Security Council Resolution 1325:
Civil Society Monitoring Report 2014

WOMEN COUNT

The winds of change are here, bringing more women into peacebuilding. You in?

A project of the Global Network of Women Peacebuilders

Afghanistan, Azerbaijan, Burundi, Canada, Colombia, Democratic Republic of Congo, Fiji, India, Kenya, Libya, Iraq, Nepal, Netherlands, Nagorno-Karabakh, Philippines, Serbia, Sierra Leone, South Sudan, Sri Lanka, Sweden, and Uganda
Republic of Iraq

Authors and Researchers: Monitoring Group from the Iraqi Women Network, Amal Kbashi, Basma Al Khateeb, Manal Putros, Hana Edwar, Hana Hammoud

Translator: Amal Hadi

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## List of acronyms

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
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<tbody>
<tr>
<td>CEDAW</td>
<td>Convention on the Elimination of the Discrimination against Women</td>
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<tr>
<td>CSO</td>
<td>Civil Society Organization</td>
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<tr>
<td>FGM</td>
<td>Female Genital Mutilation</td>
</tr>
<tr>
<td>GNWP</td>
<td>Global Network of Women Peace builders</td>
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<tr>
<td>IDP</td>
<td>Internally Displaced People</td>
</tr>
<tr>
<td>INAP</td>
<td>Iraqi National Action Plan</td>
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<tr>
<td>ISIS</td>
<td>Islamic State of Iraq and Syria</td>
</tr>
<tr>
<td>IWN</td>
<td>Iraqi Women Network</td>
</tr>
<tr>
<td>I-WISH</td>
<td>Iraqi Woman Integrated Social and Health Survey</td>
</tr>
<tr>
<td>KRG</td>
<td>Kurdistan Regional Government</td>
</tr>
<tr>
<td>MENA</td>
<td>Middle East and North Africa</td>
</tr>
<tr>
<td>NAP</td>
<td>National Action Plan on the Implementation of the Resolution 1325</td>
</tr>
<tr>
<td>NGO</td>
<td>Non-Governmental Organization</td>
</tr>
<tr>
<td>SGBV</td>
<td>Sexual and Gender-Based Violence</td>
</tr>
<tr>
<td>UNSCR</td>
<td>United Nations Security Council Resolution</td>
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<tr>
<td>UNFPA</td>
<td>United Nations Population Funds</td>
</tr>
<tr>
<td>USA</td>
<td>the United States of America</td>
</tr>
<tr>
<td>WILPF</td>
<td>Women’s League for Peace and Freedom</td>
</tr>
<tr>
<td>WPS</td>
<td>Women, Peace and Security</td>
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</table>
This report highlights the impact of conflict on the situation of women in Iraq through the use of indicators to monitor the implementation of United Nations Security Council resolution 1325. It is important to note that Iraq has not had any national planning related to peace and security. A working group was formed from organizations and experts belonging to the Iraqi Women to write the Civil Society Monitoring report on the UNSCR 1325. The working group worked for four months investigating data and information and then putting it in context of the resolution. The group’s work was on a voluntary basis, and without help or training of any international or national party. As will be discussed in the report, the working group faced many difficulties in obtaining information and data, whether from official or non-official parties.

I. Women, Peace and Security Profile

A. Nature of the conflict

Iraq has been in conflict since its establishment, in its modern shape, by the League of Nation’s mandate in 1920. The country has been ruled by consecutive regimes that have put it in a continuous state of instability. Since its independence from Great Britain in 1958, Iraq has had no parliamentary system and no permanent constitution. The successive military regimes and dictatorships that have ruled the country from 1980 to 2003 have been implicated in bloody domestic and regional wars, which sowed the seeds of regional and sectarian conflicts, revived the role of tribes, and gave rise to chauvinism as well as religious and sectarian extremism. This led to the deterioration of governmental institutions and the rule of law, exacerbated entrenched societal divisions, and paved the way for foreign intrusion in 2003. The armed invasion of Iraq in 2003 was launched under the claim that Iraq was in possession of weapons of mass destruction, and that the Iraqi leadership refused cooperation in the application of Security Council Resolutions concerning the elimination of those weapons, posing a threat to the region and international peace and security.1 In addition to launching a military operation to combat the Iraqi dictatorship in order for democracy to prevail, the United States formed an Alliance of thirty states to invade Iraq and topple the Baath regime.2

According to the United Nations Security Council Resolution (UNSCR) 1483, the United States and the United Kingdom were officially the “occupying forces” in Iraq in 2003. The sovereignty was handed over on January 28th, 2004 from the United States to the provisional Iraqi government but the U.S. military forces remained in Iraq. On October 15th, 2005, 79 percent of Iraqis approved the Iraqi constitution through a referendum. The constitution provided for the establishment of a federal, democratic and parliamentary republican system. On December 15th, 2005, Iraqis participated in the Iraqi elections to choose a 275-member parliament (House of Representatives)

The tumultuous years of change from 2003 until the present have produced grave errors in the rebuilding of the Iraqi state. The US authorities that occupied Iraq and took over the military and security establishments rebuilt them largely along sectarian lines, while also integrating armed militias and tribes’ members in these establishments. The new Iraqi constitution contained “ticking bombs,” particularly with regards to building state institutions on the basis of sectarian, national and ethnic quotas, and giving a role to religion’s interference in the government’s course and policies. Instead of adopting a transitional justice model to address the consequences of the bloody past, the new government practiced a policy of exclusion and marginalization. Minority-identities surpassed the principle of citizenship and equality before the law and gave way to extensive financial and administrative corruption in all state institutions. This fueled armed conflicts, costing hundreds of thousands of citizens their lives and forcing large numbers to flee and become Internally Displaced Persons (IDPs) and refugees. The conflict further led to destruction of infrastructure and loss of human security.

With the continuation of domestic conflicts, armed terrorists groups have grown both inside Iraq and abroad, which encouraged neighboring and regional countries to intervene openly in the affairs of Iraq. Terrorist operations have been one of the major ongoing factors in the deterioration of the human rights situation in Iraq. Iraq has been subjected to organized terrorist attacks, which affected most of its regions, and resulted in huge numbers of casualties, wounded and disabled victims, and in the destruction of infrastructure facilities and state institutions, as well as citizens’ private property.3 The weak and disorganized government failed to stop the terrorist attacks, resorting instead to exploiting sectarian marginalization and exclusion to stir feelings of sectarian provocation and accusations of treason and blasphemy, benefiting from the people’s ignorance and poverty, which led to destabilization of civil peace and tearing apart of the social fabric. The conflict shifted from a political dimension to religious, sectarian, family, clan and tribal dimensions, threatening the security of the entity of Iraq, and peace and security in the region as a whole.

In early 2014, increased tension between the ruling political parties led to a political crisis and created a political security vacuum. The Islamic State of Iraq and Syria (ISIS or DAESH), supported by the former regime groups and opposing tribes and regional powers, used this vacuum to invade the provinces of Nineveh, Anbar, Salahuddin and Diyala on June 10, 2014 and to declare an Islamic caliphate in the areas under its control. Fighting between the government forces and tribes in those areas is motivated by domestic factors, as well as international and regional support, notably the participation of foreign

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militants. The domestic factors stimulating the fighting include: internal disputes over local power, tribal influence and control over resources and reconstruction projects in those provinces, as well as regional instigation of Iraqi Sunnis against the sectarian Baghdad Government, which has been marginalizing opponents and promoting exclusion by giving monopoly on power to a single group of Shia Muslims.4 The hardline organizations took advantage of the conflict between different armed groups (Baathist, jihadist Islamic, tribal) and the Central Government to secure the necessary cover to expand their control.5

Iraq is still experiencing constant conflicts. At the present time, the rule of law has collapsed. Impunity for human rights violations, lack of access to justice, rampant corruption, weak state institutions, emergence of militias and tribal authority, and forced displacement and immigration are pervasive inside and out of Iraq.

