

# Joint Report of the Coalition for Combating Discrimination Against Women for the Universal Periodic Review of Iraq

March 2014

## The Introduction

Iraq has ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and is considered one of the first countries to have adhered to this convention. It did however place reservations on some of CEDAW's Articles and paragraphs, based on the fact that they contradict the Islamic Sharia.

Iraq adopted the national strategy for combating violence against women in 2011, which is not activated to date due to no budget allocation yet for implementing the strategy.

Nevertheless, in September 2012, the Kurdistan Regional Government (KRG) in Iraq has taken a positive step in endorsing the national strategy for combating violence against women in the region, and the strategy has taken sequential steps in terms of raising the awareness and protecting the survivors of violence and providing medical and social services<sup>1</sup>.

On 6 February 2014 the Ministry of Women's Affairs announced the National Plan for the implementation of UN Security Council Resolution No. (1325), but has not been approved by the Iraqi prime minister.

The coalition<sup>2</sup> believes that it is necessary to work on the following recommendations as priorities for combating discrimination and human rights violations against women in Iraq.

## Recommendations:

### I. National Legislation and its Alignment with International Conventions & Resolutions

Iraq should work on lifting the reservations on CEDAW Article 2, paragraphs (f-j) as they are no longer necessary in the light of the Iraqi constitution guarantee in Articles 14 & 16 thereof, that all Iraqis are equal before the law without discrimination on the basis of gender, ethnicity, race, origin, color, religion, faith, doctrine, opinion or social or economic situation. There is also a similar provision echoing these two paragraphs in the International Covenant on Civil and Political Rights, ratified by Iraq without reservation in 1970. 1.1

Lift reservations from CEDAW Article 16 and Article 29, as Article 16 is echoed in the Article 23 of the ICCPR, which Iraq ratified without reservation. 1.2

Expedite ratification of the CEDAW Optional Protocol, regarding receipt of complaints. 1.3

Adopt the 1325 National Plan from the Ministry of Women's Affairs as soon as possible, as recommended by the CEDAW Committee. 2.1

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<sup>1</sup> see KRG website <http://www.krg.org/?l=14>

<sup>2</sup> Coalition members include the Baghdad Women's Association, the Yazidi Association for Brotherhood and Solidarity, Mezan Association for Human Rights, the Human Rights Organization in Kurdistan, Daleel Organization for Development, Women Empowerment Organization, the Forum of Love and Peace for Students and Youth, and Rassed Center for Human Rights

We recommend the legislation of a law that protects women from being assaulted in war 2.2  
times, and the activation of SCR Resolution 1325 and the CEDAW convention which  
grants women the right to access education and live safely during the war.

Expedite the suspension of the Jaafari draft personal status law that is currently under 3.1  
review in parliament, as it threatens the entity of the Iraqi family. It also legislates  
inequality and reinforces sectarianism.

It is necessary to work on amending all the discriminatory Articles against women 3.2  
contained in the Iraqi penal law code, no. 111 of 1969.

It is necessary to adopt the Law Against Domestic Violence by sending it to the Iraqi 3.3  
parliament for approval, which is also recommended by the CEDAW Committee; and the  
KRG – Iraq shall amend the Articles in its regional law to bring them in line with existing  
penal codes.

Fulfill the CEDAW Recommendations on eliminating harmful traditional practices and 3.4  
stereotypes such as early marriage, temporary marriage, and honor crimes, and amending  
the related penal codes

The Ministry of Education should take the necessary measures for the application of the 3.5  
Iraqi Basic Education Law no. (118) of 1976<sup>3</sup> and for the reduction of the gender gap by  
launching a national campaign for illiteracy.

## **II. Violence Against Women**

In addition to the aforementioned Recommendations 3.2, 3.3, and 3.4:

In Iraq in general and in KRG-Iraq the government should conduct awareness campaigns 4.1  
about the harmful health consequences of female genital mutilation (FGM).

We recommend the activation and legislation of laws that protect widows from sexual 4.2  
harassment and coercive marriage, and the increase of financial allocations for widowed  
women

The law no. 38 has been enacted in 2012 to provide care for the disabled. We recommend 4.3  
the enactment of a law for the protection of disabled women and the increase of financial  
allocations to them by the government, and the activation of special social care laws for  
the disabled women.

The Iraq government should not force minor children to convert to the religion of the 4.4  
parent that has converted to Islam.

## **III. Women's Participation in Decision-making Positions**

To enhance women's participation in the decision-making positions and at all levels including  
the executive and judicial branches of government:

We recommend an increase of the number of seats allocated to women at the Council of 5.1  
Representatives and provincial councils to a minimum of 33% at least.

We recommend that women occupy the first names in the electoral lists in equal measure 5.2  
as men.

