

Round table on comparing an a approach of the personal status in law and in constitution

Iraqi al-amal association organized a Round table on comparing an a approach of the personal status in law and in constitution, in karbla on the 17 th of may 2008, in the Al-rasool sons hotel, 21 personal attended the roundtable from judges, dean of karbla university, law college academics and professor's of the subject of personal status ,holly men ,representatives of human rights ministry karbla s offices, several guests from the members of karbla and najaf city councils, and media.

The round table started by a presentation from Miss.Hana edwer IAA secretary, on the purpose of organizing a series of round tables from the beginning of march in Baghdad and then in Dewanyia ,Najaf, and in karbla ,on the subject of personal status which is conceder as one of the important controversy points presented in front of the constitution revision committee, therefore a discussion was open between specialists from judges and religion scholars, jurist ,academics ,activists in human rights and NGOs representatives, to help Iraqi legislators to find commune points on constitution revision ,to preserve Iraqi community unity and establish the state of law and legalisations

It was followed by a presentation by judge Salem Al-mousawi of his research on the valid personal statutes law no 188 for the year 1959 and the possibilities of it s revision, this was followed by judge hadi azzez research on the concept of the constitution paragraph 41, then a very effective discussion occurs between the audience on the subject, which produce following recommendation:

- 1-working to invalidation of paragraph 41 or modifying it for the following reasons:
 - a- confirmation of this paragraph will lead to case of chaos due the problems from differences between different faith ideologies concerning cases as marriage age, divorce, parentage, nursing and inheritance
 - b- In single faith their is different independent opinion or judgment for single problem, in this cases which one will be the solution to each problem?
 - c- Confirmation of this paragraph will lead to encourage some individuals to adopt religion and faith ideologies a way to go round laws to get some privet gains and personal advantages ,as some people will change their religious faiths in cases of juridical conflicts

D- Confirmation of this paragraph will weaken the characters of courts and juridical system as one of important institutes in society organizing, to encouraging religious institutes and religious scholars as the institute that people go to solve their problems

e-the law of personal states had adopt it materials from all Islamic faiths (which conserve the approved in Islam and forbidden),and keep the soul of religion in preserving justice for all and equality and family stability and community unity ,therefore it is important to preserve the law with doing all necessary modifications on it

2-all the conditions that lead to adding this paragraph to Iraqi constitution in 2005 on the political and social standards had changed as the community has rejected all forms of sectarianism and division and show strong capacity to preserve national unity, this change happened after 3 year in which people in Iraq faced a lot of pain due sectarian violence

3-the state must take in consideration in legislations to preserve the rights of all population from women and men, of bases of citizenship and discrimination, regardless of their religious believes and ethnicities and faiths

4-the subject of personal statutes in constitution to correspond with the paragraph 14 of the constitution which confirm the state of equality between all Iraqis in front of law without discrimination on bases of sex,colour or ethnicity or nationality ,origin ,faith ,believe ,option ,economical or society state.

5-focusing on confirmation of the paragraphs in the modified personal statues law no188 for year 1959 which state that women had the freedom to chose her husband and protect her from early marriage or force her to marry against her wish, and marriage outside the court of law ,and putting laws to stop some unnecessary acts of discrimination against women ,like temporary marriage, polygamy which become so common these days and increased compared to previous years

6-importence of depending on international human rights agreements that Iraq had signed, like the 2 international convents of political and economical and social and culture rights, and the agreement to remove all forms of discrimination against women, to protect women rights to marry and to have a family, and her participation as full qualified citizen in community development and improvement

7-starting a wide campaign to rise women awareness of their rights, especially in the personal statues laws, and help her to get justice and provide all necessary legal services that the constitution and law had to guarantee for her