The conflict has intensified recently. Since June 9th, 2014, the Iraqi people have been subjected to the most heinous crimes of genocide, and ethnic and religious cleansing at the hands of ISIS terrorists, through the displacement of about one and a half million civilians from the provinces of Nineveh, Salahadeen, Kirkuk, Diyala and Anbar. Most of the victims are Christians, Yazidis, Turkmen and Shabak. Armed groups took many women and girls from those groups to unknown locations. During the process of the collective displacement, a large number of children and women died, many others are missing, and huge numbers are exposed to starvation, thirst, and deadly diseases, not to mention the trauma experienced by most of the displaced people. The displaced women and their families live under harsh and inhumane conditions, with a sense of desperation, which, pushes many of them to seek asylum outside of Iraq.6

There are reports of human rights violations, such as abduction and harassment of displaced women and girls, as well as practices such as the trafficking of women for the purposes of sexual slavery, murder, threats, robbery, and using force to compel displaced people to abandon their religions and convert to Islam. This is in addition to the seizure of their houses, looting and destroying of their possessions.7

In addition, people in these areas suffer from lack of medicine and a serious shortage of health services. Hospitals lack anesthetics and threads impacting maternal health of women and mortality rate among children. During the months of June and July over 13 children suffering from quadriplegics died. The causes of the deaths included inadequate maternal healthcare, leading to death at birth, and lack of appropriate healthcare and medicine after birth. Lack of medication also leads to deaths of many disabled people and those suffering from chronic diseases. People are suffering from power and water cuts, as well as harsh economic conditions.8

B. Impact of conflict on women

Widespread violence and forced displacement in Iraq have resulted in increased sexual violence, early marriages, human trafficking, forced displacement, lack of access to education and basic health and social services, as well as to the exacerbation of stereotypes against women and girls. As violence has intensified since 2003, the number of widows and divorced women has increased. These women are forced to become the sole breadwinners for their families, often despite having no sustainable financial income, or skills qualifying them to enter the labor market. Consequently, women heads of households are one of the poorest social categories. Moreover, this group of women faces social challenges due to deeply ingrained stereotypes. Large numbers of women have been victims of murder, kidnapping, threats and sexual harassment, which have become more common. Rape and other forms of sexual violence have also been reported.

The abuse of women by insulting, beating, mutilation and even murder, is not rejected or condemned in the society, as it is still a dominant belief that women are the property of men and their families.9 The deteriorating security situation and the proliferation of armed groups, as well as the weakness of law enforcement institutions and lack of protection mechanisms, have contributed significantly to the high levels of violence against women.

The US occupation forces that came into Iraq in 2003 used violence directly against Iraqi women, by intimidating them through home raids and arresting them and their family members, threatening them with weapons. Women were also raped, detained and tortured by occupation soldiers.10 Under the pretext of war against armed groups with links to al-Qaeda, the US forces conducted arbitrary killings of civilians, including women and children, and detained a number of women as hostages, as substitutes for their male family members.11

Since 2003, restrictions in women's choosing their life partner and the practice of early marriage have increased, due to: the deterioration of the economic and security conditions; decrease in access to education and literacy; increase in the occurrence of

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10 The most widely publicized case of this type was the so-called “Mahmudiyah killings” case, in which a former US soldier was sentenced to life imprisonment for raping a teenage girl and her family (http://www.nytimes.com/2009/05/22/us/22soldier.html?_r=0). However, organizations such as the Human Rights Watch report, that there were also other incidents of abuse (http://www.huffingtonpost.com/2014/02/06/iraq-illegally-detains-th_n_4735144.html).

11 Human Rights Watch reported that detained women were tortured and questioned mostly about the activities of their male family members (http://www.huffingtonpost.com/2014/02/06/iraq-illegally-detains-th_n_4735144.html).
and outside Iraq constrained girls to leave school or postpone drop out of school, especially during the period between 2005 and 2014. The deteriorating security situation and increase in violence, such as murder, kidnapping and forced displacement, against women and girls in particular. Iraq is one of the worst cases among the world’s nations. Women and girls are kidnapped and threatened; their identity documents are taken away from them and news papers are forged. They are then sold into prostitution both inside and outside of Iraq.\footnote{US Department of State, 

A practice known as “honor killing” also continues to be widely accepted in Iraq and widespread throughout the country, in particular in rural areas. “Honor killings” refer to the worst type of violence against women, which is usually committed by the victim’s male relative, if he suspects that the behavior of the woman might affect the family’s reputation. Rates of such crimes are higher in rural areas than in the city, where the nature of stereotyping is closely associated with tribal customs, and closed, isolated communities rule themselves. Moreover, women’s fear of being killed if they report cases of violence and assault, as well as the offender’s impunity guaranteed by Article 128(a) of the Penal Law 111 (1969) contribute to the consistently high rates of “honor crimes” in Iraq.\footnote{Government of Iraq, Penal Code 111 of 1969 (amended in 2010), Article 128. “Legal excuse either discharges a person from a penalty or reduces that penalty (…) the commission of an offence with honor motives or in response to the unjustified and serious provocation of a victim of an offence is considered a mitigating excuse.”}

Displaced women, in particular women from religious and ethnic minority groups, suffer from threats and blatant attacks on their lives, security, privacy and their freedom of dress and movement. The women from minority groups—such as Christians, Mendais, Azdians, Shabak, and Turkmen—are subjected to all acts of violence, such as murder, kidnapping and forced displacement, inside and outside of Iraq. The estimated number of internally displaced Christians within Iraq is 325,000, while the number of Christian refugees outside of Iraq, according to a report by Hammurabi Human Rights, is 360,000. Violence and displacement has also severely limited women and girls’ access to formal education. The deteriorating security situation and increase in the rate of kidnappings and violence in all its forms forces girls to drop out of school, especially during the period between 2005 and 2008. In addition, the displacement of many families inside and outside Iraq constrained girls to leave school or postpone their studying.

Another way in which women are affected by the conflict is through their recruitment to the armed groups in Iraq to perform terrorist acts, logistical and financial functions. Recruited women are also forced to work in dangerous areas, particularly in Diyala province, to temporarily marry members of armed groups like al-Qaeda, who then leave or are killed. These men leave behind a category of children without any identity documents, and wives who do not know anything about their rights, or how to address their children’s situation legally.

The invasion of the northern areas by ISIS in June 2014 led to the displacement of tens of thousands of families, as well as murder and assault on women and girls.

The recent developments have had a particularly damaging impact on women. In the areas controlled by ISIS, women are forbidden to leave the house, unless necessary, and must be accompanied by a male relative. Wearing the veil and covering their hands is imposed on them, and they are forbidden to work outside the house, except as female obstetricians and hospital nurses. The ISIS’s “City Charter” imposed the penalty of whipping for women violating these rules. Whipping is carried out in public, in particular in the city of Mosul.

Many women are imprisoned in the Badush prison in Mosul. Currently, the prison holds 160 women from various minority ethnic and religious groups, some accompanied by their children.\footnote{Hammurabi Human Rights Organization, Report on Situation of Displaced People due to Acts of Daesh Terrorist, http://www.hhro.org/hhro/fac_art/reort%20done%20by%20pascale%20warda.pdf.} The women are subjected to torture, beatings, whipping and sexual persecution. Three of these detainees were released, under the condition of staying married to extremist Sunni men for a period of 15 days, under the conditions of the so-called “Jihad marriage.” One of the released is only 17 years old.

On August 13th, 2014, Dr. Ghada Shafiq in Mosul and Najlaa Al-Omari, a lawyer who was one of the female candidates in the 2014 elections, were killed in Mosul, and on August 21st, a woman accused of prostitution was publicly beheaded in the city.

C. Relevant legal and policy framework.

Iraq has ratified a number of international conventions on women’s rights and human rights, such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of Children (CRC). It has also ratified the two Optional Protocols of the CRC on the involvement of children in armed conflicts, and on the sale of children, child prostitution and child pornography.

While in the Middle East and North Africa (MENA) regional level, there is no document or a specific plan addressing gender-based violence, nor a regional action plan obliging Iraq and countries in the region to implement UNSCR 1325, Iraq adopted a National Action Plan (NAP) for the implementation of UNSCR 1325 in 2014.
February 2014. The NAP was drafted in partnership with CSOs. It must, however, be noted, that it has not yet been implemented.

There is still no specific law in Iraq on violence against women. There are several provisions for women’s rights and protection in the Constitution. However, due to policy shortcomings, as well as the deteriorating security situation, their implementation is lacking.

Moreover, Iraqi laws do not incriminate sexual violence clearly and directly. Except for what is stipulated in Article 398 of Penal Law No. 111 (1969) about rape, which is defined as an affront against the dignity of women, national legislation does not include specific laws on women, peace, security, and against sexual violence.

The Iraqi Constitution contains articles advocating gender equality and equal opportunities (articles 14 and 16); in article 20 there was a call to enhance participation of women in political life as voters, article 29 was to prohibit violence within the family and society, and article 49 was a special procedure guaranteeing the participation of women in Parliament by at least 25 percent.

II. Data presentation and analysis

The collected information is limited, due to the lack of sources and the difficulty to obtain them from the government, as well as the limited time. Indicators in this report are consistent with the indicators adopted by the Global Network of Women Peacebuildres (GNWP).

