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# IRAQ ACCESS TO JUSTICE PROGRAM VALUES OF ACCESS TO JUSTICE AND WIDOWS IN IRAQ

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## **DISCLAIMER**

The author's views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.

# ABBREVIATIONS & ACRONYMS

<b>COMSEC</b>	Council of Ministers Secretariat
<b>COR</b>	Council of Representatives
<b>CSO</b>	Civil society organization
<b>GOI</b>	Federal Government of Iraq
<b>HCHR</b>	High Commission for Human Rights
<b>MOF</b>	Federal Ministry of Finance
<b>MOLSA</b>	Federal Ministry of Labor and Social Affairs
<b>MOP</b>	Federal Ministry of Planning
<b>NBP</b>	National Board of Pensions
<b>NGO</b>	Non-governmental organization
<b>PMAC</b>	Prime Minister's Advisory Council
<b>SSN</b>	Social Safety Net
<b>USAID</b>	United States Agency for International Development

# BACKGROUND

## INTRODUCTION

An individual's access to justice is mediated by areas of social difference including: age, gender, ethnicity, race, class, and life stage. Understanding how information, services, and resources flow to vulnerable populations and the links between access and social identity are vital for improving access to rights and entitlements. This report was prepared under the USAID Access to Justice Program and uses a value network approach to explore the actors and activities involved in 'Marriage registration' process. The analysis draws on the Development & Training Services, Inc. (dTS) gender and value chain framework to identify how gender gaps constrain men and women with unregistered marriage from claiming their rights and recommends opportunities for action.

The USAID Access to Justice Program supports the growth of local and national institutions that provide information and advocacy to vulnerable populations. Program efforts are organized into three, interconnected program component areas:

- **Component One – Improve the practical knowledge** of vulnerable and disadvantaged of their responsibilities, rights and remedies under Iraqi law;
- **Component Two – Increase the competence and availability of legal professionals** and civil society partners who assist vulnerable and disadvantaged Iraqis; and
- **Component Three – Advocate for improvements to government processes and procedures** to facilitate the access of vulnerable populations to government services and legal remedies.

To promote sustainability, Program partners with local NGOs and institutions from civil society, such as bar associations and jurists' unions. Grant activities support all program areas, and take place in 13 out of 18 Iraqi provinces.

The first two sections of this report provide background on gender, value networks and an overview of the situation of widows in Iraq. The third section describes the actors and activities in the value network for access to justice for widows, followed by an analysis of key gender-based constraints to access to justice. The fourth section summarizes strategies and activities undertaken by the USAID Iraq Access to Justice (A2J) program to overcome gender-based constraints to promote the process of widows claiming their rights. The final section highlights gaps in efforts to assist widows with claims to rights and offers recommendations to enhance access to their legal entitlements.

## PURPOSE

(1) The purpose of this value network analysis is fourfold: (1) to highlight the key organizations with which a widow is a beneficiary and the procedures she must follow in order to access her entitlements guaranteed under Iraqi law; (2) to determine the most common gender-based constraints or obstacles encountered by widows when attempting to access their rights; (3) to highlight the ways in which A2J has been successful in overcoming some of the gender-based constraints; and (4) to identify areas where A2J and its implementing partners can effectively influence further positive change in the coming years for the vulnerable groups, men and women of Iraq.

## METHODOLOGY

This report is the result of interviews with a number of civil society organizations from throughout Iraq. The interviews provided insight into the main legal concerns held by Iraqi widows, as well as the main obstacles they encounter when trying to access their entitlements. While differences were found to exist from one community to another, all widows' entitlements are governed by the 1959 Personal Status Law of Iraq. Iraqi law provides for religious variations with regard to division of property as well as some procedural variance, but in all other regards the law is uniform across the country. With respect to the obstacles faced by widows in accessing their entitlements, while salient general trends exist across the country, some regional differences are noted.

## GENDER, VALUE NETWORKS AND ACCESS TO JUSTICE

There is growing recognition among international development experts that value chain concepts are useful beyond the realm of economic growth and trade. Strategies have been developed for applying aspects of value chain analysis, such as mapping causal relationships, health and nutrition and access to justice. This analysis applies lessons from the growing body of literature on gender and value chains to the USAID Iraq Access to Justice Program's objective of addressing access issues for vulnerable populations.

This analysis relies on Verna Allee's definition of value networks as "any web of relationships that generate both tangible and intangible value through complex, dynamic exchanges between two or more individuals, groups or organizations."<sup>1</sup> For this report, access to justice is viewed as a value network, with multiple actors involved in generating both tangible and intangible value. The **tangible value** that is generated through this network is legal entitlements. The **intangible values** generated are knowledge and benefits. The extent to which the network is able to produce its mandated activities — legal entitlements for widows — is assessed by tracing the steps through which a widow must go and the actors with which she must interact in order to access her rights. Mapping this network, the actors and activities, helps illuminate the common obstacles widows face.

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<sup>1</sup> Allee, Verna. *The Future of Knowledge: Increasing Prosperity through Value Networks*. Boston: Butterworth-Heinemann, 2003.

This analysis also assumes that value networks are embedded within a social context. Social and cultural factors shape the construction of organizational arrangements and affect how widows interact with different actors within the network. Understanding the activities and actors within a network cannot be done without an examination of how gender relations shape and impact behavior and outcomes. To identify and assess key gender gaps within the access to justice value network for widows, this analysis draws on the dTS gender and value chain approach and the gender dimensions framework (GDF).<sup>2</sup>

The GDF provides a structured way to analyze gender relations. Four intersecting dimensions of social life were examined to better understand how gender relations affect widows' access to justice. These include: (1) access to productive assets; (2) social practices; (3) social beliefs and perceptions; and (4) laws, policies and institutions. Working through the GDF helps illuminate gender gaps that create gender-based constraints to widows' access. Gender-based constraints are understood as restrictions to men's or women's access to resources or opportunities that are based on their gender roles or responsibilities.<sup>3</sup>

By focusing on how gender relations impact the production of tangible value, namely legal entitlements for widows, the Program has broadened the scope of traditional gender value chain analysis.

## THE SITUATION OF WIDOWS IN IRAQ

*"Many women widowed during the war are not included in official figures. For example, 2008 data from the Iraqi Ministry of Planning references 900,000 widows. However, NGOs working in the most affected communities estimate the figures to be between 1 and 1.5 million. As a result, a population of women and children has emerged over the years that is not a priority for the government and is virtually ignored" (Ramsey 2013)*

The exact number of widows in Iraq is unknown, difficult to determine and increasing. Estimates range from between 1 and 2 million,<sup>4</sup> with approximately 14,000 in Kirkuk governorate (5,000 waiting to be registered),<sup>5</sup> 400,000 in Baghdad governorate<sup>6</sup> and increasing numbers throughout Iraq — particularly in governorates with increasing insecurity such as Ninawa. It is important to note from the outset that **not all widows in Iraq are vulnerable**. Some are financially secure, highly educated and independently employed. Some are fortunate to have the support of families and are not unduly burdened by societal pressures. **However, the majority of widows in Iraq face extreme social pressures and bureaucratic obstacles that limit their opportunities to participate as active members of**

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2 The dTS gender and value chain approach and GDF are outlined in Promoting Gender Equitable Opportunities in Agricultural Value Chains. Arlington, VA: dTS, 2009.

3 Ibid.

4 <http://gulfnnews.com/news/region/iraq/iraq-war-widows-face-government-apathy-1.975517>  
<http://english.cntv.cn/program/asiatoday/20120924/107612.shtml>

5 <http://www.alsumaria.tv/news/70557/iraq-kirkuk-council-determined-to-aid-14/en>

6 <http://www.guardian.co.uk/lifeandstyle/the-womens-blog-with-jane-martinson/2012/dec/10/war-taken-toll-iraqi-women>

**Iraqi society.** Moreover, it is important to note that Iraqi widows are survivors who meet daily challenges with strength and determination. Further empowering widows to fully participate as active citizens of Iraqi society is imperative for the future of gender equality and justice in Iraq.

