



Project on “Provision of Legal Training Components for Legal Institutions of Iraq”

Training Session on “Family Code”



Explanatory Paper

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Introduction:

This training course is conducted in order to promote the judges capabilities, as part of the project “Provision of Legal Training for Legal and Judicial Institutions in Iraq” undertaken by the Arab Center for the Rule of Law and Integrity- ACRLI, and supported by UNDP, with the cooperation of the Higher Judicial Council, as part of the efforts towards supporting the development process in Iraq, by consolidating Iraqi judicial institutions and promoting Iraqi judges’ capabilities as to Human Rights and fair trial in accordance with the prevailing international standards.

This course will focus on fair judicial texts and practices related to Family Law, the enforced 1959 personal status law number 188, by defining the law and comparing it to certain Arabic laws and International Agreements, focusing on the importance of social research in these proceedings, in addition to the importance of psychology as to the personal status law in Iraq. Here arises the necessity of giving an overview on the subject including the issue of Evidence in personal status and separation lawsuits caused by Domestic Violence, ending with women’s right to inheritance in the Family Law “Personal Status Law” in Iraq.

Reasons for conducting the training session:

Many Arab countries started organizing various reform workshops on human laws and penal laws, however there is still a serious need for improving the human resources’ capabilities and qualifications in courts and rehabilitating police members, in addition to updating work tools for general prosecution, updating the curriculum for the main continuous judicial training, developing and organizing the rules and regulations especially the Family Law, and focusing on conducting updates fairly in the process of keeping up with modern changes. In this context, and based on the aforementioned on promoting good judiciary and modernizing internal systems of justice given their critical role in protecting human rights and freedoms, this training course on “Family Law” is actually of high importance. Moreover, this course is addressed to elite Iraqi judges who will benefit greatly in experience and knowledge, especially that the Republic of Iraq, as many Arab countries, needs to focus its efforts on the support of institutions, judicial reform and promoting human resources’ capabilities.

This course is part of the work on developing the legal provisions for several matters related to Family Law “1959 Personal Status Law № 188” and its stipulations on women’s rights, for it is an advanced step towards establishing women’s rights under the historical period the law was issued in; it deserves a study of its provisions and stipulations which should not be considered an indicator of deficiency calling for annulment of the law but rather a healthy sign towards the evolution of its provisions in conformity with the transformations the country has witnessed

and with the several international conventions on women's rights entering into force. One topic of the course will focus on domestic violence; a type of violence against women, being the most commonly used violence in daily life and touching almost all women whether wives, daughters, sisters or others.

Another important subject to be studied is Inheritance, its definition, Shariah law and family law provisions on Inheritance and other matters according to the needs of study, also women's rights in inheritance as provisioned by the enforced law in comparison to the Islamic jurisprudence provisions and several matters related to the description/status given to the women as mother, wife, daughter or sister, and to the Obligatory Testament that apply to the children of a son deceased before his father, and the criticized omission of the wife in this testament.

Topics and Methodology of the Training:

In the light of what has been presented and in times of increasing talk on Family Law, the importance of activating its rules and the necessity of keeping it in sync with international developments, the subject will be tackled through several topics. The first topic, scheduled for the first seminar on day one, is on the Evidence in Personal Status cases; the evidence has vital importance in proving the right disputed upon and its instruments are the main tool to achieve evidence. Therefore all provisions related to Evidence were of high interest to many jurists in past and recent times whether in civil or commercial cases. Most of the legislations had to unify their provisions on Evidence in a special law (Evidence Law, Proofs), whereas the demonstration of Evidence related to legislative issues as per personal status cases, especially non-financial cases, was kept as rules and texts under different laws of the personal status law, in addition to the provisions of Islamic Shariah; in modern jurisprudence and the rulings of confessional courts, most of the issues related to evidence and its common demonstration in legal legislations were defined. In another part Evidence laws included clear texts on its entering into effect in matters related to personal status cases, financial and non-financial, as well as in civil and commercial cases.