A. Participation

Indicator 1– Index of women’s participation in governance (% of women in senior positions in cabinet/ministries and departments, in parliament, in senior position in local governance structure)

Table 1.1: The percentage of women’s participation in the government, 2003 to 2014

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Men</th>
<th>Women</th>
<th>Total</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Iraqi Governing Council 2003</td>
<td>22</td>
<td>3</td>
<td>25</td>
<td>12%</td>
</tr>
<tr>
<td>Iraqi Governing Council’s Ministry 2003</td>
<td>24</td>
<td>1</td>
<td>25</td>
<td>4%</td>
</tr>
<tr>
<td>Iraqi Government 2004</td>
<td>29</td>
<td>6</td>
<td>35</td>
<td>17%</td>
</tr>
<tr>
<td>Iraqi Government 2005</td>
<td>29</td>
<td>6</td>
<td>35</td>
<td>17%</td>
</tr>
<tr>
<td>Iraqi Government 2006-2010</td>
<td>33</td>
<td>4</td>
<td>37</td>
<td>11%</td>
</tr>
<tr>
<td>Iraqi Government 2010-2014</td>
<td>31</td>
<td>1</td>
<td>32</td>
<td>3%</td>
</tr>
</tbody>
</table>

Source: Political participation chapter in Iraq CEDAW Shadow report 2014

As demonstrated in Table 1.1, the highest representation of women in the government was in 2004, when there were 6 women among 36 Ministers. This number decreased to four women Ministers in the government of 2006. In 2010, this number decreased again to only one woman Minister in the government, at the post of Minister of State for Women’s Affairs, which is more of a consultancy role to the Office of the General Secretariat of the Board of Ministers. The government’s report submitted to the CEDAW Committee for the year 2011 acknowledges the decline in the percentage of women in the executive authority, attributing this decline to the sectarian and party quota system, and discrimination against women based on gender, based on the diagnostic by the State Ministry for Women’s Affairs.

In 2005, 8 women occupied the position of a Deputy Minister. However, the number has declined since. In 2013, there was just one female Deputy Minister. At the level of diplomatic representation, there were only three women ambassadors in 2013.

Social, cultural, economic and institutional structures that condone discrimination, and facilitate the perpetuation of gender-based violence all form a barrier for women to fully participate in political process. In addition, the rarity of gender equality concept within political parties at all levels, specifically among the senior decision-makers, further contributes to the lack of awareness on the importance of women’s participation in the formulation of legislation, policies and decision-making, leading to the decline of women’s political participation.

The National Census that was supposed to start in 2007, has not taken place until now, mainly because of the lack of political will, the unstable security situation, the forced displacement phenomenon (inside and outside of the country), low capacity of ministries to share information and their own statistics due to lack of regulation and transparency and lack of interest in the Government, and the spread of corruption among state institutions. All these factors make it difficult for civil society to access more recent information.

18 Ibid.
Number of posts

**Table 1.2: Participation of Women on Decision-Making positions in 7 ministries**

<table>
<thead>
<tr>
<th>Position</th>
<th>Dep. manager</th>
<th>Assistant General Manager</th>
<th>Expert</th>
<th>General Manager</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
<td>Women</td>
<td>Total</td>
<td>Women</td>
</tr>
<tr>
<td>Number of posts</td>
<td>37,141</td>
<td>10,093</td>
<td>314</td>
<td>61</td>
</tr>
<tr>
<td>Percentage of Women</td>
<td>%27</td>
<td>%19</td>
<td>%19</td>
<td>%1</td>
</tr>
</tbody>
</table>

Source: Central Statistical Organization.19

The data in table 1.2 is based on the 2014 report by the Ministry of Planning on the state of gender equality, which monitors the participation rate of women to men in positions of decision-making in seven ministries, namely; oil, environment, communications, culture, the municipality of Baghdad, finance, science and technology. The data illustrates the declining numbers of women as they climb to senior administrative positions.

**Figure 1.1: Percentage of female and male General Managers in seven Ministries**

Figure 1.1 shows the distribution of staff, on the position of General Manager for men and women in the seven ministries— we note that an equal opportunity is guaranteed in just one Ministry.

There was only one woman among the nine members of the High Electoral Commission for the 2012 election, and she combined both their presentation of gender and minorities. Note that the previous Commission had two women among nine members. This decrease demonstrates the lack of political will to develop women’s participation in decision-making positions.20

**Women’s participation in the House of Representatives**

Iraq is regarded as one of the most advanced countries in the MENA region with regards to the size of women’s representation in the House of Representatives. Such increase in women’s representation in the parliament was made possible by the adoption of the 25 percent quota in the State Administration Law for the transitional period in 2004, and the inclusion of this provision in the permanent Constitution in 2005 and the Electoral Law No. 16 for the year 2005.

It was hoped that the outstanding size of the representation of women in the House of Representatives that was seen in 2004 would contribute to greater visibility of women’s issues and the achievement of the objectives of equality, development and peace. However, this did not happen for several reasons. These reasons include: lack of faith in the majority of women parliamentarians in women’s rights and equality, lack of political statesmanship, and lack of experience in parliamentary work among women. Mostly, women who are able to secure parliamentary positions in Parliament represent a traditional, conservative social environment with a tribal nature (which does not believe in women’s rights or their role and importance in policy and decision-making at all levels). These parties look at women from a strictly traditional view, dominant in society. Therefore, the selection process of female members of political blocs is usually based on family and social ties to other politicians.

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Within the party. Some women are selected due to having higher education, but not because of experience in politics or track record in working for women’s rights. The parties exploited the quota principle, by involving women who lack efficiency and experience, just to meet the required numbers.

There was discrimination at the level of women’s representation in the House of Representatives in the 2005 session, when no women were represented in the Presidency of the House of Representatives (Chairman and two vice chairmen). Also, the representation of women was low in committees on political, regulatory and legislative issues; women were mostly represented in the committees of family, services and civil interests. Women’s representation in the committees on human rights, the displaced persons, and education, work and services exceeded 60 percent, while in the Finance Committee it did not exceed 29 percent, and in the Economic, Investment and Reconstruction Committee was below 23 percent.

Furthermore, there were no women in six out of twenty-four committees, including the committee on reconciliation, accountability, justice and security, defense and oil, gas and natural resources, agriculture, water and marshes.

In April 2012, the House of Representatives elected the members of the High Commission for Human Rights in its 34th session. Four women were selected among the fourteen members. Civil society organizations (Iraqi Woman League, Tammuze Organization, Iraqi Al Amal Association) filed a suit at the Federal Supreme Court, which issued a decision which provided that women should constitute at least one-third of the High Commission, in accordance with Article 8/IV of the Commission’s Law. Even though more than a year has passed since the Federal Supreme Court’s decision, it has not yet been implemented, which is inconsistent with the text of Article 94 of the Constitution.22

Table 1.4: Women’s representation at the level of governorates

<table>
<thead>
<tr>
<th>Function</th>
<th>Women</th>
<th>Men</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Governor</td>
<td>0</td>
<td>18</td>
<td>0</td>
</tr>
<tr>
<td>Deputy Governor</td>
<td>0</td>
<td>36</td>
<td>0</td>
</tr>
<tr>
<td>District Officer</td>
<td>0</td>
<td>120</td>
<td>0</td>
</tr>
<tr>
<td>Area director</td>
<td>0</td>
<td>280</td>
<td>0</td>
</tr>
</tbody>
</table>

Source: The Ministry of Municipalities and Public Works23

We note from the table that there are no women at the level of the local administration in the whole of Iraq.

The reason for that is exactly the same as the reason for the lack of women in the Government or any other decision making positions – namely, the discrimination within the institutions, hurtful stereotypes and violence against women, as well as other sociological and institutional barriers. Moreover, many areas are characterized by clan and religious conservatism that does not allow women to take a share in management positions at the level of local administration.

Table 1.5: Women’s participation at the level of provincial councils in 2014

<table>
<thead>
<tr>
<th>Year</th>
<th>Men</th>
<th>Women</th>
<th>Total number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005-2009</td>
<td>538</td>
<td>210</td>
<td>748</td>
<td>%28</td>
</tr>
<tr>
<td>2009-2013</td>
<td>337</td>
<td>103</td>
<td>440</td>
<td>%25</td>
</tr>
<tr>
<td>2013-2017</td>
<td>377</td>
<td>112</td>
<td>449</td>
<td>%25</td>
</tr>
</tbody>
</table>

Source: The Independent High Electoral Commission24

During the past decade, three elections for provincial councils took place, in 2005, 2009 and 2013. Civil society organizations prompted the adoption of women’s quota for provincial councils, similar to the ones in the House of Representatives. This was approved and a quote of not less than 25 percent of women was introduced by the decision of the Federal Supreme Court No. 13 T/2007.

The situation of women in provincial councils is no different than in the House of Representatives, where the motives of the political blocs and parties for the nomination for most of the candidates, are based on nationalism, sectarianism, tribalism and regionalism. Most of the candidates do not possess a background in political and feminist work. The quota has improved women’s participation in provincial councils, since it has been fulfilled in 2005, 2009 and 2013 elections. For the current session of 2013, the Higher Independent Electoral Commission has decided that women should get no less than 25 percent of the total number of seats in the council of each province, rather than of all seats in all councils.

The participation of women at the parliamentary level has remained constant due to the existence of the constitutional provision of women’s quota. Yet, there has been a decrease at the executive level, despite the presence of women with qualifications and capabilities and high professionalism in the governmental establishments. This is due to the prevailing misogynist culture and the societal norms, and shows obvious discrimination against women in the distribution of senior leadership positions in governmental apparatus both locally and nationally.

