DEFENDING WOMEN'S RIGHTS IN IRAQ

One Year Later: The Ja'fari Code and the Challenges Facing Iraq's Personal Status Law

WEBINAR REPORT | 16 OCTOBER 2026 | ENGLISH EDITION

Organised by Iraqi Civil Society Solidarity Initiative (ICSSI), Alliance 188 and For Her Organization



Executive summary

On 16 October 2026, the Iraqi Civil Society Solidarity Initiative (ICSSI), Alliance 188 and For Her Organization convened a webinar to examine the implications of the amendments to Iraq's Personal Status Law No. 188 and the introduction of the Ja'fari Code.

Bringing together Iraqi women's rights defenders, lawyers, civil society organisations and international allies, the webinar explored the consequences of these legislative changes for women and children, drawing on legal analysis, courtroom experiences and grassroots feminist organising.

The discussion addressed unequal legal protections, marriage and consent, child custody, access to divorce, economic rights and women's autonomy. Particular attention was given to the experiences of mothers affected by custody decisions, the limitations of existing legal safeguards and the importance of independent documentation and legal assistance.

Beyond the legal debate, the webinar explored collective feminist mobilisation, the risks faced by women human rights defenders and the role of international solidarity in supporting independent Iraqi civil society.

This report provides a thematic synthesis of the analyses, experiences and perspectives shared during the webinar, alongside the advocacy priorities and recommendations emerging from the discussion.

It seeks to inform national and international stakeholders, contribute to ongoing efforts to protect women's and children's rights, strengthen access to justice and support the leadership and autonomy of Iraqi feminist movements.

Webinar at a Glance

Date:
16 October 2026

Format:
Dialogue webinar

Language:
Arabic with interpretation

Facilitator:
Yasmine Falah

Principal speakers:
Marwa Abd, lawyer and feminist activist, For Her Organization;
Inas Jabbar, feminist and human rights defender, Alliance 188 and Iraqi Women's Network

> **The discussion connected courtroom practice and legal interpretation with women's organising.**

1

A conversation grounded in Iraqi women's experiences

The session opened as a space for solidarity and shared learning, bringing together participants from Iraq and abroad. ICSSI's introduction situated women's rights within broader struggles for justice, while the feminist team highlighted the collective effort behind the event. The conversation moved from the legal framework to its reported effects in courts, homes and public life, before opening to questions and proposals.

What distinguished the discussion was the connection between legal analysis and realities on the ground. Several women joined the webinar immediately after participating in a mothers' protest. According to accounts shared during the session, the demonstration faced restrictions reflecting the intimidation of the movement opposing the amendments, despite constitutional guarantees and international commitments protecting peaceful assembly in Iraq.

Although permission to demonstrate in Tahrir Square had been granted days earlier, organisers were abruptly informed on the evening before the sit-in that the gathering could no longer take place there, forcing them to relocate to Al-Firdaws Square.

The restrictions continued: the sit-in was limited to one hour, and after a request for a thirty-minute extension was denied, protesters were forcibly dispersed. In response, the women marched towards Kahramana Square, blocking the street and reaffirming their opposition to the amendments in a powerful act of collective defiance.

Their participation in the webinar immediately afterwards demonstrated that the issues under discussion were far from abstract legal debates. They were rooted in court rulings, the separation of mothers from their children, barriers to legal assistance and the risks of publicly defending their rights.



2

Legal pluralism, marriage and unequal protection



The discussion opened with an examination of the amendment to Article 2 of Law No. 188 and the invocation of Article 41 of the Iraqi Constitution.
Marwa Abd argued that a system presented as a matter of individual choice creates inequalities not only between women and men, but also among women governed by different personal status frameworks. Inas Jabbar questioned whether this choice was genuinely available in practice, noting that couples often lack sufficient information about the differences between the legal frameworks. She described practices in Najaf and Karbala where, according to her account, couples were not offered a meaningful choice. The possible introduction of a Sunni personal status code was also raised as a further threat to the preservation of a common legal framework.



Marriage, consent and safeguards

The discussion explored the different understandings of marriage underlying Law No. 188 and the Ja'fari Code.
While the former conceives marriage as the foundation of a shared family life, the latter was described as placing greater emphasis on the private relationship between spouses.
Particular attention was given to provisions concerning marital obedience, freedom of movement, financial maintenance, household responsibilities and the husband's presence in the family home. Marwa Abd also questioned guardianship rules that distinguish between adult women on the basis of their previous marital status.
Child marriage emerged as a particularly urgent concern. Marwa Abd explained that retaining a formal minimum marriage age does not necessarily protect girls when marriages conducted outside the courts are not subject to criminal sanctions, registration requirements or premarital medical safeguards. These concerns were also linked to undocumented marriages and the difficulties children may face in obtaining legal documentation.