This was the direction followed by Iraqi legislator clearly stated in article 3/11 of the 1979 Iraqi Evidence Law № 107 which stipulated the following: - First ... Second ... Third: "non-financial issues related to personal status, unless a special legal proof or a text in personal status law require other than what is stated in the current law". It should be clarified here to what extent the articles of this law can be applied to these issues or others. Again, the basis of this seminar on the first topic will be on the binding means of evidence and its scope of constituting evidence in non-financial personal status lawsuits. The following points should be taken into

consideration: The Declaration and the scope of its quality as evidence in personal status lawsuits, the scope of its realization of proof and its validity in similar cases as well as the scope of constituting evidence by declaration in marriage-related matters and in cases of termination of marriage, and finally the statement of validity of this proof in similar lawsuits. Then we will focus on the Written Proof and its scope of constituting evidence in non-financial personal status lawsuits, by studying both the Law and Judiciary standpoints on validating written proof in similar cases, in addition to the main issues where it can be adopted along with its instruments such as official and regular documents in cases related to marriage and termination of marriage, and finally the statement of its validity in similar cases according to the law and Shariah. Next we will study the Oath and its major types adopted by the judiciary for constituting evidence and the scope of the oath's validity in the aforementioned cases. We will then state and enumerate revocable means of evidence and its scope in constituting evidence in similar cases; the testimony, in chapter one, and all its related provisions studied through a review of the major cases that could rely on testimonies, by validity of testimony, in both Shariah and the law, as well as the statement of the circumstances and medical expertise and their adoption in non-financial personal status lawsuits, the major cases where both could be adopted, and the major issues (Shariah, legal and judicial) that could be used for evidence of this type whether related to marriage or termination of marriage, along with the statement of its validity which differ according to its different types on a legal and Shariah level. Here there should be an emphasis on medical expertise and its main roles as evidence in cases of marriage and termination of marriage requiring medical expertise especially in their non-financial consequences such as custody, with of course the statement of validity of medical expertise.

The second session will be on Separation cases caused by domestic violence; Domestic violence is the act of violence against women and violence in general has many types. The human being is by nature inclined to use violence on his self and others, moreover acts of violence are not only against individuals but it can also be against groups and many human groups whether political parties or organizations still rely on violence as a work method¹. This lead to a variety of types of violence that we could however put into three categories:

1. Mental Violence (psychological)
2. Physical Violence (bodily)
3. Domestic Violence

¹ Professor Shahbal Maarouf Dazai – Violence Against Women In Theory And Practice – Uras Publishing House, Erbil, 2007 – page 80

Each of these categories has several ramifications, for example under mental violence we have the threat against women such as restricting their freedom to work and other restrictions; this becomes more direct in marriage; in Cameroon for example the chief of the tribe gets to marry 500 women² and in Iraq there are many cases of girls being forced into an unwanted marriage. Under physical violence there are also several types of violence such as woman-woman violence and man-woman violence and its aspects are mainly suicide, kidnapping, murder, injury and harm, confinement, rape, and other aspects that have become common daily incidents of Iraqi life³.

Domestic Violence is the act of violence against women within the family, and here the term violence must be defined semantically and terminologically:

Violence is the antonym of peacefulness; one dictionary of Arabic language defines violence as the wrongful use of power. Terminologically, violence against women has a wide diverse meaning in accordance with its philosophical, moral, legal and social meanings. Violence in its legal definition is the illegal or wrongful use of power with consequences related to the human body and freedom - that is physical violence- and others to the individual will, coercion and freedom of thought- that is mental violence. The subject became of high interest to researchers and experts and a new science emerged: Violencology, it started in the United Kingdom and is considered a turning point in human history. Violence against women has been defined in several international conventions, we mention 1995 Peking Conference for Women. The subject has been also included under the human rights declaration but was not awarded an exclusive article.

The domestic violence-related national Iraqi legislations addressed violence against persons (men and women) and did not specify any type of violence against women, as stated in penal articles on inflicting harm by act of violence, murder, confinement, kidnapping and other acts considered under the category of crimes according to the 1969 amended Iraqi penal code No 111.

Violence as a concept is of a broad scope being related to politics, ethics, sociology, economy and law, therefore we will not expand on the subject. A list of useful resources and studies is available for more information⁴.

As stated, any coercion or harm the woman suffers within her family, whether she is a wife, mother, sister, daughter etc... is considered domestic violence. Domestic violence is marked by

² Professor Shahbal Maarouf Dazai – Idem – page 87

³ Professor Shahbal Maarouf Dazai – Idem – page 76

⁴ Professor Shahbal Maarouf Dazai – Idem – page 29

secrecy and kept undeclared, for it happens within the family veiling such incidents in secrecy. This fact has been the focus of relevant international organizations that are working on countering its effects; its reasons are numerous and, according to researchers, are of social economic and political factors.