RATING: Slight progress

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22. The Constitution of Iraq (2005), Article 94: “Federal Supreme Court decisions are final and binding for all authorities”.  
Indicator 2 - The percentage of women in peace negotiations teams and a detailed breakdown of issues relating to gender in peace agreements

The political blocs in Iraq took control over the process of political talks and negotiations concerning the formation of the New State of Iraq. Almost all political parties were included in the peace negotiations, while women were excluded from them. The negotiations often revolved around senior positions in the government, as well as security and military issues without the participation of women. As a result, women's point of view on peace and security was neglected. As for the negotiations conducted by the government with the protesters in Anbar and Hawija, the negotiators were locals belonging to tribes, clerics, and military men who served in the former Iraqi army, and were excluded after 2003. Once again, women were absent in these negotiations on both the protesters' and the government's side.

Women were marginalized in the negotiations on forming the Government of National Unity, and the works of the Erbil Conference for political leaderships in 2010, as well as the negotiations and meetings of national reconciliation, all of which dealt with vital issues of transition and post-conflict governance. Women were also overlooked in the preparatory committees of the National Conference, which was scheduled to take place during 2012. The Conference did not take place due to differences among political blocs and the lack of agreement on a roadmap for solving crisis between the parties.

There are no officially declared peace negotiations between the government and the armed factions of the conflicting parties that refuse to participate in the political process. Such negotiations are often held secretly, excluding women and civil society from the circle of influence and participation, despite the fact that the presence of women in negotiating committees and conflict management could pave the way to finding non-violent ways to resolve disputes. Moreover, having women involved in such negotiations would guarantee inclusion of women's rights in the resulting agreements and general policies.

In general, the armed factions are more repressive than the government on women's issues, because of their tribal and religious extreme beliefs. Women are excluded from the negotiations because of the dominating customs and traditions, and the prevailing perception that most women are too emotional and unable to deal with conflicts and problems. In the society, there is a greater confidence in men with regards to being able to secure the rights. This stems from the idea that rights are recovered by force.

Regional and international interference, from neighboring countries such as Saudi Arabia, Turkey and Iran, as well as international actors, in particular the US government and the UN, has had a clear impact on the formation of the government and has influenced the power struggles between the leaders of political factions (including Shia, Sunni, liberal and Kurdish parties), between 2005 and 2014.

All those negotiations did not take into account the close connection between conflict and gender-based violence, or other gendered aspects of conflict, and therefore there is no allocation for gender issues in the negotiations’ outcomes at all.

**RATING:** Deterioration

Indicator 3 - Index of women’s participation in the justice and security sector and peacekeeping missions

**Table 3.1: Women’s representation in the justice sector in 2014**

<table>
<thead>
<tr>
<th></th>
<th>Judges</th>
<th>Prosecutors</th>
<th>Total % of women in the justice sector</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of women</td>
<td>31</td>
<td>55</td>
<td>2.8% 12.4% 5.6%</td>
</tr>
<tr>
<td>% of women</td>
<td>1,090</td>
<td>443</td>
<td></td>
</tr>
</tbody>
</table>

Source: Central Statistical Organization

After 2003, women’s participation in the judicial authority was more notable, but remained at a low level, not exceeding 6 percent. It is worth mentioning that the regulations of the Judicial Institute, which specializes in training judges, did not include any provision for a quota for women’s participation. Table 3.1 shows the number of women in the judiciary system compared to this men in 2014. This number has not changed since 2012, since there have been no new nominations to the justice sector. Women are mainly present in primary, investigation, personal status and juvenile courts, while there are no women in the Federal Supreme Court. Women in Justice is very limited, it was prohibited for women to join the higher judicial Institute as it was male preserved. However, after 2003, it was opened to women for enrollment; this led to the graduation of women judges, who became involved in working in the civil, criminal, misdemeanors and juvenile courts. Even though women still need more experience and time to be in the leadership positions in the judiciary authority.

**Table 3.2: Women’s representation in the army and the police in 2013**

<table>
<thead>
<tr>
<th></th>
<th>The total number</th>
<th>Women</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police</td>
<td>720,000</td>
<td>10,000 officers and other ranks</td>
<td>1.39%</td>
</tr>
<tr>
<td>Army</td>
<td>280,000</td>
<td>2,000 officers and other ranks</td>
<td>0.7%</td>
</tr>
</tbody>
</table>

The information available to the research team shows a widening gap between men and women in the security sector. Women’s representation in the police exceeds their representation in the military. Most women in the security sector are either police officers or security guards, and there are a small number of women in decision-making positions. Women’s participation...
in the security sector is limited, due to the prevailing societal concepts and prejudice, as well as customs and traditions, which do not encourage the presence of women in this sector.

Due to the stereotypical view of women as fragile and physically weak, the female officers were not listed into security training program in their departments, restricting them to holding only certain desk-based posts.

Women are only promoted because of the consideration for gender quota, and, even as officers, they are only assigned to desk-based jobs, and are never put in leadership positions in security institutions, even though doing so could enhance peace and security in the country.

There is no available specific information on the ranks held by the women. The research team is aware that there are few female officers in the police, but there are no statistics and figures shared transparently by the government.

In order to enable women to access these sectors, greater empowerment, capacity building and the creation of women leaders is needed, in addition to the allocation of a quota for women. The lack of women's participation in these institutions reduces the chances of successful conflict resolution and peace building, and of including women's issues to the political agenda.

Iraq does not contribute any troops to any UN Peacekeeping missions at this point in time and there are no peacekeeping missions in Iraq.

**RATING: Slight progress**

**Indicator 4 - The number and percentage of women participating in constitutional or legislative revisions (including security sector review)**

| Table 4.1: Number and percentage of women in constitutional and legislative revisions |
|---------------------------------|-----------------|-----------------|
|                                 | Number of men   | Number of women |
| Constitutional revision         | 30              | 2               |
| Legislative revision            | 242             | 83              |

<table>
<thead>
<tr>
<th></th>
<th>Percentage of women</th>
</tr>
</thead>
<tbody>
<tr>
<td>Constitutional revision</td>
<td>6.6%</td>
</tr>
<tr>
<td>Legislative revision</td>
<td>25%</td>
</tr>
</tbody>
</table>

Source: Government of Iraq, Report to the CEDAW Committee

There role of women in the Drafting Committee for the Constitutional Amendments between 2006 and 2009 has been limited. There were only two women among the thirty members of the Committee. This undermined the role of women in reviewing the disputable paragraphs in the Constitution. This committee did not provide any amendments until the end of the parliamentary session in 2014, due to the serious disagreement between political factions. Moreover, women’s participation in this committee is subjected to the will of the political factions.

The women participating in the Constitutional Amendments Committee are no different from men with regard to their academic background and experience. The insufficient number of women in the Constitutional Amendments Committee makes the inclusion of a gender perspective in the process more unlikely, and the policies on peace, security and development gender-blind. The underrepresentation of women threatens what has been achieved in the Constitution with regards to women’s rights, and renders unlikely the amendment of the legislation from a gender perspective that can potentially improve women's status in Iraq.

With regards to the legislative review, because of the party disputes, and the fact that the members of parliament are mostly concerned with their parties’ political interests, there has been very little new legislation passed, and the legislation that is created does not deal with the basic needs of the Iraqi people. For example, there has been no legislation issued, concerning social security, or the protection from domestic violence.

The disagreements between members of the Drafting Committee for the Constitutional Amendments have also affected the performance of the Committee on Women, Family and Children, in the parliamentary terms of 2005 and of 2010. The submission of the amendments to the bills and laws’ on women’s rights referred to in the Constitution was weak in this term, despite the fact that the amendments were consistent with international agreements and conventions signed by Iraq. Many of the Committee members do not even have faith in the cause of gender equality, since they are subjected to the religious ideology of their own parties. It is worth mentioning that the Legal Committee of the Parliament, which is responsible for reviewing the bills, has seventeen members including one woman (only 5.9 percent) for the purpose of submitting laws for voting.

There is no information and data on the level of women’s participation in the review of the security sector.

The delay in the revision of the constitution and legislation affected the work of the parliament and prevented it from providing appropriate legislation that serves society issues in general and women in particular. In addition, it had a negative impact on the political process to stabilize and strengthen the foundations of peace and security.

**RATING: Slight progress**

**Indicator 5 - Number and percentage of CSOs in task force/committees on UNSCR 1325 and 1820 (out of total task force members)**

Iraq adopted a National Action Plan (NAP) for the implementation of Resolution 1325 on February 6th, 2014. The work on the NAP was initiated in 2012 by non-governmental

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organizations advocating for women’s rights, in order to support the federal government and the Kurdistan regional government in implementing Resolution 1325 in Iraq. It was supported by the Norwegian Foreign Ministry and facilitated by the European Women’s Initiative. The multi-sectoral task force conducts follow-ups on monitoring mechanisms for the implementation of the NAP.