> "a right without an enforceable remedy does not provide meaningful protection."



Marriage contracts and unilateral conversion

The discussion raised concerns about the enforceability of conditions included in marriage contracts, highlighting that contractual safeguards offer limited protection without effective legal remedies.

A central concern was the possibility of converting pre-existing marriage or divorce arrangements to the new legal framework without the wife's consent. Marwa Abd explained that such conversions can be requested unilaterally and described cases in which proceedings had taken place without notifying the wife. By contrast, she stated that the conversion of contracts concluded after the introduction of the Code requires the consent of both parties.

She further explained that minor children are bound by the conversion and cannot choose a different legal framework upon reaching adulthood.

Afrah Al-Ati challenged the retroactive alteration of established legal arrangements through the unilateral decision of one spouse, describing this political use of legislation as "legislative corruption."

3

Child custody and the best interests of the child

Child custody emerged as one of the most emotionally charged and legally significant issues discussed during the webinar. Speakers acknowledged the shortcomings of previous arrangements under Law No. 188, particularly regarding visitation and overnight stays, while emphasising that addressing these limitations should not come at the expense of the best interests of the child.

The discussion examined provisions reportedly limiting maternal custody to the age of seven, with the possibility of earlier loss upon remarriage, and the risk of custody decisions being shaped by conflicts between parents rather than children's wellbeing.

Decision No. 93

Marwa Abd criticised Decision No. 93 for setting at eighteen the age at which children may choose whom to live with, in contrast to the age of fifteen under Law No. 188 and the Ja'fari Code's references to puberty and maturity. She argued that the decision conflicts with other legal frameworks concerning children's rights and highlighted the ongoing mobilisation of women demanding its revocation.

Experiences described by affected mothers

Beyond the legal provisions, the discussion examined the realities of custody enforcement. Inas Jabbar described cases in which children were separated from their mothers through court proceedings, sometimes involving security personnel, and instances in which children were placed under pressure amid parental conflicts.

Participants raised concerns about the psychological consequences of using custody as a means of retaliation, as well as the diminished role of social researchers in judicial proceedings.

Responding to a question about children with disabilities, Inas Jabbar reported cases involving autistic children who had been removed from their mothers' custody despite their specific care needs and established relationships.

Documenting the impact of custody decisions

According to data presented during the webinar, the Legal Support Network had collected 670 judicial decisions concerning personal status matters across six governorates, approximately 70% of which concerned the withdrawal of custody.

While these figures refer exclusively to the decisions collected by the network and do not represent a national rate, they highlight the importance of independent documentation in assessing the impact of legislative changes, identifying patterns in judicial practice and informing advocacy efforts.

personal status judicial decisions reported as collected from six governorates	670
of the collected decisions reportedly concerned withdrawal of custody	≈70%

4

Divorce, violence and economic rights

1

Access to divorce

A further set of concerns involved access to separation, unequal marital obligations and economic independence. Marwa Abd stated that the Code removes the broader routes to judicial separation available under Law No. 188, restricts women's divorce pathways to three cases and requires referral to the highest religious authority. She reported that, during a meeting with the Judicial Council, it had emerged that no response had been received from that authority to any of the divorce cases referred by women over the course of a year. Marwa Abd also challenged the claim that the reform had reduced divorce rates, noting that out-of-court divorces are not comprehensively recorded.

2

Violence and marital autonomy

Participants questioned whether changes to provisions concerning *nushuz* (marital disobedience), presented as improvements, offered meaningful protection for women.

Particular concern was expressed over the wording concerning wife-beating "without justification", which was criticised for implying that violence could be considered justified under certain circumstances.

The discussion placed these provisions within broader concerns about women's autonomy, unequal marital obligations and the barriers women face when attempting to leave unsafe relationships.



3

Economic and inheritance rights

The economic implications of the Code formed another dimension. According to Marwa Abd's legal interpretation, wives are excluded from inheriting land under the Code. Concerns were also raised over the reported removal of the obligatory bequest for grandchildren whose parent has died.