Characteristics of domestic violence as related to the victim, family environment and legal definition:

1. Domestic violence is practiced against the victim by her nearest relatives, for the purpose of the current study it is the husband, being from the self of the wife and her being from his self as the holy Quran's verse mentioned: *"And among His Signs is this, that He created mates for you from among yourselves, that ye may dwell in tranquility with them, and He has put love and mercy between your (hearts): verily in that are Signs for those who reflect"*⁵.
2. Domestic violence is considered a private matter thus not of importance to public institutions and not dealt with as a crime.
3. Domestic violence is veiled in secrecy even though widely practiced.
4. Domestic violence is considered different from torture, the latter being a crime according to articles 333⁶ and 424⁷ of the 1969 amended Iraqi penal code № 111.
5. Torture by definition is an act related to the official job of the torturer for it is not considered a crime unless committed by a person in relation to his job, whereas if the person (whatever his job is) tortured his wife, his act will not be considered torture and shall not be subject to any legal accountability except for what is stipulated in the penal code's general regulations.
6. The victim of torture has benefits of protection and indemnities from the government whereas in cases of violence against women the victim does not have such insurances

⁵ Al rum, verse 21

⁶ Article 333 of the 1969 amended Iraqi penal code № 111: "Any employee or servant working for the public sector who has tortured or ordered the torture of a suspect, witness or expert to force him to admit to a crime, to divulge information or to force him to withhold information or refrain from expressing his opinion, shall be considered guilty of torture as wrongful use of power and threat."

⁷ Article 424 of the 1969 amended Iraqi penal code № 111: "If the coercion, stated in articles 422 and 423, or the torture, stated in paragraph b of article 421, result in the death of the victim the perpetrator shall be sentenced to the death penalty or life imprisonment."

even though this type of violence is a serious problem and of considerably harmful consequences⁸.

The second day of the training course will deal with defining the provisions of the enforced Personal Status Law and comparing it to some Arab laws where the provisions of this 1959 law will be discussed and analyzed. This law was an advanced step in promoting women and family, and relied on the modern interpretation of the Islamic Shariah and several confessions that are in accordance with modern times. However, the law's stipulation on women's share in inheritance was not comprehensive and the judiciary had to go back to the confessional jurisprudence which was previously in effect; this was actually a setback to the judiciary rather than an improvement. In some of the decisions issued, the law applied the principle of levels which states that the nearest relatives have the priority over all other relatives without any discrepancy between males and females. Later, the judiciary reconsidered and decided to adopt the provisions of confessional jurisprudence; the heritage shall be divided according to the confession of the decedent, so if the decedent is of the Jafari sect the succession is defined according to the principle of levels of relatives and if he is of the Hanafi sect the succession is defined according to the principle of agnation which sometimes suppress the right of inheritance to the woman even if she is on the same level of relatives as the man. Naturally, each doctrine has its own legislations which it considers rightful and each judge interprets the legal material in accordance with his knowledge, which leads to the above disparity. In a decision of the personal status court, the court referred to the concept of legal texts' interpretation according to the following decision: "In reference to the enforced law's provisions the court relied on article 89 of the enforced personal status law titled "The heirs by succession and the inheritance process", and its clause № 3 defines those heirs as the paternal and maternal uncles and aunts and blood relatives, the latter are ranked third in article 89's listing and they are descendants of the grandfather of the decedent (paternal and maternal uncles and aunts)". The Iraqi legislator then intentionally phrased the text in its current formulation and he carefully chose his words consciously and not arbitrarily; he defined the ranking of relatives and specified each rank/category where the individuals under the first category have priority over other categories and the individuals under the same category have the same inheritance right in accordance with the principle of the nearest relative inherits the decedent. In the laws regulating inheritance we find in section 9 articles 86-91 that the legislator was very clear in choosing the term "relative" rather than "agnate", and according to experts in legal texts' interpretation the formulation of a text is to express mental images/meanings through words, for the word is the mold embodying the meaning to be transferred. The legal rule should be of a generic type therefore the word in legal texts should

⁸ Professor Shahbal Maarouf Dazai – Idem – page 130

be general to all individuals. Some jurists also consider that “any general rule will particularize”⁹, meaning that the quality of general cannot be applied to all terms used by the legislator. This lead to some discrimination between Muslim women according to their sect, a fact that is in direct conflict with the constitution stating that all citizens are equal as provisioned by article 14 of the constitution in effect.¹⁰

On the third day of the training course the focus will be on the importance of social research in working on Family Law. Social research has a key role in handling social problems and sociology is a pertinent science to the structure of the family and society, moreover the judiciary plays a high role in preserving the family and society through its implementations in the personal status field especially in cases related to separation, custody and guardianship and other cases. The interest in social research is actually an interest in family and society and it is necessary to contribute to the support of the judicial system in its role of providing social security.

