisation that works on the protection of women and children in Basra said her organisation decided to open a shelter for women who experienced violence, and the biggest challenge she faced was from the clerics. The clerics told her: "women will gather there and in the future this place will become a brothel, not a shelter".

Second, some of the respondents, especially those in Kirkuk, Erbil, and Nineveh, find tribal leaders (especially younger ones) to be more open to collaboration and more flexible than religious authorities, whom they considered harder to work with and more obstructive towards women's rights. According to a woman peace activist and trainer at the Alternatives to Violence Programme in Nineveh, this is because tribal leaders do not strictly adhere to religion like clerics, so they are less resistant to change, while some tribal communities have customs that are more inclusive of women. She recalled that the two women members of a 20-member Peace Committee connected to the government persistently worked to convince tribal leaders to allow women to work, as a result of which there are now five new women employees in the Municipality Directorate of that specific area.

Some respondents also pointed to tribal customs that are more inclusive of women. A woman volunteer for an organisation that works on the environment and the youth in Basra mentioned that there are tribal values and customs that allow women to participate in trade and have a say in decisions. A woman official at the Baghdad Governorate said that "even today some tribal leaders seek their mothers' counsel before reaching a decision". Moreover, participants in Basra highlighted that some tribes support women in their communities to vote and even sometimes to run for office, but of course this is often allowed on the condition that they continue to adhere to traditional customs and rules. A woman community police officer in Najaf said that when her unit was working with the tribes, she observed that some elected women candidates and supported them during the elections. One of the respondents, a tribal leader and head of a civil society association in Basra, said that the attitude towards women in tribal communities is changing, even if slowly. He said that in some rural areas in the marshes he has seen "women sitting with men in *mudhiefs* [guest houses of tribal leaders where they meet with people to discuss issues]".

Even though the majority of participants thought tribal leaders to be less difficult to work with than religious leaders, some examples of positive engagements with religious leaders were also provided by the respondents. A woman journalist who also works at a civil society organisation in Basra as a trainer talked about the support she received from religious authorities in carrying out a particular project, but she also added that perhaps this was due to her "Islamic attire" or "because I am a well-known personality or because of the support I received for my campaign from Sadr [an Islamic populist movement]". A woman head of a minority rights organisation in Erbil said the clerics in the Kurdistan Region supported the campaign against female genital mutilation by telling their followers that this practice is not in the Qur'an, which helped drop the number of cases. However, the director of a women's rights organisation in Erbil and the head of a minority rights organisation specifically focusing on the Turkmens in Kirkuk (both women) said that clerics supported the campaign because female-genital mutilation did not affect them and the main reason for the success of the campaign was that the government made it illegal. The first respondent reported that when it comes to tackling issues such as polygamy or early age marriage, religious authorities are not supportive at all because most of them

practice polygamy and have underage wives. This was corroborated by participants in Kirkuk as well, who emphasised that clerics do not wish to give up their wish to marry minors, and do not want to give up their power and authority over society.

Conclusion

The violent and unstable context in Iraq since 2003 and the legal and institutional system this has led to have perpetuated extreme patriarchal norms and strengthened religious and tribal authorities and their voices in governing both political and everyday life. This is not a process that started in 2003. It can be traced back to the Iran-Iraq War in the 1980s and the regime's increased reliance on religious and tribal authorities for support after the Gulf War in 1991. The post-2003 process saw the restructuring of the state machine, the expulsion of Sunnis from the bureaucracy and the military, sectarian violence between 2005 and 2009, the Syrian War and its impacts, and finally the rise of Islamist militant groups such as ISIS. All of these events were accompanied by layers of displacement, including internal displacement, the arrival of refugees from Syria, and the fleeing of Iraqis from their country, especially of Iraqis from minority communities.

This protracted conflict and displacement context has had detrimental impacts on women's efforts to take part in public and political life and play a role in building peace in the country. Since the 1990s, Iraq has witnessed a strengthening of conservative customary and religious norms and rules and the increasing power of religious and tribal authorities over society. This has exacerbated after the 2003 invasion. The weakening of the rule of law and increased insecurity and the proliferation of public authorities have widened the spaces of influence for religious and tribal authorities. These two decades have also witnessed an increase in the number of women's rights organisations and civil society organisations that work to address women's issues, increase awareness on women's rights, change gender-discriminative laws, and increase women's participation in public life, including in politics and conflict resolution. However, their work faces significant challenges, one of them being religious and tribal authorities and the customs and norms they perpetuate and promote.

Peace activists and women's rights defenders navigate the norms of religious and tribal authorities in different ways to overcome the impediments and blockages caused by certain actors and legal/institutional structures. Conflict and conflict-related processes have affected how religious norms are capitalised upon by variously powerful actors and gender has become a tool or rhetoric used to create boundaries between Iraqis and foreigners, local values and foreign values. This has resulted in posing extra challenges for women on the ground and especially for those who defend and advocate for women's rights, as well as for women who are involved in public roles, including peacebuilding work, and who are often treated as traitors by conservative forces, and at times have been attacked and murdered. Considering the absence of a genuine state agenda to push for gender equality and women's rights, and the close connections and alliances between the religious and tribal elite and the political elite in Baghdad, this trend is likely to continue.

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