Under Iraqi law, a widow is entitled to inherit a portion of her husband's property, as regulated by the 1959 Personal Status Law and guaranteed by the Constitution of Iraq.<sup>7</sup> As with all citizens, she is also entitled to a social security pension, a ration card for basic foodstuffs (e.g. cooking oil, flour, sugar and rice) and guardianship of her children under the age of 18 years. In order to obtain these entitlements, she must formally change her identity status from 'married' to 'widow'. In Iraq, this complicated and lengthy procedure can often take up to four years to complete. Meanwhile, the widow is most likely to be without an independent salary to ensure her survival as well as that of her children. Moreover, she rarely has access to independent housing.

The process of obtaining entitlements involves many steps. These often intersect with procedural difficulties such as determining the paternity of children, the cause of death of the husband and accessing required documentation. In the majority of cases, the successful completion of these steps is dependent on overcoming extreme financial, bureaucratic and societal barriers, as well as time and money constraints.

Widows are commonly regarded as a burden on their families as well as their late husband's families. If her family provides shelter, she and her children are often confined to a small room.<sup>8</sup> Many of these women have never worked in their lives. Nevertheless, they must carry the financial burden of care after the death of their husbands, as there is an absence of adequate or sustained governmental support. Iraqi civil society organizations (CSOs) that assist widows in Iraq face difficulties getting political support and attest to a lack of acknowledgment and respect for widow's rights by the government.

Some widows will marry men as a second wife and others risk falling prey to physical and sexual abuse. Many have never left their houses and do not know how to access lawyers and government offices.<sup>9</sup> The levels of vulnerability can be extensive and they may suffer abuse from their families, their husband's families, government officials and the wider society because of being a widow.<sup>10</sup> Being a widow in Iraq carries stigma, the consequence of which is often being forced by family members and wider society to stay in their houses.<sup>11</sup>

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7 "The latest statistics indicate that only 120,000 widows receive the pensions that they are entitled to – just 8 percent of the total number of widows" [http://thewip.net/talk/2013/06/iraqs\\_forgotten\\_widows\\_struggl.html](http://thewip.net/talk/2013/06/iraqs_forgotten_widows_struggl.html).

8 From interviews with Odessa Organization for Women's Development, March 28th 2013. See [www.youtube.com/watch?v=7WQC9eA6ZQY](http://www.youtube.com/watch?v=7WQC9eA6ZQY)

9 From interviews with Fatima House Charity for Women (February 28, 2013), Voice of Older People (March 25, 2013), Odessa Organization for Women's Development (March 28, 2013), Sayed al-Shuhudaa Organization for Social Development (March 6, 2013).

10 <http://english.cntv.cn/program/asiatoday/20120924/107735.shtml>

11 As Stated earlier not all widows in Iraq are vulnerable in these ways. Many Iraqi widows live independently in an actively supportive environment. Rather than accepting the stigma of shame that is commonly attached to widows in Iraq some widows stand up against such stigma and refuse to accept their position as shameful.

To gain as wide a set of responses to vulnerability as possible, the Program recognizes that cultural and family value systems must be supported in achieving justice for Iraq's most vulnerable people. The Program completed a baseline survey in 2012 to measure Iraqis' perceptions of who the most vulnerable populations are and how they perceive access to justice for these populations. This understanding is critical to ensure that beneficiaries are not further marginalized by the Program's interventions. By focusing on Iraqi perceptions of vulnerability, the survey demonstrates the importance of Iraqi people's voice in what is often a complex justice arena. In addition, the findings of the perception survey provide further support to the areas and target populations with which the Program and its implementing partners currently work. Consequently, this value chain analysis on widows as a subgroup of Iraqi people is in response to dominant themes attained from the 2012 perception survey.

# PROCEDURE FOR IRAQI WIDOWS TO ACCESS LEGAL ENTITLEMENTS

This section provides a description of the steps a widow in Iraq must follow in order to access her legal entitlements. Following each step is a discussion of the common obstacles widows encounter as they attempt to follow the requisite procedures.

## STEP 1: OBTAIN HUSBAND'S DEATH CERTIFICATE

A general cause of death (e.g. accident) may be given on the certificate, but the exact cause may not be listed. In such cases, the Personal Status Court may refer the case back to the hospital to verify the precise cause of death.

### *Obstacles*

- If the husband dies in another governorate, it is difficult for a widow to obtain his death certificate because of travel restrictions on women (there is no centralized database of vital statistics).<sup>12</sup>
- In some cases, the husband may have no identity papers because his birth was either never registered or has been lost or destroyed.
- In other cases, the husband may not be an Iraqi citizen and it is impossible for the widow to travel outside of Iraq to acquire his identity papers.
- Finally, the husband may be missing and his body has not been found, and thus he is not certified as deceased. In such a case, the widow must wait four years before she can begin the process of applying for entitlements. The widow must also go through additional procedures such as making a public announcement of her missing husband. In the meantime she has no other recourse to state assistance.

## STEP 2: CHANGE CIVIL STATUS ON PAPERS

If there are no complications in obtaining the death certificate, the widow can immediately change her identity status from 'married' to 'widow' at the Civil Status Directorate of the Ministry of Internal Affairs in her district of residence. It is possible that this will take a maximum of three working days. If there are complications — which is most often the case — she must then take a copy of the husband's death certificate to the Personal Status Court in the district of residence of the deceased husband and request a legal document certifying the division of property.

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<sup>12</sup> Such a database would include birth, death and marriage records.

## Obstacles

- There is a widespread lack of awareness amongst Iraqi women of their legal entitlements. If a widow lives in a remote area, she is often unable to travel to courts and government offices due to lack of money, children to care for and/or traditional constraints that restrict women's movement outside of her home.
- In most cases, widows cannot afford to pay lawyer and court fees.
- In Yezidi communities, tradition prohibits widows from accessing inheritance. If a widow attempts to access her rights to inheritance as guaranteed by Iraqi law she will be prevented from leaving her home, punished and sometimes killed.<sup>13</sup> Many Shabak women in the Mosul area and from other rural areas in Iraq's southern region are prohibited from leaving their homes.<sup>14</sup>
- Because of the widespread stigma and consequent shame attached to being a widow in Iraq, many families prevent widowed women from accessing lawyers, going to courts and other government offices, or speaking on the phone.<sup>15</sup> In some communities, even neighbors prevent widows from accessing their rights.
- It is not uncommon in Iraq that the marriage was never registered in the court, therefore, there may be no records of the couple's union. In such cases, she must go through additional legal procedures to have the marriage formally recognized and legally registered before she is qualified for widows' support.
- Illiteracy is a common constraint faced by widows. While there are no accurate statistics on literacy rates in Iraq, UNESCO estimates that illiteracy among women is 26.4% as compared to 11.6% among men (UNESCO 2010).<sup>16</sup> The regions most affected by illiteracy are in rural areas, where up to 50% of women are illiterate as compared to 20% in urban areas. The lowest literacy rates are in the IKR and the southern regions of Muthanna, Maysan and Diwaniyah.
- Inefficient and time-consuming bureaucracy that requires many trips to government offices is an additional and frequent obstacle met by widows accessing their rights. Given that women face travel restrictions, the lengthy process of accessing entitlements is a major deterrent and gender-based constraint.

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13 From interviews with Voice of Older People and Odessa Organization for Women's Development (March 25, 2013). "Family members, fathers, sons or brothers will lock her up or even kill her if she goes to a lawyer (Interview with Odessa Organization for Women's Development).