Social Research Commission

One of the first signs of social research activation in the Iraqi legal and judicial system came when the Ministry of Social Affairs in 1954 assigned several female employees who graduated from Social Service Department to carry out the role of Social Researchers and delegated them to work in confessional courts. Then the Social Research Commission was established under order № 4 of 1985 issued by the minister of Justice as per article 11 of the 1977 Ministry of Justice Law № 101.

The commission is in fact a part of the Iraqi judiciary and courts’ system; it is monitored administratively by a judge and works directly under his supervision. The role of the commission is limited to the technical aspects such as statistics, studies and work related to promoting the social researcher’s skills.

Framework of Social Research

The social research work in personal status cases takes place after the filing of lawsuits and by the decision of the personal status court’s judge to refer the parties of a lawsuit to social research during the study of the case, which is the common process in the cases of separation, custody, guardianship, minors and others. The social researcher’s report is usually presented within an hour of referring the case to him and it sometimes happens that the hearing is adjourned for next sessions until the social research report becomes ready. The meeting

⁹ Professor Mohamad Sherif Ahmad – The theory of Civil Texts’ Interpretation, Publisher: Ministry of Endowment and Religious Affairs, 1979 Edition – page 56

¹⁰ Article 14 of the 2005 Iraqi Constitution in effect: “All Iraqis are equal before the law with no distinction of gender, ethnicity, nationality, origins, color, religion, confession, doctrine, opinion or economic or social status.”

between the social researcher and the two parties of a case barely exceeds an hour of time and takes place in rooms crowded with employees and consultants; the social research might also be in charge of additional administrative tasks and the outcome of this overload is mostly negative as he is unable to reconcile or reach any agreement between the two disputing parties, then he presents his report to the court that will rely on it for making its ruling to proceed with the separation or to reject of the case whether the parties agree or not.

Dubai Courts' experience

a. In Dubai courts and especially personal status courts we find a specialized section for social research under the name of Department of Family Guidance and Reformation with the mission of conducting social research in cases of separation, custody and others as provisioned under article 16 of the 2005 UAE Personal Status Law № 28; The personnel are specialists in sociology, psychology and Shariah. The statistics figuring in the 2006 annual report of Dubai Courts, in Section 2 Chapter 1 page 85, indicate that there is a decrease in divorce cases thanks to the Family Guidance and Reformation contributing in 300 settlement agreements between couples in 2006; also the percentage of reconciliation cases was 62% of 1650 cases referred to the department during the same year. The department's role was not limited to social research and had its part in organizing social and cultural events and conducting sessions contributing to the family culture's diffusion into the society. The head of the department explained that their role starts when the two parties to the lawsuit are referred to the department which then conducts on-the-field research by visiting the couple's place of residence and present the case to the executives in order for them to contribute in dealing with the problems hindering the family's progression, noting that the total number of employees within the department is 8 only working in a independent section of the Dubai Courts Complex, the only one in the Emirate of Dubai.

b. The work of the Department of Family Guidance and Reformation in Dubai courts is prior to the judicial work; the court does not accept the personal status cases related to separation and custody unless they have already been referred to the department of Family Guidance and Reformation in accordance with the provisions of article 16 of UAE Personal Status Law:

1. The court shall not accept any personal status-related case unless it has already been presented to the Family Guidance Committee, in exception of testament and inheritance cases, summary and provisional proceedings, summary and provisional instructions related to alimony, custody and guardianship, and cases with no possible reconciliation such as evidence of divorce or evidence of marriage cases.
2. If the parties reach reconciliation before the Family Guidance Committee this reconciliation shall be proved by an official record signed by the parties and the

assigned member of the committee. The judge in charge of the case will rely on this record which has the power of an executive instrument and shall not be appealed against by any means of appeal except if it contradicts the provisions of the current law.”