Speakers linked these provisions to broader questions of women's financial security, economic autonomy and intergenerational inheritance rights.

5

From protest to collective feminist organising

The webinar documented an evolving movement as well as a legal dispute.

ALLIANCE 188

Alliance 188 was established in August 2024, with approximately fifteen local coordination structures formed within a short period. Its mobilisation brought together women's rights defenders, civil society organisations, professionals, civil political actors and supporters, including women from the Kurdistan Region.
Public protests, political engagement and direct legal assistance developed alongside one another. Inas Jabbar credited this collective mobilisation with contributing to the preservation of Law No. 188 alongside the new Code and influencing decisions concerning child custody.

EVIDENCE AS A TOOL OF ACCOUNTABILITY

A recurring observation was that affected mothers had become central organisers and public voices, rather than simply recipients of legal advice. The Legal Support Network combines free support for women with limited resources and independent collection of judicial decisions. The significance of this documentation is not only immediate legal assistance: it is also a cumulative record that may make future accountability and reform possible.

RESISTANCE UNDER THREAT

Greater public visibility has also exposed mothers, women human rights defenders and their supporters to serious risks. Accounts shared during the webinar described online harassment, fabricated sexual imagery, reputational attacks, intimidation and coercion.
The use of face coverings during demonstrations was described as a protective response to these threats, illustrating the personal risks associated with publicly opposing the amendments and defending women's rights.

> **Affected mothers increasingly became protagonists of the resistance rather than simply recipients of assistance.**



6

Perspectives on legal reform and international solidarity

The discussion extended beyond the immediate consequences of the legislative changes, exploring possibilities for legal reform, independent evidence collection, the development of Iraqi feminist thought and international solidarity.

1

Marriage contracts and practical reform

Hana Hamood Abbas raised the possibility of developing more comprehensive marriage-contract forms that clearly outline rights, obligations and contractual conditions. The discussion addressed existing exchanges with judges on improving these forms, as well as the need for written models and judicial training to support their practical implementation.

2

Evidence, data and institutional engagement

Zainab Abdulhussein, a student from Basra who had participated in that day's protest, questioned how the impact of the legislative changes on custody and divorce could be assessed through reliable data. Her intervention highlighted the limitations of official statistics and the importance of systematic, independent evidence collection. Intisar Al-Mayali emphasised the need to sustain documentation efforts and strengthen engagement with Iraqi judicial institutions and international human rights mechanisms.



3 Alternative frameworks and long-term feminist debate

Afrah Al-Ati challenged the retroactive effect of contractual conversion and raised the question of which legal principles could inform an alternative personal status framework.

While acknowledging the shortcomings of Law No. 188 itself, the discussion explored approaches that could better protect rights, drawing on different schools of jurisprudence, constitutional principles and international commitments. A civil personal status framework emerged as a possible long-term direction, rather than a collectively endorsed proposal.

Hazem Safi extended this reflection beyond legislative reform, inviting participants to consider how the current struggle could contribute to the development of Iraqi feminist thought and theory.

4 International solidarity without displacing local leadership

Martina Pignatti raised the question of how international actors could support Iraqi women's rights defenders without exposing them to further accusations of serving foreign agendas. She identified the Women, Peace and Security agenda, including UN Security Council Resolution 1325, as a possible advocacy channel.

Marwa Abd called on diaspora communities and international supporters to sustain advocacy through Iraqi embassies. She recalled that previous pressure had led a representative of the Iraqi Foreign Ministry to attend parliamentary discussions and call for the amendment not to be passed.

Her appeal to international donors was equally explicit: reduce direct funding to the Iraqi government and redirect resources towards independent Iraqi civil society organisations. She argued that government-managed funding, particularly funding linked to Resolution 1325, had sidelined independent organisations while authorities continued to accuse activists of serving foreign interests.

Across these exchanges, international solidarity emerged as a question not only of resources and political support, but also of autonomy. Participants emphasised the importance of responding to the priorities articulated by Iraqi women's rights defenders, recognising the risks they face and supporting the sustainability of their independent organising.

7

Advocacy priorities and recommendations

Drawing on the legal analyses, experiences and perspectives shared during the webinar, this section brings together key demands and proposals for legislative reform, access to justice, the protection of women's and children's rights, and the strengthening of independent civil society. These advocacy priorities reflect contributions made during the discussion and do not constitute formally adopted collective resolutions.