14 From interviews with Odessa Organization for Women's Development (March 28, 2013), Diyar Center for Human Rights (March 28, 2013). She calls secretly and says "don't call me on this number or they will beat me" (Interview with Odessa Organization for Women's Development).

15 A woman can be killed for using a phone to call anyone not known by the family. In one interview, a situation was described by an NGO where a widow rang the NGO and then begged them never to ring her back on that number for fear of punishment (Interview with Odessa Organization for Women's Development).

16 <http://www.lifeforiraq.org/en/content/literacy-iraq-0> [http://www.lifeforiraq.org/sites/default/files/general-attachments/Literacy%20Day%20Factsheet\\_Sep8\\_1.pdf](http://www.lifeforiraq.org/sites/default/files/general-attachments/Literacy%20Day%20Factsheet_Sep8_1.pdf)

### **STEP 3: PREPARE FILE WITH PERSONAL STATUS COURT**

The Personal Status Court will provide the widow with letters requesting the following documents:

- From Civil Status Department: Family records used to calculate inheritance shares.
- From the hospital in which the husband died: Death certificate clarifying the exact cause of death.
- From the District Council: Certification to verify the widow's claim that her husband is dead. Evidence from the District Council verifying that the deceased had lived in this district (all issues related to deceased are restricted to district of his abode). She must go to the District Council in person with two witnesses.

#### **Obstacles**

- The time taken for Personal Status Court to send letters requesting information to various government offices can be unpredictable and lengthy.
- In addition, the time taken for the Personal Status Court to refer cases can be up to four months. It is obligatory that this procedure be conducted by the Personal Status Court and thus the widow and/or her lawyer are not able to reduce this time by delivering letters themselves.
- If the husband is registered in a different governorate, this creates extra complications for the widow, such as additional travel and lack of knowledge of the district.
- Often the marriage is not registered, and/or the widow and her children are without identity papers. This widow must obtain identity papers for herself and her children before they are entitled to a ration card, education and some health services. She also must register the marriage before she can claim widow status. It is often the case that the widow will be unable to find the necessary two witnesses to accompany her to the District Council.

### **STEP 4: SUBMIT REQUEST TO PERSONAL STATUS COURT**

Once she has obtained the above evidence she can submit a request to the Personal Status Court for the legal division of property and/or inheritance. She must attach the following documents to her request:

- Identity documents for herself, her children and her late husband.<sup>17</sup>
- Residence card of her late husband.
- Ration card of her late husband (which may be in the name of the husband's father).
- Citizenship certificates of late husband, herself and their children.

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<sup>17</sup> Her identity papers must state that she was married to the deceased. If the marriage was not registered she will be unable to obtain verification of the union.

The widow must provide the original and a copy of the above documents. If the originals are lost or destroyed, she must obtain new, certified copies from the Civil Status Directorate of the Ministry of Internal Affairs in the district of residence of the late husband.

### **Obstacles**

- Often there are no identity documents because either the births and/or marriages have not been registered or the identity documents have been lost or destroyed. If the marriage is not registered, the children cannot be registered nor receive any identity documents. It is difficult to accurately determine the number of unregistered marriages in Iraq or the subsequent number of unregistered births. However, CSO legal clinics note that the numbers have increased since 2003. Current marriage registration cases in courts indicate that the number of unregistered marriages in Iraq is approximately 40-50 % of all marriages. This suggests that there are a corresponding number of children that are not registered.<sup>18</sup> The increase in unregistered marriages may be attributed to insecurity and an increase in underage marriages. Under Saddam Hussein's regime there were punishments and fines for failing to register a marriage. Since 2003, there has been a breakdown in governance and the rule of law. A consequence of this is that laws governing marriage are not adhered to or not enforced. A further contributing factor is the transference of obedience from the state to religious authorities. Before 2003, the state was a strong source of governance and religious authority was controlled by the state. Since that time people have looked more to religious leaders for governance. Most couples with unregistered marriages have been married before a religious figure, however these marriages are not legally recognized.
- Sometimes the deceased husband had never obtained his own ration card, which is important for his family. In such cases his allocation for rations remains in the name of his father and his widow will need to submit an application for a separate ration card. As soon as a person dies, the family must inform the Ministry of Trade Office and the deceased's ration will be cancelled. A widow often cannot afford to obtain new documentation due to restrictions on her travel and/or finances. The time and cost of accessing the government departments as well as familial and traditional restrictions on her travel pose additional constraints.

### **STEP 5: PROVIDE SWORN STATEMENT TO PERSONAL STATUS COURT**

She must bring **two** witnesses to the Personal Status Court to verify the death of her late husband. The witnesses must have known the late husband and provides sworn testimony (the witness swears his/her oath on the Quran). If the widow is not Muslim, she follows the same procedure, but swears an oath in the relevant way.

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<sup>18</sup> From interview with a lawyer at Fatima House in Sadr City and an interview with a journalist at *Al-Meezan* Newspaper, Babil. *Al-Meezan* estimates the number of unregistered children as approximately 20%.

## Obstacles

- Widows often experience difficulty finding two witnesses to accompany her to the Personal Status Court and may face social restrictions on her movements.
- In addition, a widow may not be able to afford the lawyer and court fees.
- Further, it may take up to two years to receive a legal decision on the division of property.

## STEP 6: CALCULATE INHERITANCE

After completing all documentation, the court will bring a judicial expert to decide the proportion of inheritance to which she is entitled. She must pay \$20.00 to cover the expert's fees. The legal expert will provide the court with a report on the legal decision of division of inheritance. The widow is given the legal document of the division of inheritance.

## Obstacles

- The widow cannot afford to pay the expert fees. It is not uncommon for there to be a dispute with her late husband's family members over the division of property, and she is often refused her share.
- Sometimes the property is registered in the name of the deceased's father or other family members, and in such cases it is rare for the widow to be successful in claiming a share of the inheritance.
- If the husband's death was a result of terrorism, the Law for the Compensation of Victims of Terrorism will govern the distribution of property and compensation for death. Sometimes this conflicts with inheritance law governing the division of property. If a man is killed as a result of terrorism, his mother, father or any of his additional wives may pay officials in the Provincial Council (the competent authority in such matters) to override the rights of the widow and claim the compensation. The law governing compensation for acts of terrorism in Iraq is founded on a first come, first served basis.<sup>19</sup>

## STEP 7: REGISTER RATION CARD

Once the widow has changed the status of her identity certificate from 'married' to 'widow', she can register the ration card in her name. Having provided official information from the District Council with regard to her late husband's place of residency, she can then go to the Social Welfare Agency to apply for a social welfare salary. At the time this report was prepared, the salary amounted to IQD 50,000 per month (\$42). The draft Social Safety Net legislation would mandate an increase in the amount to IQD 180,000 (\$152). It is worth noting that the payment system regularly faces delays, sometimes up to three months.

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<sup>19</sup> From interview with Qanadeel Al-Rahma Organization.

## Obstacles

- Government offices often provide inadequate and/or slow responses to requests made by widows.
- Widows find it difficult to engage with government offices due to a lack of knowledge of procedures on the widow's part.
- Travelling to government offices is difficult due to distance, time, and restrictions on women's movement.
- As discussed previously, if the ration card is registered in the name of the deceased's father, it will not be transferred to the deceased when he married.
- There is often a delay in payment of up to three months. Beyond the delay, the amount of the payment itself is insufficient for the survival of the widow and her family. Because of this, she often cannot afford to travel to the District Court.

