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## Iraq to lower the 'age of consent' for girls to nine

A new law proposed by ultra conservative Shia Muslim parties seeks to strip women and girls of their rights



Women's rights activists accuse the government of attempting to 'legalise child rape' Credit: Erik de Castro/Reuters

Lilia Sebouai

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Iraq is poised to slash the legal age of consent from 18 to to nine, allowing men to marry young children.

The proposed legal change also deprives women of rights to divorce, child custody and inheritance.

Iraq's parliament, which is dominated by a coalition of conservative Shia Muslim parties, is preparing to vote through an amendment that would overturn the country's "personal status law".

The legislation, also known as Law 188, was heralded as one of the most progressive in the Middle East when it was introduced in 1959 and provides an overarching set of rules governing the affairs of Iraqi families, regardless of their religious sect.

As well as bringing down the legal marriage age, the amendment would also remove women's rights to divorce, child custody and inheritance.



Iraq already has high rates of child marriage and it is particularly widespread in poor, ultra-conservative Shia communities  
Credit: DELIL SOULEIMAN/AFP/Getty Images

The governing coalition says the move aligns with a strict interpretation of Islamic law and is intended to protect young girls from "immoral relationships".

The second reading of the amendment to Law 188 was passed on September 16.

It isn't the first time Shia parties in Iraq have tried to amend the personal status law – attempts to change it failed in 2014 and 2017, largely due to a backlash from Iraqi women.

But the coalition now has a large parliamentary majority and is on the brink of pushing the amendment over the line, said Dr Renad Mansour, a senior research fellow at Chatham House.

“It's the closest it's ever been,” he told *The Telegraph*. “It has more momentum than it's ever had, primarily because of the Shia parties,” he said.

“It's not all Shia parties, it's just the specific ones that are empowered and are really pushing it.”

Dr Renad added that the proposed amendment was part of a wider political move by Shia Islamist groups to “consolidate their power” and regain legitimacy.

“Stressing the religious side is a way for them to try and regain some of the ideological legitimacy that has been waning over the last few years,” he told *The Telegraph*.

It is not yet clear exactly when the amendment will go before parliament for a vote, but it could come at any moment, he said.

## **An attack on women, girls... and Iraq's social fabric**

Experts and activists say the amendment would effectively erase the most important rights of women in the country.

“The amendment would not just undermine these rights,” said Sarah Sanbar, Iraq researcher at Human Rights Watch. “It would erase them.”

Athraa Al-Hassan, international human rights legal adviser and director of Model Iraqi Woman, told *The Telegraph* she is “afraid” Iraq's system of governance will be replaced with a new system known as the Guardianship of the Jurist – a Shia system that puts religious rule above the state.

The system is the same one that underpins the regimes in Afghanistan and Iran, where a Guardian Jurist serves as supreme leader of the country.

Iraq already has high rates of child marriage. According to the United Nations Children's Fund (Unicef), some 28 per cent of women in Iraq are married by 18.

This is because of a loophole in the personal status law which allows religious leaders, instead of the courts, to officiate thousands of marriages each year – including those involving girls as young as 15, with permission from the father.

These unregistered marriages are widespread in economically poor, ultra-conservative Shia communities in Iraq.

But because the nuptials are not recognised by law, the girls and any children they have are denied a plethora of rights.

For example, hospitals can refuse women admitted for childbirth without a marriage certificate.

The amendment would legitimise these religious marriages, putting young girls at increased risk of sexual and physical violence, as well as being denied access to education and employment, according to human rights watch.



The proposed legal change also deprives women of rights to divorce, child custody and inheritance Credit: ALI AL-SAAD/AF/Getty Images

The proposed amendment is the latest move by the governing coalition to curb the rights of women.

In April it also made same-sex relationships punishable with up to 15 years in prison, after failing to impose the death penalty. And last year, it ruled that media outlets replace the term “homosexuality” with “sexual deviance” on all platforms. The term “gender” was also banned.

The Iraqi parliament will formally debate the latest amendments before putting them to a vote.

The action has ignited an outcry on social media, with women’s rights activists accusing the government of attempting to “legalise child rape”.

In August, protests erupted in Baghdad and other cities across the country. The demonstrations were organised by Coalition 188, an Iraqi group of female activists opposed to amending the personal status law.

“What they aspire to in parliament is not in the interest of society, but their personal interest,” said Ms Al-Hassan, one of the leading voices in the country’s feminist movement.

There are fears that the amendment will deepen Iraq’s already sectarian divides.

“We are defending the rights of women and girls [and] protecting Iraqi society from disintegration and the establishment of sectarianism among the social fabric,” said Ms Al-Hassan.

Sectarian conflict has long been rife in Iraq, with the toppling of Saddam Hussein’s regime in 2003 ultimately increasing Iranian Shia influence.

Dr Mansour said amending Law 188 would further entrench divisions.

“It would bring everything back to the sect,” said Dr Mansour. “But many Iraqis don’t want to be defined politically by their sect. They want to be defined by their government and their state.”



Sectarian conflict has long been rife in Iraq, with the toppling of Saddam Hussein's regime in 2003 increasing Iranian Shia influence Credit: Peter Payne

The proposed amendments would give Muslim citizens the option of selecting either the current, largely secular personal status law, or religious law – depending on their sect – as the basis for governing their personal affairs.

But, ultimately, this decision lies solely with the men.

“It’s explicitly written in the draft that when there’s a dispute between the couple, the sect of the husband takes priority,” said Ms Sanbar. “This is going to remove a lot of protections for women ... it will undermine the principle of equality before the law.”

She was also concerned the amendment would give Iraqi women belonging to certain sects greater privileges and economic independence, while others remain trapped in poverty or abusive marriages.

“[These women] will have to stay in harmful situations because they fear losing custody of their children,” Ms Sanbar said.

Ms Al-Hassan denounced the amendment as “very dangerous”, adding that its interference in the affairs of the Iraqi judiciary was a “violation of the

constitution.”

“Iraq is a civilised civil state that cannot be otherwise. The first female minister in the Arab countries was Iraqi and the first female judge was Iraqi,” said Ms Al-Hassan. “We aspire to progress, not regress.”

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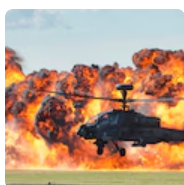
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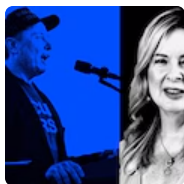
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