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<sup>3</sup> The report of the Ministry of Human Rights on women rights for the year 2008 – Section eight – Right to Educa-  
tion.

We recommend an increase in the number of seats for women in the executive and 5.3  
judicial authority and the National Reconciliation Committees to 25% at least or to 33%,  
and an amendment of the constitutional Articles relevant thereto.

These recommendations are elaborated in the following report.

## **Pillar One: National Legislations and their Alignment with the International Conventions and Resolutions**

### **A- The Reservations on CEDAW**

Despite the fact that Iraq has ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), however, it has placed reservations on several clauses of the Convention's Articles—Article 2, paragraphs (f-j), as well as Article 16 and Article 29.

In contrast, in 2014 Iraq has withdrawn its reservations on Article 9 relative to granting women the right to grant her nationality to her children, even if married to a foreigner; Iraq has deposited the ratification instrument for Article 9 during the review before the CEDAW committee, as Iraq included in its constitution in 2005 a clause that grants the Iraqi woman the right to grant her nationality to her children, and the Nationality Act for the year 2006 has set all the procedures relative therefor.

The Reservation on Article 2 paragraphs (f-j), on eliminating discriminatory measures contravenes Article 14 of the Iraqi constitution which affirms that all Iraqis are equal before the law without discrimination on the basis of gender, ethnicity, race, origin, color, religion, faith, doctrine, opinion or social or economic situation.

The Reservation on Article 16 tackles equality in all matters related to marriage and marital relations. Iraq retains a reservation based on the Article's contradictions with the Islamic Sharia. However, the Iraqi Personal Status Law is in line with all the clauses of Article 16 of CEDAW regarding equality in the marriage contract, mentioned in the Personal Status Law in terms of non-coercion, and the fact that a marriage contract is the occurrence of offer and acceptance. The clauses of the said law have stipulated that no relative shall be coerced into marriage. Also, the law has stipulated equal marital responsibilities between the spouses, in addition to regulating child custody and granting custody first to the wife. It has also granted the woman the right to maintain her maiden name as emphasized in the Islamic Sharia.

Thus, we find that there is no need to maintain the reservation on Article 16, as all its clauses are contained in the valid Iraqi Personal Status Law which was also derived from the Islamic Sharia, and in Article 23 of the ICCPR which Iraq ratified with no reservation in 1971.

Regarding the reservation on Article 29 paragraph 1, it amounts to a rejection of international arbitration in the case of disputes, and in case of non-resolution of the existing dispute using amicable means and negotiations, the International Court of Justice is resorted to in order to resolve the issue. It is worth noting that Iraq is opening up to the world by declaring its commitment to the international standards for human rights. Moreover, Iraq has several bilateral agreements with countries, which regulate several cases including the disagreements between

the countries' subjects. In addition, Iraq has granted to women the right to pass their nationalities to their children, even if she was married to a foreigner. Therefore, it is necessary to endeavor to withdraw the reservation and take the necessary diplomatic measures, whereby if any potential disputes arose, they shall be referred to international arbitration.

Refer to Recommendations 1.1, 1.2, and 1.3.

## **B- National Action Plan for SCR 1325 and the Extent of the Response thereto.**

Iraq is living in a state of continuous violence and armed conflicts. Despite the fact that the Iraqi troops have been handed over the security responsibility from the American forces by the end of 2011, the security situation is still very much deteriorating, as the conflicts and armed operations are still ongoing in several areas of Iraq, which negatively affects one way or the other the situation of human rights, namely for women and children. In several areas of Iraq which have witnessed clear targeting operations, women are absent from any effective participation in the promotion of their rights.

Thus, Iraq's council of ministers should endorse as soon as possible the national action plan (NAP) which was issued on 6 February 2014 by the Ministry for Women's Affairs for the implementation of SCR 1325 which relates to women's participation in decision-making and protection from violence in armed conflict situations.

Iraqi women have been subject throughout the previous period of time to several violations, such as pre-meditated murder, kidnapping, threats, burning, rape and the non-assumption of decision making positions, intentional marginalization, which necessitates the urgency of working on the endorsement of the national plan for SCR 1325, and the allocation of funds and resources needed to implement the clauses of that plan.