## STEP 8: APPLY FOR CUSTODY OF CHILDREN

A widow can apply for guardianship of her children under 18 years of age only after receiving the legal document on the division of inheritance.<sup>20</sup>

## Obstacles

- The widow will not be able to claim guardianship if her children's births are not registered (*i.e.* no birth certificate) as is often the case in situations of unregistered marriages.
- It is common for children to be registered in the wrong religion or to the wrong father or mother.<sup>21</sup> Couples often register their children's births to other couples who have registered marriages to avoid legal punishment and/or to ensure children's registration.
- Often the husband's surviving family will object to the widow having guardianship of the children.
- In some cases it is difficult to prove the father's paternity because he refuses to accept that he fathered the child.<sup>22</sup>

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20 In Iraq, a child is considered solely as the custody of the father and as an orphan when the child's father dies. Consequently, the child's mother must apply for custody.

21 This is common amongst Yezidi communities who, for political reasons, were registered as Muslim but wish to register their children as Yezidi. From interviews with Voice of Older People and Odessa Organization for Women's Development.

22 From interviews with Voice of Older People in Sheikhan and Al-Meameen Humanitarian Association in Basrah.

# ACTORS IN THE ACCESS TO JUSTICE NETWORK

As widows seek to claim their legal entitlements, they are not simply following procedures. They interact with people and organizations. How these groups and entities are structured and their embedded gender beliefs and norms impact a widow's access to justice. The following is a summary of the key actors in the access to justice network.

## HOSPITALS

Widows must obtain death certificates from the hospital. There are between 60 to 66 state-run hospitals in Baghdad, both general and specialized. There are between three and four state-run hospitals in the other governorates.<sup>23</sup> Only state-run hospitals are authorized to establish death certificates (private hospitals cannot), and this must be done by the physician on-call at the time of death.

In case of suspicious death, the body is referred to the Ministry of Health's Forensic Medicine Institute for autopsy to determine the exact cause of death. In these cases, the Forensic Medical Institute issues the official death certificate. In all other cases, the hospital provides four copies of the death certificate: (1) for the family of the deceased; (2) for the Civil Status Directorate; (3) for the Ministry of Health's Vital Statistics Directorate; and (4) to be kept as part of the hospital's internal records.

If the widow is not the family member who receives one of the four copies of her late husband's death certificate, she will need to go to the Civil Status Directorate to obtain a certified copy.

## PROVINCIAL COUNCIL

If her husband is a victim of an act of terrorism, the widow must submit a request to the Provincial Council to obtain financial compensation. The members of Iraq's 15 central and southern Provincial Councils (excluding the IKR) are elected, and their number is proportional to the population of their respective governorate (the Baghdad Provincial Council, for instance, has 58 members, whilst the Dhi Qar Provincial Council has only 24). Provincial Council employees are considered civil servants. The Provincial Councils are responsible for the civil planning, infrastructure, investment, projects and any construction in the province. Provincial Councils are notorious among Iraqis for delays in processing documentation and are often open to corruption, according to a number of interviewed sources.

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<sup>23</sup> From interview with an inspector in the Ministry of Health, Baghdad.

## **DISTRICT COUNCIL**

For the Personal Status Court to issue a ruling on the division of property, a widow must submit a letter certifying the residence of her deceased husband from the relevant District Council. Both Provincial (first-level administrative division) and District (second-level) Councils share similar responsibilities, but the District Councils have less decision-making authority. Iraq's 120 District Councils are each responsible for specific districts, which are composed of several neighborhoods.

## **PERSONAL STATUS COURT**

The Personal Status Court is one of three types of courts in Iraq's judicial system. Personal Status Courts handle matters such as marriage, divorce, custody, inheritance, endowments, etc.<sup>24</sup> The 1959 Personal Status Law, which provides the Personal Status Court with jurisdiction, follows Shariah law. Importantly, Personal Status Courts are responsible for the division of property and decisions regarding a widow's eligibility to receive entitlements as well as custody of children. The widow must make her claim and submit all documentation to the Personal Status Court. Many widows feel intimidated to go to the Personal Status Court because they are afraid of officials and/or because they do not understand the necessary procedures.

## **CIVIL STATUS DIRECTORATE (MINISTRY OF INTERNAL AFFAIRS)**

The General Directorate for Nationality and Civil Status is responsible for everything related to Iraqis' civil status. The Directorate is responsible for issuing national identity certificates and is empowered to obtain any information required to adjust the data related to its records.<sup>25</sup> Widows must obtain the verification of her late husband's place of residence as well as the identity documents and citizenship certificates for her late husband, herself and her children from the Civil Status Directorate. As with the Personal Status Court, many widows feel intimidated to go to the Civil Status Directorate because they do not understand the necessary procedures.

## **LEGAL SERVICE PROVIDERS**

Most widows in Iraq lack knowledge about their legal rights and the processes to obtain them. In the majority of cases, widows cannot afford lawyers and do not engage their advice or support. Because of this, they are not provided with the advice they need to help them gain access to their available rights under Iraqi law.

Iraqi lawyers typically work individually, rather than in firms. Lawyer fees can end up approximately IQD 1,000,000 (\$846) for a widow. Free legal aid in Iraq has yet to be institutionalized within the Iraqi judicial system. Nevertheless, the USAID Iraq Access to Justice Program supports approximately 40

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<sup>24</sup> [http://apps.americanbar.org/roll/publications/iraq\\_personal\\_status\\_law\\_1959\\_english\\_translation.pdf](http://apps.americanbar.org/roll/publications/iraq_personal_status_law_1959_english_translation.pdf)

<sup>25</sup> <http://mofa.gov.iq/EN/faq/default.aspx>

lawyers in 19 civil society-operated legal clinics. These lawyers work for a salary of between \$700 and 900 per month.

Widows can receive free legal advice and assistance from Program-supported legal clinics. They normally engage the services of a legal clinic lawyer before visiting the Personal Status Court to submit the request for division of property (Step 2). In most cases, the lawyer will continue to assist the widow until she has received all her benefits. The provision of free legal assistance by Program-supported civil society organizations has resulted in an increased number of widows applying for and receiving their legal entitlements.

## **CIVIL SOCIETY**

In 2003, the necessary conditions for civil society to flourish began to take shape. Thousands of new non-governmental organizations (NGOs) were established and registered under Coalition Provisional Authority (CPA) Order #45 (2003).<sup>26</sup> Before this, there were no civil society organizations working in Iraq on behalf of widows. There was an organization called the General Union for Iraqi Women, which was purported to advocate for vulnerable Iraqis including widows, orphans and the illiterate. In practice, however, the organization was constrained under the mandate of the Ba'athist Regime and merely provided a propaganda tool for the party. The organization was commonly seen to support only those who showed their loyalty to the Ba'athist Party.

In January 2013, the Council of Representatives (COR) held the first reading of a new law to create a national fund for civil society organizations involved in the implementation of development projects. The effort was later directed into amending the old Civil Society Law of 2010 to include funding for NGOs, which is currently stalled in the review process.

To date, the USAID Iraq Access to Justice Program has supported 34 CSOs and 38 CSO-operated legal clinics. These organizations work with and on behalf of Iraq's most vulnerable populations, including widows, people with disabilities, children and youth, religious and ethnic minorities, Iraqis without formal identity and the internally displaced. Of the 38 CSO-operated legal clinics, 21 work directly with widows. While there are civil society organizations throughout Iraq that assist widows, these 21 legal clinics are the only ones offering legal services. The Program's CSO partners offer legal advice and services, awareness-raising workshops and financial assistance to obtain their rights.

## **FAMILY AND SOCIETY AT LARGE**

Whether widowed or not, an Iraqi woman is governed by the norms of society. While these differ from one region to another and across ethnic, religious and class lines, there are also commonalities across Iraq. For instance, while some women in Iraq are making significant gains in the spheres of education, economics, politics and travel, the majority of women face increasing restrictions in these very areas.