A multi-sectoral team that includes NGOs, the Government, media, academia, and the private sector was formed to develop a mechanism for NAP implementation. It also includes a number of parliamentarians and government representatives from both the federal level and the Kurdistan region, as well as specialists in law and gender, and representatives of women’s NGOs. The members of the task force were divided between three committees: drafting, legal and financial.29

Seven NGOs participated in the NAP development at all stages, with one person representing each of the organizations. The NGOs in the process were: Women’s Empowerment Organization, Women’s Freedom Organization, Iraqi Women’s League, Assyrian Women’s League, Baghdad Women’s Association, Iraqi Al Amal Association and Asuda Organization.

It is worth mentioning that the plan did not include the UN Security Council Resolution 1820, which is an error that should be rectified. The plan relies on a number of principles which promote the participation of women in negotiations and decision-making, while providing protection for women after the conflict, by improving living conditions and providing a legal environment that promotes equality through harmonizing national legislation with international conventions. Nonetheless, including Resolution 1820, which enhances UNSCR 1325, and refers specifically to crimes of sexual violence, and includes provisions for security forces training, and enforcement of disciplinary measures, is urgently and direly needed, given the current situation in Iraq.

There are several reasons why resolution 1820 was not included in the NAP:

- Lack of awareness of the significance of crimes of sexual violence, and their impact on women in conflict, as well as the fact that women in Iraq are now subject to rape, kidnapping and killing by terrorist armed groups;
- Unwillingness to undertake the greater commitment to the resolution 1325, and the prevention of violence against women, implied by integrating the Resolution 1820 into the NAP;
- Lack of awareness of the importance of UNSCR 1820 among the members of the Working Group on the NAP.

The NAP also had several other flaws that negatively impacted its implementation:

- There are no statistical indicators, in particular with regards to measuring the increase of violence.
- The budget estimates are not clear for the different parts of the NAP, and there were no specific activities within defined time frames.

- It does not put enough emphasis on the role of women in national reconciliation. It also did not address the issue of women’s participation in negotiations on international and local levels. It noted the absence of women in all committees of national reconciliation at all levels, resulting from its politicization and the fact that it is not well organized. However, no remedies were indicated, and no specific actions to change the *status quo* identified.
- It refers to the absence of women in various sectors, including the media and security sectors, but does not include any provisions for changing that.
- It does not put sufficient emphasis on the need to reform the security and justice sectors and on the importance of integrating the gender perspective into the training of security forces, in addition to the training on Resolution 1325.

In 2012, the Iraqi Network for Activation of Resolution 1325 was formed, which includes a range of ten organizations and aims at raising awareness on the resolution. Its role has developed further to raise awareness on the NAP. This network receives support for part of its activities from the Women International League for Peace and Freedom (WILPF).

Between 2013 and 2014, six civil society women’s organizations, under the supervision of Baghdad Women’s Association, launched an initiative, still ongoing, to spread awareness, education and sustainable partnerships between government and civil society on Resolution 1325. The campaign aimed to educate the relevant organizations and local councils. There were 360 beneficiaries of the program, both men and women. The initiative was funded by the U.S. Institute of Peace and is carried out in six governorates: Baghdad, Diyala, Babil, Karbala, Basra and Kirkuk.

The civil society organizations mentioned above worked with the government to achieve the fundamental goal of actively engaging women to build peace through the achievement of equality of women and men and access to social justice in all spheres of life, as well as by increasing women’s participation in decision-making positions and in the committees of national reconciliation and peace negotiations. Furthermore, these activities aim to amend laws that violate women’s rights, and to further empower and build the capacity of women to contribute to national development. The fact that Iraq has adopted the NAP for implementation of Resolution 1325 is a positive development and an important step in the direction of the activation of women in the field of peace and security in the society. Despite these efforts, many security challenges remain and crises are still plaguing the country, as they have been for more than ten years.

*The NAP is based on the following pillars.*

- **Increase the impact of women and women’s rights in the negotiations:** this pillar relied on two goals. First, to increase the number of women in decision-making positions and the second target women’s participation in national reconciliation, missing the increase the participation of women in local and international levels of negotiating committees and missing the emphasis on the presence of women in the committees of the

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29 Ibid, p.23.
parties. And through the goals we believe that activities are not compatible with these objectives.

- **Protection and Prevention:** the INAP seeks to improve the living conditions of women and ensure their rights by integrating the rights of women in the security and justice activities, where they were incompatible with the goal of focusing on legislation, without focusing on the reform of the security and judicial system to increase the number of women within that system, with a focus on mainstreaming of gender-sensitive budgeting with these institutions.

- **Integration of resolution 1325 at the national level:** it is unclear what was intended by the amendment of the General State policy in line with UNSCR 1325. The plan did not clarify how the policy is modified through the activities, and are non-interconnected with the goal.

- **Economic and social empowerment:** seeks to improve women’s economic conditions. However, the plan focuses on the need to provide economic packages to victims of the conflict within the principle of reparations. Yet, it was too limited and only selected to ensure access to resources for women through a number of interrelated activities, including advocacy activities.

**RATING: Moderate progress**

**B. Prevention and Protection**

**Indicator 6 – Number and percentage of SGBV cases reported, investigated, prosecuted and penalized**

Violence against Iraqi women has increased dramatically along with the escalation of violence in society since 2003. In communities affected by war and civil conflict, women, children and the elderly are the main victims. The National Human Development Report indicates that the constant spiral of violence intertwines with the ongoing socially inherited violence against women, thus reinforcing and reproducing it according to new justifications, such as the proliferation of armed groups, the absence of protection mechanisms as well as weak law enforcement institutions and widespread violation of laws. The tension experienced by the Iraqi society is reflected at the individual level in family relationships and interaction between members of the society. However, the inherited cultural references, and not religion, are the main basis for building stereotypes because they represent one of the most significant elements of the collective consciousness, which views women as inferior creatures and followers, rather than leaders.

We begin the discussion of this indicator by noting the difficulty the research team had in obtaining data and information from official sources, particularly with regards to sexual violence. Iraq is a country that has undergone wars and conflicts. This makes it difficult for national mechanisms on human rights to collect and document information and data. As a result, it is a challenge to find statistical records documenting cases of violence of all types.

Statistics show that in Southern Iraq, 19 percent of women between 15 and 19 years old were subject to early marriage. On the other hand, in the Kurdistan region, the percent of early marriage (for the same age group) does not exceed 10 percent. The difference is due partially to different customs and tradition. However, the fact that in the Kurdistan region, the Personal Status Law has been modified to prohibit early marriage is also an important factor. This emphasizes the key role played by adequate legislation in protecting the rights of women and girls.

The phenomenon of mutā’a or temporary marriage has also spread significantly in recent years. Mutā’a is a type of marriage, in which the duration of the marriage is arranged before the marriage itself, together with the amount of the dowry. After the agreed duration, the marriage is automatically dissolved. This type of marriage does not provide legal protection for women or children, and it often restricts women from having children, which forces them to conduct illegal abortions in the absence of laws regulating abortion. Under this marriage a woman has no marital rights, as enshrined in the acting Personal Status Law no. 188 (under the Family Law in Iraq), issued in 1959. Widows are more vulnerable to exploitation by this type of marriage, as a result of poor and difficult social conditions they experience. This marriage contract is often performed in secret and out of sight of the society, which places the woman in potential danger, as she might be suspected of holding illegal relations with a man.

Recent studies have shown continuous and ongoing cases of kidnapping and sexual assault reported since April 2003. Although many cases have been concealed for obvious social reasons, related to the victim shaming in the Iraqi society, the abduction of women in Iraq is considered one of the biggest issues that terrorize families and hinder the participation of women in various aspects and fields in life.

Recently, different areas in Iraq (Baghdad, Barah, Nassiryah, Dywania and Najaf) witnessed militant bandits specializing in kidnapping of women. A few militant groups are specializing in the abductions, and the reasons for the kidnappings vary depending on the group. Some abduction is politically motivated. Data published by the Organization of Women’s Freedom shows that the number of abducted women during the three years that followed after the fall of the regime on April 9 2003, was over 2,000. Some of them were trafficked for the purposes of sexual slavery and forced labor inside and outside Iraq. The available official information does not indicate the actual figures on the extent of kidnapping as a phenomenon and most of the information that indicates an increase in the number of kidnapping was obtained through the monitoring and activities of civil society organizations.