A. Legislative and judicial action

1. **Rejection of the Ja'fari Code and return to Law No. 188**
   Addressed to: Iraqi legislators.
   Repeal the Ja'fari Code and restore Law No. 188, while recognising the shortcomings of the previous legal framework. Pursue targeted legislative amendments as a possible short-term strategy without losing sight of the movement's broader demands for equal protection.

2. **Revocation of Court of Cassation Decision No. 93**
   Addressed to: the competent Iraqi judicial authorities.
   Revoke Decision No. 93, whose compatibility with Sharia and existing legal frameworks was challenged during the webinar. Ensure that custody arrangements prioritise the best interests of the child over competing claims of parental authority.



3. **Rejection of unilateral conversion and abolition of retroactive effect**
   Addressed to: Iraqi legislators and the competent judicial authorities.
   Reject the husband's unilateral application of Law No. 1 to marriage contracts concluded before its enactment. Abolish its retroactive application to protect established rights, informed consent and family stability.

4. **Upholding the best interests of the child and ensuring a safe family life**
   Addressed to: Iraqi legislators and the competent judicial authorities.
   Ensure that custody arrangements uphold the best interests of the child, safeguarding children's dignity, wellbeing and right to a safe family life. Consider the proposal raised during the webinar to align the age at which children may choose their custodial parent with the age of puberty.

5. **Strengthening marriage contracts and exploring civil alternatives**
Addressed to: Iraqi legislators, judicial authorities and legal practitioners, in dialogue with women's rights organisations.

Develop clearer and more comprehensive marriage contracts that establish rights, obligations and safeguards, supported by effective enforcement mechanisms and judicial training. In the longer term, legal alternatives could be explored, including civil marriage contracts and a civil personal status framework addressing custody and visitation.

B. Protection and access to justice

6. **Addressing hate speech and protecting women human rights defenders**
Addressed to: the competent Iraqi authorities, with support from civil society organisations and international partners.

Condemn and address hate speech, online harassment, intimidation and reputational attacks targeting women, mothers, divorced women and women human rights defenders. Strengthen protection for those publicly advocating for their rights.

7. **Sustaining independent legal aid and documenting rulings**
Addressed to: legal aid organisations, professional legal networks and donors supporting independent civil society.

Sustain the provision of free legal assistance to mothers with limited financial resources. Support the independent collection and analysis of judicial decisions, building on the work of the Legal Support Network.

8. **Legislative impact assessment and access to justice:**
Addressed to: Iraqi judicial institutions, independent legal and research organisations, and partners supporting documentation and access to justice.

Support systematic assessments of the impact of legislative changes. Improve access to judicial rulings, strengthen independent evidence collection and facilitate the submission of documented cases and findings to Iraqi judicial institutions and international human rights mechanisms.

C. International solidarity and support for independent civil society

9. **Strengthening international solidarity and independent civil society**
Addressed to: international solidarity networks, diaspora communities and international donors.

Sustain international and diaspora advocacy, including engagement with Iraqi embassies, in support of the priorities articulated by Iraqi women's rights defenders. Reduce direct funding to government institutions and redirect international resources towards independent Iraqi civil society organisations, strengthening their autonomy and long-term sustainability.

Closing reflections

Iraqi women's leadership at the centre

The webinar brought together legal expertise, lived experiences and collective feminist organising, demonstrating how the struggle over personal status legislation extends beyond the courtroom.

At its centre are Iraqi women who continue to challenge unequal legal protections, document their consequences and organise despite the risks of public resistance. Affected mothers have become active voices within the movement, alongside lawyers, human rights defenders and civil society organisations.

The discussion highlighted the importance of connecting legal reform with sustained legal assistance, independent documentation and the protection of civic space, while ensuring that international solidarity strengthens the autonomy of Iraqi feminist movements.

The knowledge, experiences and demands of Iraqi women must remain central to efforts to advance equal rights, access to justice and meaningful legal protection.



Source note

This thematic report is based on the minutes of the webinar "One Year Later: The Jaʿfari Code and the Challenges Facing Iraq's Personal Status Law" held on 16 October 2026. It presents the speakers' legal analyses, political positions, numerical claims and reported experiences; it is not a transcript or an independent legal assessment. The demands collected in Section 7 are attributed contributions, not resolutions formally adopted by all participants. The webinar recording was intended for documentation purposes only and is not reproduced in this publication. Identifying details of affected families have been omitted to protect their privacy.







DEFENDING WOMEN'S RIGHTS IN IRAQ

NOVEMBER 2026