These points are as follows:

- In the preamble of the permanent Iraqi constitution<sup>4</sup> of 2005, reference is made to care for women and their rights, children and their rights and spreading the culture of diversity. The constitution has also stipulated in Article 14 thereof, equality before the law without gender discrimination. Article 20 has stipulated that male and female citizens have the right to participate in the public political affairs and enjoy the political rights including voting and elections and nomination. Article 49/fourth stipulates that the electoral law aims to reach a rate of female representation of not less than one fourth of the number of the members of the council of representatives. Article 29/second has guaranteed the protection of mothers, children and the elderly, and clause 4 of same Article has prohibited all forms of violence and discriminatory actions in the family, school, and society.
- There are big obstacles preventing the provision of security to women and girls to protect them from gender based violence. Women live in constant fear of violence and abuse of their dignity, and have no access to justice. This is in addition

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<sup>4</sup> See the Articles stated in the Iraqi constitution  
<http://ar.parliament.iq/LiveWebsites/Arabic/IraqiConstitution.aspx>

to the silence that engulfs the sexual violence that women are subject to, and the impunity of the perpetrator. These are crimes committed in times of peace and during armed conflicts. Serious action should be taken against the perpetrators of crimes violating women's rights, in times of peace and armed conflicts.

- Based on the necessity, stated in the national action plan (NAP), of implementing programs for promoting human rights to ensure gender equality in obtaining all resources and opportunities during the periods of conflict and post conflict transitional periods, we see that Iraq is not serious in adopting the NAP. There still is legal discrimination, as the Iraqi legal system still contains several discriminatory provisions against women especially in the penal code.
- An action plan had to be developed by the Iraqi government to disarm the unofficial militias and restrict arms to the State only, through the concerned State institutions. The necessity of taking into consideration the special needs of the former male and female combatants, and of providing for them a decent life and reintegrating them into the society, was also emphasized in these Articles.

Referring to the CEDAW committee's recommendations<sup>5</sup> during their review of Iraq in its 57<sup>th</sup> session, the following was raised:

- The committee urges the State Party to guarantee a meaningful and active participation for women in the decisionmaking processes at the National Reconciliation Committees. The committee calls on the State Party to develop a clear timeframe for the finalization of the NAP project for the implementation of SCR 1325 (2000), in cooperation with Kurdistan region and the representatives of women organizations.

Refer to Recommendations 2.1 and 2.2.

## **C- Discriminatory Articles in the Personal Status Law**

The Personal Status Law no. 188 for the year 1959 with amendments is the valid law in Iraq. It regulates the state of marital and household relations. This law is considered one of the best personal status laws that do justice to women in the Arab region.

However, Article 41 of the Iraqi constitution of 2005 emphasizes that the Iraqis are free to abide by personal statutes according to their religion, faith and beliefs. Thus, feminist activists consider these provisions a threat to the household entity and solidarity, since they make the rights for every marriage subject to the different personal status doctrines under individuals' religions and beliefs, mainly the husband's doctrine. This is considered a big risk threatening the solidarity of the Iraqi household, which has for years had the clear and comprehensive law no. 188 since 1959 for the majority of the Islamic doctrines

Moreover, there have been attempts lately regarding the endorsement by the Council of Ministers of the contested Jaafari draft personal status law, based on Article 41 of the constitution, as it legislates inequality and reinforces sectarianism and is considered a serious threat to

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<sup>5</sup> See the CEDAW recommendations regarding the Iraq review  
[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=813&](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=813&)

women's rights in Iraq. It threatens to break down the Iraqi family, and the feminist movement in Iraq is calling for its necessary cancellation.

Refer to Recommendation 3.1.

## **D – The Discriminatory Articles in the Iraqi Penal Code**

Despite the fact that Iraq has ratified the CEDAW convention and the ICCPR, which both assert the necessity of equality before the law and the granting of the right to litigation and equality on an equal footing for men and women, in addition to what was contained in Article 14 of the Iraqi constitution which has in turn emphasized the necessity of gender equality, we notice however that there is a difference between men and women in terms of the punishment for the same deed. Moreover, some legal provisions allow for the impunity of men despite their commitment of a crime. Following are the most important discriminatory Articles in the Iraqi penal law code<sup>6</sup>:

- Article (41) gives the husband the right to discipline his wife, and permits him to commit any act in the process, even if this would inflict psychological or physical harm on her. The provision is even more insulting, as it portrays women as being minors.
- Article (128) considers the husband's commitment of murder under the pretext of 'honor' an attenuating circumstance in terms of punishment, which gives the perpetrator mitigating circumstances for the death sentence or life sentence punishment to be reduced to 6 months imprisonment in most cases.
- Article (377) differentiates between men and women and considers the commitment of the act of adultery by women inside *or* outside the marital home as a punishable crime, while for men only the act of committing adultery in the marital home is considered a criminal act, and thus, the Article has granted men the right to commit marital adultery outside the marital home.
- Article (380) states that every husband that incites his wife to commit adultery and she has done so based on this incitation, shall be punishable by imprisonment. This can mean that if there was no material element, i.e. the committing of adultery, the incitation alone shall not constitute a crime, while if the wife has committed adultery based on the act of incitation, and the husband has lodged in a complaint by virtue of Article (377) and the wife failed to prove the act of incitation, she shall receive the punishment determined for the act of adultery, and this is a flagrant violation of marital rights.
- Article (398) allows a person that has committed rape to enter into a legal marriage contract with the victim of the rape. Pursuant to Articles (130) & (131) of the penal law, he becomes subject to the legal excuse that attenuates the criminal