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<sup>26</sup> For a discussion on civil society NGO relationship with government please see [www.icnl.org/research/monitor/iraq.pdf](http://www.icnl.org/research/monitor/iraq.pdf).

Social restrictions on women in general — and widows specifically — are governed on various levels. From childhood, it is her family that is responsible for ensuring that she conforms to the norms and beliefs of society. Her father, brothers and mother (and, to a lesser degree, her sisters), will all monitor her social life. In addition, extended families are common and, therefore, grandparents, uncles and male cousins are also key actors. Other female relatives influence her social life to a lesser degree than male relatives.

When a woman marries, this responsibility is transferred to her husband and his family, who assume custody of her and take the responsibility of monitoring her social interactions as well as her duties as a wife. Her husband takes the leading role, followed by his parents and male siblings. Once her sons reach adolescence, it is also common that they will become monitors of their mother's activities.

If widowed, the situation is more complicated. If the widow has no children, the responsibility for her well-being will commonly revert to her own family, although this is also often the case even if she has children. If she is from a poor family, however, she is usually dependent on her husband's family, who will be her key monitors. Sometimes the widow is even forced by the late husband's family to marry one of his surviving brothers. If she has sons, they will also often take responsibility when they reach adolescence.

Due to the social stigma attached to being a widow, widows experience social pressure from all aspects of society. Their own families in addition to her in-laws will commonly regulate them. They are also under constant surveillance from neighbors and members of their close communities. Social regulation of widows results in the exclusion of widows from participation in public life. They are often strictly confined to the private space of the home. This confinement carries serious implications on her ability to seek entitlements by visiting hospitals, lawyers and courts, as she is prevented from leaving her home or from travelling alone. In many cases, all movements outside of her home are regulated by family members and neighbors. In some cases, even religious and local officials participate in barring her from society.<sup>27</sup>

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27 From interview with Voice of Older People.

# KEY GENDER-BASED CONSTRAINTS

**There are a large number of widows in Iraq.** While not all widows in Iraq are vulnerable, they make up one of the most vulnerable groups in Iraqi society. The Government of Iraq provides widows with a small welfare payment. However, even if a widow successfully registers with the government authorities and accesses her rights, the financial payment available to her is still not enough to meet the most basic living costs.

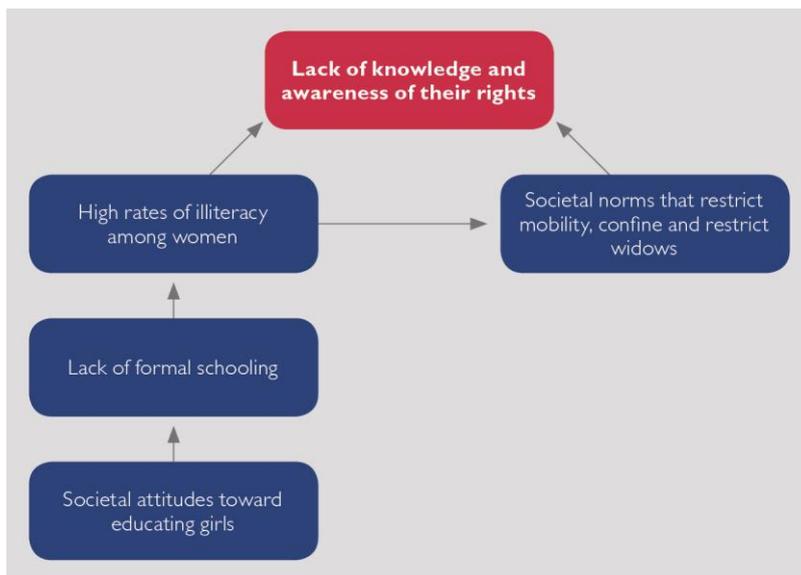
Traditional and social norms commonly prevent women from accessing employment opportunities, rendering her dependent on family members and/or the state for her survival. It is rare that a widow will have access to employment and be able to provide for herself as an independent citizen. Poverty is a major obstacle for widows accessing their entitlements. From the time of the death of her husband an Iraqi widow may wait between two and four years (longer in cases of 'missing' husbands) before she is able to claim her entitlements. Meanwhile, she is commonly without income to support herself and her family. The procedures she must follow are lengthy and complicated. For Iraqi widows, many of whom are illiterate, the bureaucratic procedures present major obstacles. Illiteracy and lack of awareness of legal rights are common, and family and traditional norms based on rigid gender roles as well as the stigma attached to being a widow also present critical obstacles for many widows accessing their rights.

Most of the impediments faced by widows when accessing their rights are those imposed by gender roles in Iraqi society. To identify opportunities for action, it is important to examine the factors that contribute to gender-based constraints. Six gender-based constraints were identified across the whole process required for a widow to access her entitlements. For each step, a constraints analysis tree has been constructed to dissect the different factors embedded within the gender-based constraint and highlight the different areas of action required.

## I. LACK OF LEGAL KNOWLEDGE AND AWARENESS

A contributing factor to the lack of legal awareness is the high rate of illiteracy amongst Iraqi females. Schooling is formally provided for all children in Iraq, however, in practice, this is not realized for all. United Nations figures estimate that illiteracy rates in Iraq are 20% (and in some areas 50%) for girls.

Societal attitudes predict that in times of social and economic hardship, Iraqi parents are more likely to educate their sons and withdraw daughters from school.



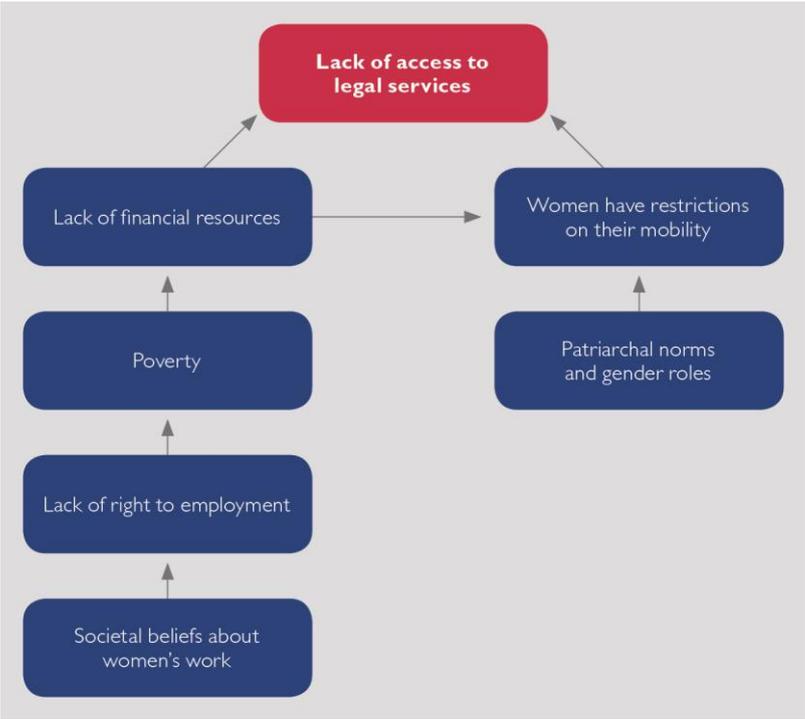
Adding to the threats confronted in situations of war, many Iraqis — especially poorer women — are still living with the consequences of the decade-long sanctions imposed on Iraq under the Saddam Hussein regime. One of the damaging repercussions of these sanctions is the withdrawal of daughters from schools by the poor to avoid an economic burden on the family. One of the damaging repercussions of the sanctions and insecurities is that poorer Iraqis commonly withdraw their daughters from school to reduce the economic burden on the family.<sup>28</sup> In addition, after sixth grade, Iraqi schools are integrated (boys and girls), and many Iraqi families withdraw their daughters from school because cultural norms will not allow the mixing of girls and boys. Isolation is a further common reason for lack of education as well as for the general lack of awareness of legal entitlements.