Comparison between the experience of Dubai courts and the procedures at Iraqi courts

For the purpose of comparison with the experience of Dubai courts, we present the following:

1. Social research at Dubai courts takes place before filing the lawsuit, whereas in Iraq it happens after accepting and registering the lawsuit.
2. In the division of Family Guidance and Reformation, there is no time limit or specific date for pleading before a court; thus procedures are followed without abiding by the time limit of lawsuits and the quick pace of finalizing them.
3. Social research is not a burden to the judge for cases related to it are few in the cases under study that ought to be settled within the specific time limits. Whereas in Iraq, social research takes place during the case and while studying it and after accepting and registering it, thus it constitutes a burden to the judge who might have to settle it at the expense of reaching reconciliation between the two parties.
4. The work of the department of Family Guidance and Reformation is independent from the judicial proceedings; therefore, it shall not be subject to the judge’s authority unless after finishing the research, either with the parties’ reconciliation which shall be proved by a report endorsed by the judge and enters into effect or with non reconciliation, thus the two parties shall be referred to the court and their case shall be dealt with separately and normally since registration until finalization. Whereas in Iraq, the work of the social researcher constitutes part of the investigations and procedures undertaken by the court.

In this context, the following suggestions can be made:

1. Establishing a social research commission linked to the Higher Administration at the Higher Judicial Council to supervise the work of social researchers at all courts, practice technical follow-up, develop skills, conduct statistics and studies related to developing effective legislations as well as contribute with other departments and ministries to solve separation cases and domestic problems featured in tables, questionnaires and studies.

2. Social research shall be done during an open timeline and shall not compel the social researcher to submit his/her report in a rush, in order to guarantee the seriousness of the research and to contribute effectively in solving the problem under study.
3. The social researcher shall commit himself/herself to the task of social research only without commissioning him/her to other administrative tasks.
4. The social researcher shall be experienced in the domain of social research and shall be a graduate from the Division of Sociology at faculties or Social Service at institutes related to the Body of Technical Institutes.
5. The promotion and assessment of the social researcher shall be conditioned by the number of cases referred to him/her and settled by reconciliation and consent.
6. Social research shall be conducted before the judge starts his/her work, i.e. both parties shall be referred to social research before hearing the lawsuit. But since the legislations in force do not allow referral to social research before hearing the lawsuit, we need a legislative interference to solve this issue through amending relevant laws with a text similar to the provisions of article (16) of the UAE Personal Status Law which stipulates that no lawsuit shall be accepted before being presented to the Social Research Commission.
7. Until the issuance of such legislation, we suggest that the Higher Judicial Council gives instructions which include the following:
 - Register separation cases, custody cases and other cases in a special record and give them a special number; they shall be similar to all other cases but without setting pleading dates and they shall not be considered one of the unresolved cases under study by the competent judge upon submitting the monthly and semestrial statistics.
 - After registration, the case shall be referred to social research and upon reaching reconciliation, a report on reconciliation and consent shall be made and submitted to the judge who shall accept the reconciliation and promulgate it according to a verdict after making sure that it does not violate the Public Order and constant legislative provisions.
 - In case the social researcher could not reach reconciliation nor consent between the two parties, he/she shall send his/her report showing non reconciliation and ask to continue the case and then set a pleading date, it shall be considered

among the cases heard by the judge and among the cases subject to statistics and percentages of settlement.

- I suggest offering offices in buildings independent from courts in city and district centers and according to the percentage of population in order to guarantee that the social researcher is solely committed to social research.
- Social research shall be conducted by a three-person-commission to guarantee good work, complete the task fully, contribute to conflict settlement and avoid taking personal decisions or being subjective.

In the end, it is worth noting that social research in its current situation does not contribute in any way to solving domestic problems, according to the statistics included in the report of the Personal Status Court in Karkh, which show a decrease in the percentage of reconciliation among the cases presented to social researchers.

It is worth mentioning as well that the interest of the Higher Judicial Council represented by His Excellency the President of the Council highlights the importance of improving the current situation of social research which shall be positively reflected in reaching social safety and domestic stability in the community.