**The violent years between 2006-2009 witnessed many cases of**


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assault on women, in particular in 2009. The Ministry for Human Rights has gathered quantitative and qualitative information on cases of violence against women. In 2012, the provinces witnessed cases of rape and murder of girls as young as eight years old. A report of the Ministry of State for Women’s Affairs, states that among the 400 cases of rape documented from April 2006 until late the same year, half of the victims were killed in what is known as "honor killings." "Honor killings" are murders committed usually on women and girls who have "dishonored" their family by not following the strict religious and moral codes that had been imposed on them. Sometimes honor crimes take the form of "honor suicide," often in the form of self-immolation – setting oneself on fire, whereby girls or women are forced, or pressured into taking their own life. The rates of "honor crimes" increased in 2007, as 70 cases have been recorded. The deterioration of the security situation contributed to this growth, along with the emergence of extremist armed groups, which claimed the responsibility for "holding women accountable" for their behavior.

In 2007, the Police Directorate in Basra province registered 52 cases of murder, which fit this type of crime. The files showed that most of the cases of women’s murders were registered as committed by unknown persons, or as incidents of either self-immolation or suicide; all of these are consistent with honor killings.

In Kurdistan region honor killings are also a growing problem. The reports indicate that the first half of 2006 witnessed an increase in rates of female deaths in circumstances consistent with honor killings. During the six months of that year, 275 women were killed in Erbil and Sulaymaniyah. As the table below shows, there has been a slight decrease between 2010 and 2012. However, the number remains very high.

Yet, despite the growing occurrence, the prosecution rate for honor crimes is very low. In 2008, only ten cases reached court, which shows the weakness in prosecuting the perpetrators of such crimes. Poor investigative tools and corruption among policemen, leading to a lack of interest in investigating such cases add to the fear of their personal safety if the investigation according to the law. Families keep the lid on such incidents for fear of any scandals.

The poor investigating procedures and corruption among policemen, as well as the investigators’ fear for their own safety, lead to a lack of interest in investigating such cases. The law does not provide any protection to the investigating officers. As for the victims, they often do not report such cases out of fear of social rejection and scandal.

The tables below show the statistics from the Directorate of combating violence against women in Kurdistan - Iraq for the years 2010-2012.

### Table 6.1: Number of cases of violence against women in Kurdistan from 2010-2012

<table>
<thead>
<tr>
<th>Type of violence</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cases of torture, beatings of all kinds</td>
<td>1,068</td>
<td>990</td>
<td>691</td>
</tr>
<tr>
<td>Rape</td>
<td>134</td>
<td>109</td>
<td>170</td>
</tr>
<tr>
<td>Other</td>
<td>1,283</td>
<td>1,439</td>
<td>2,565</td>
</tr>
<tr>
<td><strong>All reported cases of violence against women</strong></td>
<td><strong>2,485</strong></td>
<td><strong>2,538</strong></td>
<td><strong>3,426</strong></td>
</tr>
</tbody>
</table>

Source: Directorate of Combating Violence, Kurdistan

### Table 6.2: Cases of deaths consistent with honor killings in Kurdistan (Erbil, Dohuk, Sulaymaniyah with Ckramaan area)

<table>
<thead>
<tr>
<th>Type of reported death, consistent with a honor killing</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murder</td>
<td>49</td>
<td>43</td>
<td>46</td>
</tr>
<tr>
<td>Suicide</td>
<td>56</td>
<td>44</td>
<td>39</td>
</tr>
<tr>
<td>Burned</td>
<td>299</td>
<td>228</td>
<td>253</td>
</tr>
<tr>
<td>Self-immolation</td>
<td>143</td>
<td>123</td>
<td>105</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>547</strong></td>
<td><strong>438</strong></td>
<td><strong>443</strong></td>
</tr>
</tbody>
</table>

Source: Directorate of Combating Violence, Kurdistan

As part of a 16-day campaign against violence against women in November 2013, 22 civil society organizations gathered in Kirkuk under the initiative "No to violence against women" and issued a statement, submitting statistics about the cases of murder of women in the province of Kirkuk in 2012, as well as the first months of 2013. The statement pointed to an increase in cases of murder of women in the year 2013 compared to 2012, from 19 to 28 in the period between January and mid-April.

### Table 6.3: Number of women murdered in the province of Kirkuk in 2012 and 2013 and how they were killed.

<table>
<thead>
<tr>
<th>Form of killing</th>
<th>2012</th>
<th>January 1- April 20, 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murders by firearm</td>
<td>33</td>
<td>8</td>
</tr>
<tr>
<td>Murder by slaughter or hanging</td>
<td>13</td>
<td>/</td>
</tr>
<tr>
<td>Self-immolation</td>
<td>65</td>
<td>15</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>121</strong></td>
<td><strong>28</strong></td>
</tr>
</tbody>
</table>

Source: Iraqi Al-Amal Association

Other forms of violence against women include abductions, human trafficking and sexual harassment. The Ministry of Interior for the years 2006 - 2009 registered more than three hundred cases of abduction for immoral purposes, such as trafficking and sexual slavery.  

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36 Ibid.
37 Ibid.

There are no available accurate data on the exact rates of these crimes, except for the integrated survey of the social and health situation of Iraqi women in 2011, launched by Ministry of Planning and IWISE- UNFPA survey program, where almost one in five women admitted to having been subjected to violence in the streets or shopping places. This percentage is higher in urban than in rural areas, since violence is experienced more often while using transportation, (with 10.5 percent women reporting it). This, in addition to what civil society organizations’ data acquired through studies and questionnaires, gives a picture of the widespread violence against women in Iraq.

Sexual harassment is one of the most common forms of violence in relation to other types, but there is also limited data documenting these cases, such as the Questionnaire by Iraqi Women Journalist Forum, a poll on the extent of harassment experienced by female journalists during their work in the media. According to the Questionnaire, 68 percent of women journalists stated that they are exposed to harassment, 11 percent answered "sometimes", and 21 percent answered "no", which indicates widespread presence of harassment in the workplace.

In reality, information documented by civil society indicates that there are more cases that have not been reported, due to the fear of a scandal by families.

Violence against women, especially domestic violence, is among the issues that received most interest from the feminist movement in Iraq, as well as from international organizations. Because of the demand for women's protection from such violence, the government has taken positive, although slow steps to reduce violence against women. For example, the Iraqi government created the Family Protection Units under the Ministry of Interior, and developed a strategy on violence against women. However, the strategy has not achieved tangible results, because of the ongoing conflict and the spread of impunity under a legal cover, resulting from the persistence of discriminatory provisions against women in the Criminal Code (Law No. 111/1969), such as articles 41, 128, 377, 380, 398, 409 and 427, the Criminal Procedure Code (Law No. 23/1971) and the Personal Status Law (No. 18/1959), as illustrated by Chapter 2 of the shadow CEDAW report.41

RATING: Deterioration

Indicator 7 - The number and quality of gender-responsive laws and policies

In addition to the NAP discussed under indicator 5, there are several gender-responsive laws in Iraq, as listed below.

The National Strategy to Combat Violence against Women in Iraq

The government has taken a positive step towards the adoption of this strategy, co-written by civil society organizations, in March 2013. The strategy adopted an approach that addresses all kinds of violence against women at all stages of their lives. The Ministry of Women provided an assessment of the situation in order to develop a work plan, with a number of other ministries to activate the strategy against gender-based violence. The Ministries involved in implementing the strategy are: the Ministry of Labor and Social Affairs, Ministry of State for Women's Affairs, Ministry of Health, Ministry of Education at the federal level, and the Ministry of Interior in Kurdistan region. A recent assessment of the strategy showed that there is a deficit in the financial resources allocated to its implementation and thus that it has not been translated into action.

These reports from the ministries participating in the assessment plan have not yet been published. However, it was possible for the researchers to obtain their written copies. These reports were mentioned in the shadow CEDAW report of the civil society organizations from 2014.

The KRG Regional-National strategy to combat violence against women in Kurdistan region, (2012 – 2016) was approved on 29th November, 2012.

The National Strategy for the Advancement of Women

In March 2014, the Iraqi government and the Regional government in Kurdistan ratified the National Strategy for the Advancement of Women, which supports the advancement of women through empowerment, development and promotion of equality and non-discrimination. Its implementation has also been delayed due to lack of necessary financial resources.

The National Strategy for Poverty Reduction in Iraq 2009 - 2013

In recent years, Iraq launched a number of national strategies in line with the Millennium Development Goals, in order to achieve an inclusive development in the country. The most important of them was the National Strategy for Poverty Reduction in Iraq 2009 – 2013, which included, among its other goals, a goal addressing gender, as it aimed to reduce the disparity between poor women and men.

The law on compensation for victims of terrorism, No. 20 of 2009

This law was adopted in 2009. It is gender-responsive, since it treats all victims of terrorism, women and men, equally, and provides financial compensation for the families without discrimination. The provincial councils are responsible for implementing it for the benefit all those who have been victims of acts of terrorism and have suffered damage. The compensation is based on the extent of damage.