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28 Israa al-Samarrai Azzaman (July 21, 2011). <http://iraqsolidaridad.wordpress.com/2011/07/23/illiteracy-rate-in-iraq-climbs-among-highest-in-the-region/>

## 2. LACK OF ACCESS TO LAWYERS AND LEGAL SERVICES

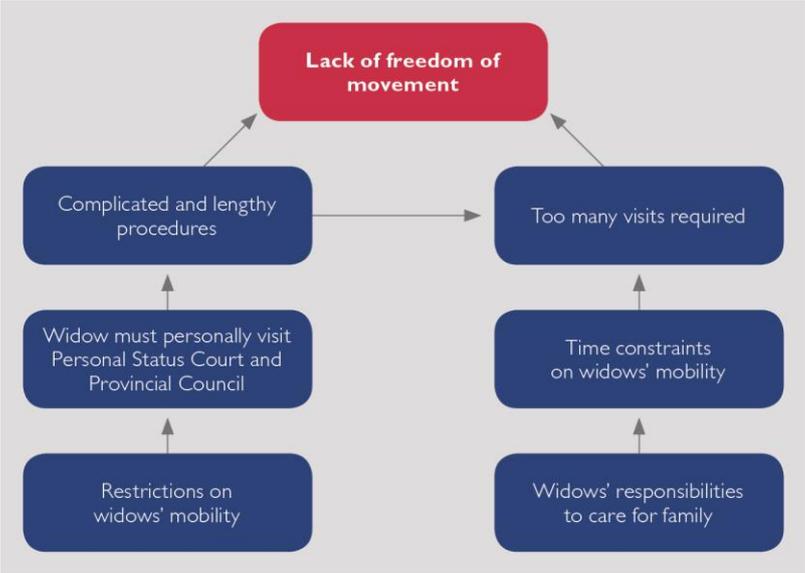
Ordinarily it will cost in excess of IQD 1,000,000 (\$846) for a widow to pay for a lawyer in order to obtain the order of division of property and widows’ entitlements. The vast majority of Iraqi widows are unemployed and do not have the financial resources to cover such costs. Even after eventually receiving the IQD 50,000 (\$42) monthly welfare payment<sup>29</sup>, most decide that they cannot pay for a lawyer to assist them, and subsequently drop the case.<sup>30</sup>



## 3. LACK OF FREEDOM OF MOVEMENT

Many widows cannot access governments offices due to traditional restrictions on their movement outside of the home and because they cannot leave their children alone.

The complicated procedures necessary to obtain entitlements require many visits to government offices, presenting additional obstacles and burden on the widow. Widows suffer from both economic and time poverty.

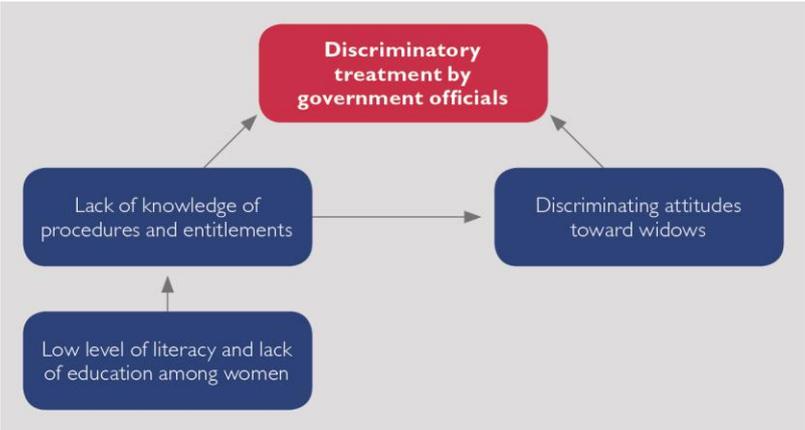


29 Based on the current amounts, if the beneficiary is single, he or she will receive IQD 50,000; IQD 70,000 for two persons; IQD 90,000 for three persons; IQD 100,000 for four persons; IQD 110,000 for five persons; and IQD 20,000 for six persons or more. This equation (percentages) is based on the provisions of Article 10 of Social Care Law No. 126 (1980).

30 From interviews with Human Rights Defenders Organization and Sayed al-Shuhudaa.

#### 4. DISCRIMINATORY TREATMENT BY OFFICIALS

While corruption is widespread in Iraq and affects all Iraqi people, it is the most vulnerable populations that are most likely to suffer the consequences of corruption.<sup>31</sup> As one of Iraq’s most vulnerable populations, widows are often unaware of the procedures and entitlements, rendering them particularly susceptible to corruption and discrimination. Illiteracy and a lack of education among women contribute to their lack of knowledge regarding their rights as well as their vulnerability to discrimination.



Formal administrative procedures are convoluted and time-consuming. Some widows complain that officials expect bribes and others are openly abusive toward widows. Widows are afraid to go to government offices alone.

#### 5. LACK OF DOCUMENTATION NEEDED TO CLAIM RIGHTS

Unregistered marriages in Iraq are common and present one of the main obstacles that a woman will face when accessing her rights as a widow. In Iraq, as in other countries, the issue of unregistered marriages is most prevalent in contexts where poverty, illiteracy and gender inequalities are most pronounced. Unregistered marriages contribute to economic hardship: Children cannot be properly documented, and therefore do not have the documents they need to register for school and receive some health services. This leads to under-investment in human capital and hampers development. Since 2003, unregistered marriages represent a growing problem in Iraq.<sup>32</sup> In addition, many Iraqis have lost their documentation when moving for security reasons, or their documents were destroyed during the war.



31 From interview with Al-Meameen Humanitarian Association.

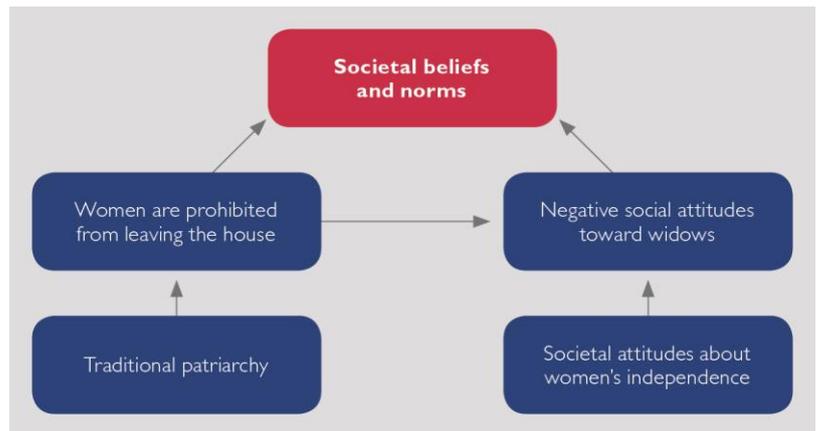
32 Interviews with Model Iraqi Women. In Iraq, unregistered marriages represent a growing problem as, since 2003, many couples opt for *muta'a* and *misyar* marriages. Although not legally sanctioned, these marriages are common and offer no legal protection for women. Although *muta'a* and *misyar* marriages represent only a portion of the unregistered marriages in Iraq and normally last for only a short time, some last for many years and are a consideration for some widowed Iraqi women. See [www.iraqupdates.com/free-news/culture-tourism/secret-marriages-rising-in-iraq-and-women-and-children-are-the-losers/2012-09-14#.UZdm-OLdL5y](http://www.iraqupdates.com/free-news/culture-tourism/secret-marriages-rising-in-iraq-and-women-and-children-are-the-losers/2012-09-14#.UZdm-OLdL5y).

