



FROM PERSONAL STATUS TO GENERAL AMNESTY: A CONTROVERSIAL POLITICAL PROCESS IN IRAQ

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At the end of January, after several months of negotiations, the Iraqi Parliament voted for amending the Personal Status Law (PSL - Law n.188/1959). Prior the voting, a broad coalition of women's rights and civil society organizations in the country and international NGOs had vocally advocated against the draft bill, due to its expected negative impact on women and girls' rights. This position was also supported by [UN experts](#) and by the European Parliament, which passed a [resolution](#) urging Baghdad to repel the amendment to Law n.188.

The reasons of such opposition proved quite linear: while Law 188/1959 applied to all citizens regardless of their religious sect, the amendment proposed to grant Sunni and Shia religious Councils the authority to develop their specific "[code of Sharia rulings](#)" on matters



related to personal status. This would provide religious courts with a huge power over Iraqi citizens' life, thus representing a big step backward in the legal implementation of gender equality within the Iraqi society on one hand, and a step forward in its polarization along sectarian lines on the other. In this framework, the possibility of a family law entirely regulated by Shia Ja'afari jurisprudence, which allows girls to marry from puberty (as young as nine years old), was the biggest source of concern.

Nevertheless, the above-mentioned mobilization was not enough to stop the Iraqi Parliament from voting in favor of the amendment. The way this happened, however, confirmed this process was framed within broader political calculations that go well beyond the mere consent or dissent towards the provisions included in the amendment. Needless to say, the focus on this aspect should not neglect the profound socio-political implications that the amended Personal Status Law will have on Iraqi society.

The amendment and its consequences

In comparison with the text presented at the outset of the process, the final version of the amendment included a few provisions which slightly improve a picture that, from a human rights and gender equality point of view, remains very gloom. According to the text approved at the end of January, only Shiites will be able to choose between a religious code (to be drafted in the coming months) and the national PSL to rule their personal and family matters, while Sunnis will continue to abide by the old law. What is more, the religious code will need to [submitted](#) to the Parliament for review and approval.

Besides, to overcome concerns that the new law could cause an increase in underage marriages, the upcoming Shia code will need to respect the Iraqi PSL provisions on the minimum age for marriages - which is set at 18, or 15 prior approval of a judge - and on child custody.

Despite this, the amendment keeps on posing serious risks to the rights of Iraqi women and girls in [matters](#) such as temporary and



unregistered marriages, the regulation of polygyny and of the alimony; it also legally undermines gender equality when giving precedence to the husband's personal status code over the one of the wife in case of disagreement on family affairs.

The fact that the amendment generated such a dissent within Iraqi civil society also represents a sociopolitical barometer which testifies the detachment between a part of the population and the political elite. At the same time, as mentioned, the approval of the amendment is largely telling of political dynamics characterizing the country, and of trends that might further develop.

Beyond the PSL: a bundle of controversial laws

As we had explained in a previous [analysis](#), the governing Shia coalition (the Coordination Framework - CF) had interest in pushing for this amendment to appease the most conservative part of its electorate ahead of the upcoming October 2025 elections. This is even more urgent as there are [signals](#) suggesting that Muqtada al-Sadr, who gained the majority of seats in the 2021 vote and then [withdrew from](#) the parliamentary assembly after failing to form a government, might run in the next elections. At the same time, Sunni MPs' support to the amendment seemed to be transactionally linked to ending the stalemate around the amendment to the General Amnesty Law, figuring among the main Sunni requests upon the election of Prime Minister Mohammed Shia' al-Sudani.

The approval process of the amendment to the PSL confirmed (and even strengthened) this dynamics: in the same parliamentary session, with one vote (and strong protests from several MPs) the House approved a legislative bundle composed of the amendment to the Personal Status Law, the amendment to the General Amnesty Law and the Property Restitution Law - all of them with a quite [controversial](#) record.

The amendment to the General Amnesty Law has been at the center of a strong and long-standing debate within Iraqi society. Beyond its stated goal of solving the overcrowding conditions of Iraqi prisons (67



000 detainees out of a 25 000 capacity) and solving “[judicial injustices](#)” by granting amnesty to those convicted of lesser crimes, the amendment to the 2016 law allows those convicted of serious crimes - including terrorism charges, which mainly (but not only) apply to Sunni prisoners - to request retrials which could lead to a change or deletion of their punishment. According to many sources, such retrials could regard as many as [30 000](#) Sunni detainees. Among others, this possibility has raised deep concern within the [Yazidis](#), who fear that the Law might lead to a new wave of violence by releasing some of the perpetrators of the massacre that ISIS committed against the community in 2014. Others have also claimed that the amendment might benefit individuals involved in crimes of [corruption](#), thus jeopardizing the country’s fight against this plague.

On the other hand, the Property Restitution Law, a core request of the Kurdish community, aims to return properties seized under Saddam Hussein's regime back to their previous and rightful owners. While the text does not specify a group or region for such restitution, the law de facto applies to the area of [Kirkuk](#), thus triggering dissent for leaving out lands seized by the past regime in other parts of Iraq (centre and south of the country).

From transactions to chaos (passing from the neglect of human rights)

The fact that each law in the basket was particularly relevant for one of the three main components of Iraqi social fabric - the Shia, the Sunni, the Kurds - sets a dangerous precedent for Iraqi democratic procedures. The risk is turning legislative activities into transactional sessions where each component pushes for its own interests - and each component obtains its bargain, provided it plays its cards right. The fact that the full text of the amendment to the General Amnesty Law - maybe the most controversial of those under scrutiny - was not even [read aloud](#) by the Speaker of Parliament Mahmoud Al-Mashhadani before voting only reinforces this impression. The risk is



indeed quite concrete as, according to parliamentary sources, the CF would already be seeking to [duplicate](#) this modus operandi.

Needless to say, such developments do not contribute to overcome polarization on a religious and ethnic basis - quite the contrary, they further entrench the link between communities and political (and economic) interests, thus making it even more complex to act for the public, national good.

At the same time, such bargaining process has once again risked ending up either into a political deadlock or into chaos (or both): on one hand, the questionable voting procedure pushed several MPs to start gathering signatures calling for the dismissal of the Speaker, who was [appointed](#) last October after a one-year stalemate when the post had been vacant, with serious consequences on political processes.

On the other hand, after heated protests by MPs due to the perceived irregularity of the voting process, the [Federal Supreme Court](#) temporarily suspended the three bills to further scrutinize the matter. A week later, the Court confirmed the constitutional character of the three laws, thus dissolving its suspension and giving the green light to proceed. Nevertheless, not only did the temporary halt generate (further) tensions between the Court and the Supreme Judicial Council, which had already issued an order to enact the three laws, but it also raised discontent among Sunni factions, which [threatened](#) to withdraw from the Parliament or from the government to protest against the suspension of the General Amnesty Law.

All these political disputes - for how relevant they could be for the political future of the country, namely in an election year - risk obfuscating the major impact that the amendment to the PSL could have on Iraqi women and girls. The fact that it was approved as part of a political bargain might have diminished its resonance, but it certainly did not limit its risks. At the same time, with such premises, the review role the Parliament will play with regard to the upcoming Shia code on personal status might become more a danger than a guarantee.