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Articles in the Permanent Constitution of 2005 concerning women’s rights and protection

Article 41 of the Constitution (2005) was and still is a matter of dispute. It legitimizes inequality and reinforces sectarianism, and, as such, poses a threat to the rule of law and the social fabric of society, through the elimination of the Personal Status Law number188 (1959), which secures many women’s rights related to marriage, divorce, alimony and custody. This article is still subject to political speculations.

Despite these provisions, the protection of women is still lacking, in particular in the face of growing sectarianism and radicalization of the society.

In October 2013, the Ministry of Justice has submitted to the Ministers Cabinet two bills based on al-Jaafari doctrine: Jaafari Personal Status Law and Jaafari Judiciary System law. These bills are completely contrary to the text of Article 14 of the Constitution, since they do not guarantee the equality of women and men before the law. The bills also legalize child marriage and temporary marriage, and promote sectarian religious culture through the dominance of the clergy in the regulation of personal status.

Other Iraqi laws, containing gender-specific provisions include:

- Nationality Law No. 26 (2006) /Article3 (a) an Iraqi is: born to an Iraqi father or an Iraqi mother.
- Human Trafficking Act No. 28 (2012): this law is expected to reduce the phenomenon of human trafficking and to provide the necessary protection to the victims.
- Martyrs Foundation Law No. 3(2006): Compensating the families of the martyrs and victims of the regime’s policies, financially and morally for the period from July 1968 to April 2003.
- Political Prisoners Foundation Law No. 4 (2006): The compensation of the victims of the violations and practices committed by the former dictatorial regime, against political prisoners whose movable and immovable property were confiscated, and forcibly displaced people and all the oppressed, for political or sectarian or ethnic reasons.
- Kurdistan Regional Government has approved the law against domestic violence, No. 8 (2011), which criminalizes female genital mutilation (FGM), child marriage, verbal, physical and psychological abuse against girls and women, child abuse, and child labor.

In regards to the Iraqi Penal Code, the Article 398 of Penal Law No. 111(1969), concerning rape has been the subject of controversy. The above-mentioned Article allows for impunity of the perpetrators under tribal custom that surpasses the force of law.

Article 45 of the Constitution states that the State should support the advancement of the tribal clans and provides them with legal authority. Thus, if a tribal custom, or law is derived from the community, and has historical roots, and if the power of the clan comes from customs and traditions that are a source of the Iraqi Penal Code, the custom has legal power. This provision helped the clans to grow in power and become very influential, leading at the same time to the decline of influence of state institutions. Moreover, many political blocs support tribes, provide them with money and arms, helping them to gain influence over community.

The legislative system in Iraq lacks certain laws that would help provide protection for women, such as:

- The Law for Protection from Domestic Violence; advocacy campaigns organized by civil society organizations, demanded the enactment of a law to combat violence against women. A committee of experts, with the participation of civil society organizations and under the auspices of the Ministry of State for Women’s Affairs drafted a proposal of such law in October 2012. The draft is still with the State Consultative Council, being subject to slow routine processes, which impede its submission to the parliament for approval. It is important to note that in 2011, the Kurdistan region passed a law to combat violence against women (No. 8).
- Social Security Law, which would guarantee proper protection for economically vulnerable groups and provide them with protection from destitution.
- Iraq ratified the Convention on the Rights of Children, and under the law it became part of the national legislation, yet this Convention is still not in force to provide the necessary protection for children against child labor, early and forced marriage and other abuses. It still sits with the State Consultative Council, and has not been submitted to the Parliament for approval.

All these strategies faced a series of challenges, the most important being: the deterioration of the security situation; lack of financial allocations sufficient for their implementation; the lag in the completion of the general census; lack of necessary legislation; the weakness and disorganization of the government; lack of use of modern technology; and the spread of financial and administrative corruption in the implementation of these strategies. There were no clear indicators for these strategies, and therefore the government has updated part of them, or extended them to 2017.

RATING: Slight progress

Indicator 8 – Number and nature of provisions/recommendations in the Truth and Reconciliation Commission and other transitional justice reports on women’s rights

On June 25th, 2006, the Government launched an initiative to promote national reconciliation to reinforce the values of tolerance and non-violence and the rule of law. The initiative was based on national consensus between the political parties and local communities. It was designed within a democratic framework of supporting people’s participation in political and social
life and promotion of equality in rights and duties. A National Reconciliation Committee was formed under the supervision of the Board of Ministers and with a budget for the implementation of a national plan for reconciliation.

However, the Committee did not make specific recommendations, regarding equal gender representation in the judicial system, nor adopt a genuine rehabilitation program for the victims, or former soldiers. There are no specific recommendations to strengthen the role of women in the Committee, it lacks knowledge and consideration.

The committee has worked to collect arms from some of the factions involved in the conflict, and to reintegrate them into the security institutions, or in popular support formations called Al-Sahawat Councils.

In reality, most of the activities of the Reconciliation Committee are aligned with the activities of the tribal Awakening Councils (Al-Sahawat) and the Support Councils.

The Supporting (Isnad) and the Awakening (Sahwa) Councils are tribal groupings established by the US army in 2006, primarily to counter Al-Qaeda in areas where it was operative, after declaring “the Islamic State of Iraq.”

The social context within which the Awakening Councils were established is conservative and does not give women the freedom to participate in these Councils. Furthermore, the Government failed to provide adequate opportunity for the participation of women in such councils. The National Reconciliation Commission relies on support of the Councils in all provinces on three major issues: public service, security, and social community (in order to support the security forces in pursuit of terrorist groups). Therefore, the exclusive nature of the Councils further contributes to the exclusion of women from the Commission’s work.

Despite the existence of a Special Office for Women within the National Reconciliation Committee, there is no real program to activate the role of women in national reconciliation, in accordance with Security Council Resolution 1325 and Security Council Resolution 1483 on Iraq. The office’s programs are limited to temporary activities focused on women’s stereotypical roles, including specific activities such as visiting holy shrines and competitions of Quran recitals, which reinforces the sectarian exclusionary practices that are inconsistent with the concept of national reconciliation. The office did not achieve any specific results with regards to women’s participation in national reconciliation programs, and at all levels of decision-making, nor is there a role for women in the Reconciliation Commission offices (Al Sahwa Office, the Office of Tribal Support, and services office).

On May 28th, 2013, the Vice President issued the “Civil Peace Document.” On September 9th, 2013, he called for a National Conference to assemble to sign this document. In response to that, the “Women for Peace” initiative was formed, including the representatives of several ministries and the Parliament, as well as activists who brought a letter to the Vice President, demanding that the two documents (Honor and Social Peace) issued by the Vice-President, as part of the “Civil Peace Document” to ensure peace in Iraq, be signed by women, and that women participate in their implementation. The Civil Peace document comprises eleven points, none of which has mentioned the importance of the participation of women in promoting peace.

In 2013, a Women and Peace conference was convened. Iraq held an International Conference to combat Terrorism, which addressed, among others, the topic of women’s role in combating terrorism. The National Conference called for action to safeguard the national unity of Iraqi people, and the protection of the national society fabric, and banned religious, national, or sectarian discrimination. It also called for adoption of the principle of dialogue as the only way to address problems impeding the political process in Iraq. However, the initiative still exists only on paper, without implementation.

RATING: Slight progress

Indicator 9 - Percentage of women (compared to men) who receive economic packages in the processes of conflict resolution and reconstruction

The team has not been able to obtain accurate information for this indicator, since the data is not available to the public. The program of resettlement and reintegration for people displaced by the conflict is a task of the federal government, through the Ministry of Displacement and Immigration. It is noted that the government implemented a variety of measures to provide support to the targeted groups. Most notable measures include:

- Providing financial support and relief materials to the displaced people and to those who wish to be resettled.
- Opening centers to receive the ones displaced by the conflict and, to register them for the purpose of getting them humanitarian aid.
- Providing compensation to those affected by the conflict.

However, the research team could not establish what percentage of the recipients constituted women. Moreover, with the increase in the number of the displaced and those who have been forced out of their homes, the government’s efforts fall short in providing all the services to these groups, especially since the conflict is still ongoing and the numbers are increasing continuously.

RATING: No rating (not enough data)
C. Promotion of a gender perspective

Indicator 10 – Number and percentage of pre-deployment training and post-deployment programs for military and police incorporating UNSCR 1325, UNSCR 1820, international human rights instruments and international humanitarian law

There is no specific information on the types and quantity of training received by the security forces, the army, or the police, but there are training programs related to human rights in general. These training were conducted by the UN, the EU and local NGOs. However, they were insufficient, lacked continuity and did not address UNSCR 1325 directly. The government has not made any attempts at organizing such trainings.

RATING: No rating (not enough data)

Indicator 11: Allocated and disbursed funding marked for women, peace and security (WPS) programs to CSOs and Government

Non-governmental organizations

Most of the projects that have received support are awareness and educational projects on the contents of the Resolution 1325, without the rest of the subsequent resolutions. International organizations, including the US Institute for Peace, the Norwegian Embassy and the European Initiative for the Resolution 1325, are active in providing support in this field, as discussed under indicator five.