## 6. SOCIETAL BELIEFS AND NORMS

Societal attitudes place shame on being a widow. Local values are embedded within patriarchal structures that both restrict widow's movement and undervalue their contribution as providers and participants in public and economic life.

Women are prevented from making phone calls to legal clinics and other support services. Women are

conditioned to accept that they are confined to the private sphere and in the custody of men. Women are severely punished for attempting to leave their homes or contact legal clinics. Many widows will withdraw applications due to family and societal pressures. Women fear the consequences of attempting to seek their entitlements.<sup>33</sup>



## TAKING ACTION TO ADDRESS GENDER-BASED CONSTRAINTS

The USAID Iraq Access to Justice Program and its implementing partners work to improve access to justice for widows by reducing key gender-based constraints. This section summarizes only the most recent strategies implemented by the Program to address access gaps for widows.

### *Addressing and increasing legal knowledge and literacy*

The Program and its implementing partners successfully improve the legal awareness of widows through awareness-raising workshops, free legal services to widows and power of attorney to overcome the lack of legal knowledge and literacy. At the end of March 2013, the Program had completed 75 awareness-raising campaigns and 115 awareness-raising workshops, reaching 3,124 participants — many of whom were widows. While illiteracy is a major obstacle faced by widows, it is out of the Program's scope to provide widows with literacy education. However, by obtaining power of attorney on behalf of illiterate widows, the Program does lessen the obstacles faced by widows as a result of illiteracy.

- **Al-Zuhoor Feminist Organization** launched a survey of widows in four Baghdad neighborhoods. The survey was designed to provide information on the situation of widows in the governorate, particularly with regard to their access to state services. The organization also completed 60 symposia to provide information to widows on accessing services.

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33 "Constraints and even violence are practiced to prevent women from obtaining her rights" interview with Odessa Organization for Women's Development.

- **Tammuz Organization for Social Development** completed three workshops in Anbar and Baghdad governorates that were attended by 72 widows. An additional workshop was held in Dhi Qar, where 25 widows were informed about their rights under the Constitution of Iraq. The Organization also launched a campaign on widows' rights that includes three workshops, 2,000 booklets, 1,000 posters and 24 radio programs.
- **Um Al-Yateem Foundation** completed four workshops in Baghdad's Sadr City, Adhamiyah, Kadhimiyah and Dora neighborhoods that addressed the legal rights of wives with missing husbands. Um Al-Yateem Foundation's campaign on women with missing husbands was also completed, which included 32 workshops, 1,550 brochures, 200 posters and 20 banners raising awareness of these women's rights.<sup>34</sup>

In addition, the Program's implementing partners successfully lessened the challenges of isolation by going out to the villages and homes of women to hold awareness-raising campaigns, legal awareness workshops and to provide legal advice.<sup>35</sup>

### ***Overcoming lack of financial resources for legal services***

The Program has reduced the constraints posed by lack of financial resources by providing free legal services and paying legal fees for widows. The Program has actively supported 38 legal clinics and 34 CSOs in 10 out of 18 Iraqi governorates. It is a requirement that all Program-funded legal clinics that support widows cover the costs of their legal fees.

In addition, many of the lawyers working in legal clinics travel to remote areas to reduce the costs for widows. They routinely establish a power of attorney to act on her behalf, thereby reducing the number of visits the widow must make to government agencies.<sup>36</sup> Program-supported legal clinics also often support widows by covering the cost of taxis to come to the legal clinic.<sup>37</sup>

### ***Overcoming time poverty and mobility restrictions***

Many of the lawyers in Program-supported legal clinics obtain legal powers of attorney to act on behalf of widows, thus reducing many of the bureaucratic obstacles as well as the time-consuming visits required to fulfill administrative requirements. With the power of attorney, the Program's legal clinic lawyers also alleviate many of the restrictions placed upon women when required to travel to government agencies to access their entitlements.

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34 The workshops were conducted in partnership with the Ministry of Human Rights.

35 From interviews with Odessa Organization for Women's Development, Iraqi Center for Human Rights Association (ICHRA), Inma Organization for Development and Al-Tanweer Organization.

36 From interviews with Sayed al-Shuhudaa, Hadia Association for Human Rights, Al-Meameen Humanitarian Association, Al-Taqwa Organization, ICHRA and Al-Arqam Charity Association.

37 From interview with Inma Organization for Development.

## **Helping women register their marriages and change civil status**

The Program offers awareness-raising workshops and free legal services to women in order to register their marriages, register their children and change their civil status on official identity documents. As of May 2013, the Program's legal clinics had successfully obtained 844 marriage certificates on behalf of Iraqi women who had unregistered marriages. Of these, 80 women visited the legal clinics solely for the purpose of marriage registration, whereas the remaining 764 initially visited the clinics for other reasons (e.g. obtaining widow benefits.)

The issue of underage marriage, which is largely cultural, has yet to be addressed in any substantive way by the Government of Iraq. The Program recently completed an awareness-raising campaign on unregistered marriage, which included a video documentary on unregistered marriages involving minors. The documentary ("*Rahma, Zaynab and Others...*") highlights the marriages of underage girls as a primary reason for couples failing to register their marriages.<sup>38</sup> Having an unregistered marriage is a significant problem faced by many women seeking their rights as widows.

The campaign was launched in December 2012 and was completed at the end of Q1 2013. The theme of unregistered marriage was chosen due to the high volume of legal cases brought to Program-supported legal clinics by women who are unable to access government benefits for themselves and their children because their marriages are unregistered.<sup>39</sup> The campaign ran throughout the country, including the Iraqi Kurdistan Region (IKR), and was endorsed by and implemented in cooperation with the General Secretariat for the Council of Ministers (COMSEC) Citizens' Affairs and Public Relations Directorate in central and southern Iraq. During and after the campaign, the Program's legal clinics reported an increase in numbers of marriage registration cases.

## **OPPORTUNITIES TO STRENGTHEN ACCESS TO JUSTICE FOR WIDOWS**

To date, the Program's achievements are significant. It is critical that the work of the Program and its civil society partners continue to be supported to enable vulnerable Iraqi widows to access their rights. The demand for this work will continue, given the large numbers of unprocessed claims. Additionally, as legal clinics are currently situated in only 10 of the 18 provinces, there is a necessity for additional legal clinics to be opened throughout the country.

The following areas have not been specifically addressed to date. Addressing these will further ensure the success of the Program's work in the future and further enhance access to justice for Iraqi widows.

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38 The legal age for marriage in Iraq is 18 years for both males and females, however a judge can marry a couple if one or both of them are 15 years or older and have parental consent.

39 When a marriage is not registered with the proper authorities, the children are not officially recognized as citizens and are unable to even enroll in school.

### ***Lobby government to establish a centralized registry of vital statistics***

A centralized vital statistics database, linking all governorates, is required to alleviate the time required to complete administrative procedures and to enhance bureaucratic efficiency. Such a database would reduce the travel required of widows as well as the time taken to obtain documentation. Restrictions on widow's travel would therefore be less relevant and pose less of an obstacle.

Officially, there is a Statistics Department within the Ministry of Health that gathers data from all Iraqi hospitals. However, in practice many births, deaths and marriages are not registered. Cooperation between governorates is poor and full data is not stored electronically. The Program can support CSOs to lobby the central government to rectify this problem. Pressure is required to acquire updated equipment for data entry as well as personnel to enter data. These statistical records are vital for the development of Iraq in general. A statistical capacity-building initiative inside the Ministry of Health is a basic imperative, however such an initiative falls outside the scope of the Program.