The last lecture during the third day will be on the relation between psychology and Personal Status Law. Psychology is present in Personal Status Law more than in other laws, in the middle of the said law and in paragraph (1) article (3) of the Personal Status Law in force¹¹, we notice that the legislator has stressed on behavioral aspects related to the individual and expressed it in the legal text, when he/she defined the conjugal contract and noted that its aim is to establish a bond for a mutual life and this is a moral behavioral value which combines two different personalities, that of the husband and wife, in addition to mentioning polygamy according to paragraph (5) of the same article regarding justice between wives¹², which is a human behavior that depends on the husband's personality and differs from one man to another, this is considered one of the most important argumentations in modern psychology. Furthermore, there are clearer cases where the legal text has mentioned the mentally ill person and his/her marriage as well as protecting his/her personal interest and not affecting public interest and determining this interest through a report from a medical psychological committee and according to the provisions of paragraph (2) article nine of the amended Personal Status

¹¹ Text of paragraph (1) article three of the amended Personal Status Law No. 188/1959 (Marriage is a contract between a man and a woman who is lawfully permissible to him, the purpose of which is to establish a bond for a mutual life and procreate children)

¹² Paragraph (5) article three of the amended Personal Status Law No. 188/1959 (if justice between wives is feared, polygamy may not be allowed. The issue would then be left to the judge's determination)

law # 188/195913. In addition to not accepting the divorce of an angry person who loses self control according to the provisions of article (35) of the Personal Status Law¹⁴, and considering psychological disorders as reasons of separation according to the provisions of article (43) of the said law¹⁵. There are other articles related to psychology and psychologists have not only divided this science into chapters but also classified it as legal psychology and criminal and judicial psychology, this shows to what extent psychology affects courts' proceedings upon dealing with personal status cases in particular, as it affects other judicial proceedings, for laws are interrelated upon application and this leads to several cases that include psychology in law such as litigation; however, law does not recognize the litigation of an incapacitated person affected by a psychological disorder or disease hindering his willingness.

Therefore, the aforementioned topics shall be discussed in the form of a presentation and not analysis as needed in the research, provided that psychologists are those who will develop means of common work between the judiciary and law on one side and psychology on the other. The presentation of legal material relevant to psychological aspects shall be made to individuals at the personal Status Law with some judicial applications in several branches.

Pertaining to the methodology of training that will be adopted during the training course, the rules of the 1959 Personal Status Law No. 188 will be presented in addition to international and regional documents, along with a detailed research on how to train judges to play their role in applying principles and standards and activate them through procedures. Besides the theoretical part, there will be a practical part for each chapter of the training course where

¹³ Text of paragraph (2) article nine (the judge can authorize the marriage of a mentally ill person if it was confirmed in a medical report that his/her marriage entails no harm to society and that it is in his/her personal interest, provided that the other person accepts the marriage expressly).

¹⁴ Text of article (35) of the Personal Status Law in force (1- Divorce shall not occur, if the person in question is drunk, insane, mentally deranged or compelled, and any person who has lost the capacity to make a sound judgment due to anger, a sudden disaster, age or illness. 2- Any person who has a fatal illness, or who is in a state that most likes of it have led to death. If the husband dies because of that illness or state, his wife inherits his legacy).

¹⁵ Text of paragraph (5) and (7) of article (43) of the Personal Status Law in force (5- If it turned that the husband is impotent or became impotent and is unable to perform his conjugal duties, whether for physical or psychological reasons, or if he was afflicted with impotence after consummation and it was proven that it is impossible for him to recover based on a medical report prepared by an official competent committee. However, if the court sees that the reason behind impotence is psychological, it shall postpone separation for one year, during which the wife shall not deny her husband the physical relationship.

7- If the wife discovers after the conclusion of the contract that her husband is afflicted with a disease that makes sexual intercourse inevitably harmful, such as leprosy, tuberculosis, syphilis, insanity; or if he attracted later one of these diseases or the like. If the court finds out, after medical examination, that the disease is likely to be cured, it shall postpone separation until the disease goes away, and the wife must abstain from sexual intercourse with her husband throughout the whole period of postponement. However, should the court discover that the disease is unlikely to be cured within reasonable period and the husband refrains from granting his wife divorce and the latter insists on her request, the judge shall rule in favor of separation.

certain texts of Iraqi laws will be chosen and analyzed in the aim of finding guarantees that respect international principles relevant to human rights and just trials. Hence, participants will be divided into working groups to discuss these texts, analyze them and suggest ways to develop them.

The training session will also adopt a methodology in which trainees will participate based on their skills, knowledge and employment status.