Nonetheless, the support from international donors is very limited and there is considerable competition for it, since all organizations working on Resolution 1325 are dependent on external funding from Member States and international organizations. Moreover, the funds tend to be distributed according to the interests of the donor agency, often without paying attention to the needs of the community, or the strategy of local organizations.

Government

When the federal government approved the NAP, it also released a budget for its implementation for four years. The proposed amount (USD $36,059,600) has been approved, thus obligating the government to provide those resources and include the provision for the NAP in the general national budget. However, according to the report of the task force from five Ministries (Education, Labor, Social Affairs, Justice, Interior and the Ministry of State for Women’s Affairs), this did not happen. Consequently, these ministries lack resources necessary to implement the plan.

Often, the Ministry of Finance allocates the budget and necessary sums for the implementation of government programs within the sections of expenditures in the federal budget. With regards to NAP, after the announcement of Prime Minister’s support for the NAP on February 6th, 2014, he requested to finalize the plan as soon as possible, in order to be ready for submission to the Parliament and the Council of Ministers for adoption. This commits the Government to provide financial and human resources for implementation. Since 2013, the Iraqi Government has undergone a financial crisis that continues until this year. As a result, the budget for the implementation of the NAP has not yet been ratified. The political crisis, which prevents the Ministry of Finance from providing the resources necessary for the implementation of the NAP is also another factor for the non-implementation.

RATING: Slight progress

III. Conclusion and Recommendations

Conclusion

In general, there has been no progress with regards to the implementation of the UNSCR 1325 in Iraq in 2013. The greatest challenges are still faced in terms of women’s participation in peace processes, and gender-based violence.

In particular, the issues of sectarianism, negative stereotypes of women, as well as the large number of widows and female heads of households, which is a result of the years of conflict and fighting, affect the position and participation of women, and remain a serious challenge, which need to be addressed. The recent invasion of the ISIS group in several, very strategic areas in Iraq, and the renewal of the political conflict between different blocs after 2014 elections further aggravate the situation.

The fragile, and constantly worsening, security situation in Iraq further contributes to the lack of women’s participation and protection. The ongoing conflict strengthens the sectarian attitudes, and weakens the government, making it difficult to implement the NAP.

Below is the set of specific recommendations related to implementation of UNSCR 1325 in Iraq. Due to the recent conflict, resulting before presenting the general recommendation, we provide a set of urgent recommendations, relating to the current crisis. These recommendations are supported by 90 women’s organizations and groups in Iraq.

Recommendations

To UN Agencies and the International Community:

While we commend the Security Council resolution No. 2170 issued on August 15, 2014, we appeal to the United Nations, particularly the Security Council, the CEDAW Committee, and the Human Rights Council, as well as to the international donor community, to take prompt measures to ensure the condemnation of the barbaric practices of the ISIS militants, which reached the level of crimes of genocide. We urge them to:


46 Prime Minister speech on Feb 6th, 2014 on INAP Press conference.
To the Government:

- Form an international fact-finding committee to investigate the "state of Iraqi women under the terrorism of ISIS'';
- Take action to liberate women and children, who are still held hostage by ISIS;
- Take measures to protect the displaced women and their families, and provide a safe, internationally protected, environment close to their home areas;
- Provide urgent humanitarian relief services: medical, psychological and social, for displaced women and their families;
- Protect women and girls who are victims of ISIS oppression, by providing them shelter and medical treatment, as well as ensuring the protection of witnesses.

The delay in taking action will substantially increase the extent of the suffering and contribute to the increase of violations. The delay will allow ISIS to persist and commit heinous acts against women, children and the civilian population, and to conduct terrorist operations beyond the borders of our country that will threaten international security and peace.

To the Government:

- Pursue effective policies designed to promote full and equal participation of women in democratic decision-making in all areas of public and political life at the national, regional, and local level, through the adoption of special temporary measures, as called for in article 4(1) of CEDAW and the Committee's general recommendation No. 25.
- Sustain the quota system for women in electoral law and adopt the law on political parties, ensuring quota for women in political parties, and obligate the parties to allocate funds to promote and empower political leadership of women, especially the female candidates for the elections.
- Take appropriate measures to increase the representation of women in the judiciary in Judicial Institute, the higher courts and, Federal Supreme Court to ensure impartial and gender-sensitive approach.
- Adopt a policy for security sector reform, and capacity building for security forces in full respect for human rights and the rule of law, mechanisms for monitoring, evaluation and accountability, which should include quota allocation to increase the proportion of women in security institutions.
- Increase the representation of women in both the Constitutional Amendments Committee, and parliamentary committees involved in the legislative review to ensure the abolishment of the article 41 of the Constitution, and to repeal all provisions that discriminate against women in the Penal Code, the Code of Criminal Procedure, and other legislation, regulations, guidelines, and legal environment.
- Eradicate impunity for the "honor crimes," through adoption of serious measures to investigate them, bring the perpetrators to justice and punish them.
- Stop the promotion of laws that enshrine sectarianism and ethnicity, such as the draft Jaafari Personal Status Law and Jaafari Judiciary System Law. The CEDAW Committee in its concluding observations mentioned that it should be repealed immediately because it enshrines sectarianism.
- Provide the necessary human and financial allocations for the implementation of the strategies approved by the Government, with an emphasis on the provision of gender-sensitive financing in the annual budget in 2014 and 2015.
- Set a time frame for the implementation of the Iraqi National Action Plan (INAP) on UNSCR 1325, in collaboration with the Kurdistan Regional Government and women's organizations, and build capacity for its implementation, with emphasis on the allocation of the necessary financial resources, ensuring that the plan guarantees the following:
  - Place emphasis on gender-sensitive budgeting, with indicators for regular monitoring of the implementation and accountability mechanisms.
- Provide shelters and safe havens for women victims of violence, particularly sexual violence and rape, throughout the provinces, and ensure the provision of medical, psychological and legal support to victims, as well as to organize rehabilitation and reintegration programs. Regularly monitor the quality of these services and ensure that the Government provides adequate funding.
- Increase the number of women working in Family Protection Units in all provinces. Provide appropriate training on gender issues and violence against women, in particular to all police officers and state officials working on law enforcement and administration of justice, to enable them to deal appropriately with cases of gender-based violence and to take into account their sensitivity.
- Take preventive measures to protect women belonging to religious and ethnic minorities from violence perpetrated by state and non-state actors. We also recommend that the government conduct an evaluation of the situation of those groups of women in all aspects highlighted by CEDAW and the Millennium Development Goals and Beijing Declaration.
- Increase the involvement of civil society as a partner in awareness-raising campaigns and promotion of the broad objectives of the National Strategy to Combat Violence against Women and the National Strategy for the Advancement of Women.
- Issue a law, criminalizing sexual harassment in the workplace and in public spaces and speed up the development of procedures and mechanisms for the implementation of the human trafficking Act No. 28 (2012), to curb this phenomenon.
- Develop databases and conduct training for security forces in border ports and airports on the human trafficking monitoring
and control mechanisms, and follow-up for early identification of victims, and develop protection and rehabilitation programs, pursuant to the 2009 Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children bound for Iraq.

Adopt and implement a social protection law that covers the rights and welfare of widows and female heads of households, under the provisions of article 30/I and II of the Constitution.

Provide training for all law enforcement officers and members of the military and other armed forces who are engaged in security operations, and develop a code of conduct to ensure respect for human rights, effectively providing follow-up and control of their enforcement.

**To the civil society:**

- Plan and conduct, in cooperation with the Ministry of State for Women’s Affairs and the Ministry for Human Rights, awareness campaigns on the importance of women’s participation in decision-making, ensuring equality and human rights, with special focus on tribal elders and religious leaders, to eliminate negative and stereotypical attitudes, which reinforce male dominance over women.

- Urge the Government to repeal discriminatory laws and implement the above recommendations, in particular with regards to the implementation of the UNSCR 1325.

- Advocate for the deliberation on the draft law on Protection from Domestic Violence, to be moved to the House of Representatives for adoption, to ensure the effective implementation of the National Strategy to Combat Violence against Women in Iraq (2012-2017).

- Advocate for the Government’s ratification of the Optional Protocol to CEDAW.

- Monitor the implementation of the Personal Status Law 188 (1959), to prevent the overriding of the provisions of law, in particular the issue of registration of marriage in the courts, which restricts eligible age for marriage to be no less than 15 years, with strong restrictions on polygamy. Take steps to resolve the cases of separation in court filed by the wife. Take further action to prevent forced marriages, while ensuring the access of girls and women victims of forced marriage to legal, medical, financial and other support.

**To UN Agencies and Donor Community:**

- Provide technical support and expertise to the Iraqi government to develop a clear action plan for the implementation of the recommendations of the CEDAW committee, as well as the NAP.

- Continue to support the capacity-building and training for the civil society organizations.
IV. Bibliography


Laws and documents