### ***Suggest reforms for welfare payments for women living alone***

Social welfare payments are currently assessed based on categories (e.g. widow, orphan, person with disability). As such, the assessment is divisive and does not always meet the basic needs of beneficiaries. While some widows may be independently wealthy, others will have additional disadvantages that negatively impact their chances of survival and general well-being. A needs-based assessment that targets poverty and basic needs rather than distinct categories is required for a more accurate evaluation of necessary beneficiary support.

If widows qualified for welfare support under a poverty assessment rather than a category assessment, this would reduce the necessity of providing so much documentation. Basing support on category assessment requires the beneficiary to prove his/her status, whereas an assessment based on needs would require proof of poverty. The Program's advocacy team is well suited to work with the Ministry of Labor and Social Affairs (MOLSA) to suggest legislation that would reform the welfare system and allow for more flexible targeting.

Individualizing services to meet the needs of all Iraqi citizens and engaging civil society groups with ministries to develop needs-based criteria would better delineate ways to efficiently meet the needs of Iraqi citizens. Capacity building to enhance understanding of the policies and principals of empowerment, inclusion and citizenship, and ways to include these in the legal framework to ensure the welfare of all Iraqi citizens is an imperative and is within the Program's scope. An assessment based on poverty rather than category would likely lessen the stigma associated with widowhood, as widows would be assessed alongside other Iraqi citizens — men and women alike. It is important to add that as men and women in Iraq are not treated equally, gender being a major source of discrimination, a needs-based system must incorporate a clear assessment of gender inequalities in Iraqi society. The needs-based assessment would therefore need to include an element of gender sensitivity.

### ***Implement law protecting the rights of widows regardless of religion or ethnicity.***

The Program's advocacy team could work with MOLSA to address the long-term implementation of a law to provide social workers to assess the needs of widows throughout Iraq. If the assessment is based

on poverty and widows can qualify under a carefully thought-out, gender-sensitive poverty assessment, religious and/or ethnic differences would be less likely to contribute to unequal levels of support. Widows would, therefore, be less likely to experience exclusion. The Program could support awareness-raising and capacity-development activities on the rights of women. Ensuring that inheritance laws are implemented throughout the country is a long-term initiative for the government of Iraq.

### ***Build capacity of government officials to identify and address gender issues***

There is little that the Program can do to ensure the implementation of any given law. The Program can, however, build the capacity of civil society to put pressure on government and lobby for change. MOLSA is currently acting within a weak legal framework with virtually no legal instruction. The government still needs capacity building in anti-corruption and efficient management. However, this lies outside the Program's scope work. The Program could foster partnerships with other development projects to facilitate this work. Training government officials on gender equality and women's empowerment is essential and does fall within the Program's scope of work.

### ***Build capacity of civil society to advocate for widows***

Advocating for the employment of social workers within broader structure of social protection and assessment of welfare needs (as suggested above) will help better understand the educational needs of widows. The Program, in partnership with its civil society partners, is well-suited to engage public support for this.

Civil society must be provided the skills to empower them to advocate on behalf of all citizens. The Program's advocacy team can build the capacity of civil society with regard to women's rights to education and tools for lobbying to support women's rights to employment. Training on basic gender equality concepts requires further development. Civil society must also be empowered with technical skills to understand policies and the principals of empowerment, inclusion and citizenship. To ensure sustainable development, more must be done than simply talking about concepts of gender equality and access to welfare support.

### ***Increase awareness of the importance of women's right to education and employment***

Public awareness of women's rights, gender equality, women in leadership, and women's empowerment remains at a basic level in Iraq. Although women's rights to employment are protected under Iraqi law, traditional patriarchal practices and gender norms often prevent women from working outside the home. The Program is able to provide training to religious and tribal leaders as well as to CSOs to argue for the importance of women's education and employment for the sustainable future and security of the community. Widows would benefit significantly if employment opportunities were available to them and if gender-based obstacles to women's participation in the workforce were eliminated.

# CONCLUSION

Widows in Iraq are guaranteed certain rights under Iraqi Law; however accessing these is often met with many challenges often resulting in widows simply giving up. Many Iraqi widows live in dire circumstances without official support, relying on the kind contributions of others to ensure the survival of themselves and their children. While some widows in Iraq participate in the public, economic sectors of society and engage as independent citizens, most are located on the fringes of a broader society that pays inadequate attention to their suffering.

The USAID Iraq Access to Justice Program has successfully met many of the challenges facing vulnerable widows by implementing awareness-raising campaigns and free legal clinics. The ongoing provision of these services will certainly lessen the suffering and improve the future prospects of vulnerable Iraqi widows. However, obstacles remain and these are primarily embedded within ineffective bureaucratic procedures and traditional patriarchal confinements placed on Iraqi women in general and widows in particular.

Traditional values held by many Iraqi communities maintain major obstacles to women's exercise of agency and it is exigent that these obstacles are addressed to ensure the empowerment of all Iraqi women and men. Recognizing that values are not static provides the opportunity to make positive changes in the lives of widows. If Iraq's widows are to overcome the traditional societal obstacles, these need to be addressed and widows themselves should be empowered to access their rights rather than relying on the contributions and services of others. Iraqi people must navigate tribal and religious values as well as traditional norms embedded within patriarchal culture in order to ensure access to justice for all Iraqi people.

Commitment to religious, tribal and family values may be stronger than values of legal justice. An appeal to maintaining tribal, religious and social values while increasing access justice for all Iraqis is necessary. Assessing which values enhance justice and which do not is important to ensure equitable justice for all. As some values are harder to change than others, it is imperative to establish the degree to which both government and people in general are willing to change to ensure access to justice for all. In addition, as values differ from one context to another, a nation-wide effort is required to benefit all widows and to understand that the experience of vulnerability for widows will differ from region to region, religion to religion and between urban and rural populations. It is important to be mindful that commitment to specific values is not static and that, consequently, some of the major obstacles faced by Iraqi widows may be addressed by appealing to Iraqi core values. . It is imperative that these be assessed with regard to both men and women's access to justice.

Female literacy and overcoming traditional obstacles may present as more challenging impediments. However there is a willingness among the Program's implementing partners to work with tribal and religious leaders to help address injustices faced by women in Iraq. The Program must further develop its advocacy efforts for better literacy and women's rights to employment and active citizenship over the

next years. Focusing narrowly on access to welfare salaries may obscure or ignore other values and obstacles, and fail to recognize the adaptive capacity and exercise of autonomy of widows. As not all widows are vulnerable, support needs to be assessed on need-base rather than category-base analysis. It is important to consider what it actually means for a widow to be vulnerable. Attempts to provide access to entitlements and lobby for change must incorporate the needs and experiences of widows. In addressing more entrenched patriarchal obstacles, it is necessary to examine relationships between men and women as well as the different ways that men and women experience vulnerability. Some implementing partners argue that rather than focusing on the government entitlements, widows ought to be provided with opportunities to engage in meaningful employment. To ensure sustainable and equitable access to justice for Iraqi people, it is vital that societal attitudes toward educating girls and ensuring women's access to employment be developed.

Finally, the Program is well placed to focus attention on assessing and advocating changes to bureaucratic procedures and social welfare salary; advocating for general social welfare salary to ensure widows' survival while they wait for their benefits; pressing for a centralized vital statistics registry; building capacity in the areas of gender equality and women's empowerment; and lobbying for uniform access to entitlements across Iraq's diverse communities. Concerted efforts to support the capacity of civil society to address bureaucratic inefficiency and corruption in government departments are also critical to strengthen the rule of law and enhance access to justice.

Securing the sustainability of the Program's existing legal clinics and establishing additional clinics throughout Iraq is an imperative. With these legal assistance hubs in place, the most critical areas are those noted above.