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<sup>6</sup> To see the discriminatory Articles regarding the Penal Law:  
<http://www.iraq-ig-law.org/ar/content/%D9%82%D8%A7%D9%86%D9%88%D9%86-%D8%A7%D9%84%D8%B9%D9%82%D9%88%D8%A8%D8%A7%D8%AA-%D8%B1%D9%82%D9%85-111-%D9%84%D8%B3%D9%86%D8%A9-1969-%D8%A7%D9%84%D9%86%D8%B3%D8%AE%D8%A9-%D8%A7%D9%84%D8%A7%D8%B5%D9%84%D9%8A%D8%A9>

punishment for the rape, and thus the victim would be facing another act of coercion to be added to the rape, i.e. the coerced marriage and the perpetrator's impunity, despite the fact that he has committed a full crime.

- Article (409) grants the husband an attenuating legal excuse in the event that he surprises his wife in their marital bed with another man, and he kills them together or either of them instantly, whereas if the wife were to surprise her husband in the marital bed finding him with someone else, and she killed them together or him alone, she is sentenced to death or life sentence.
- Article (427) enables every man who has entered into a legal marriage contract with a woman he detained or kidnapped, to halt the complaint and the investigation procedures, as well as all the investigation procedures into the detention or kidnapping crime, and this is considered a psychological and physical coercion, which would allow for the impunity of the perpetrator.

With reference to the recommendations of the CEDAW committee in its 57<sup>th</sup> session<sup>7</sup> on Iraq, we underline their following recommendations:

(a) The adoption of a comprehensive strategy to eliminate all the harmful practices and stereotypes namely early marriage, temporary marriage, and crimes under the pretext of 'honor,' in accordance with Article 2 & 5 of the convention, and which include raising awareness of the efforts that target the public, the media and religious and community leaders, in cooperation with civil society and women's organizations; (b) The cancellation of Articles 128, 130 & 131 of the penal law to ensure that the perpetrators of crimes under the pretext of 'honor', cannot use the excuse of defending their honor as extenuating circumstances for these crimes.

The committee also recommends the following measures for the Kurdistan region:

(a) To overcome impunity for the crimes committed under the pretext of what is called honor, among other things, by taking measures to improve the methodology of investigation into these crimes, in order to ensure the determination of their true framework and prosecute and punish the perpetrators.

Refer to Recommendation 3.2.

## **E – Domestic Violence Law in Iraq and Kurdistan Region - Iraq**

The Federal Parliament of Iraq did not yet adopt the domestic violence law, despite that there are general cases regarding who is subject to violence in the remaining laws, that criminalize all forms of violence. However, the need for a law that regulates domestic violence cases and provides a broad protection to the women survivors of violence, in addition to the financial and psychological support, has become essential. Now more than two years since its drafting<sup>8</sup> process, the draft national law was completed in October 2012 by a committee of experts, but

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<sup>7</sup> See the CEDAW recommendations regarding the Iraq review

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=813&](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=813&)

<sup>8</sup> The organization for the defense of women rights in the Kurdistan region has monitored (5308) cases of violence within the year 2013.

the draft is still with the State Shoura Council and being subjected to slow routine measures that obstruct its submission to the parliament for a legislative vote.

Meanwhile, the Parliament of the Kurdistan Regional Government-Iraq issued a regional Law Against Domestic Violence, No. (8) in 2011, which is considered an important step towards curbing the widespread phenomenon of violence in the region, however, this law is still incapable of limiting the incidence of violence in the region<sup>9</sup> However, the said law still contains some penal articles that are in violation with other laws such as the Law for the Prevention of Misuse of Communication Devices no. 6 for the year 2008, especially concerning threats, verbal abuse and harassment<sup>10</sup>.

The issuance of the national strategy for the development of the situation of women in KRG-Iraq (2013-2019) by the Higher Council for Women Affairs in the region, is considered a positive step towards the promotion of women rights in the region.

Despite the region's attempt to curb the phenomenon of violence and to underline this issue in all media outlets, there is still a large increase in the cases of violence throughout the region's governorates, especially in the governorate of Duhok that has recorded an increase of 25% in the cases of violence in 2013 compared to 2012<sup>11</sup>.

Refer to Recommendations 3.3 and 3.4.

## **F – Gender Discrimination and Non-Discrimination in Education**

Most of the population of the rural and remote areas and of the Marshlands in Iraq are illiterate, and girls are the most deprived of education because of the nature of the society they live in which refuses to send them to school after the age of 12-15 and prefers to provide education to males rather than to females. Moreover, the Ministry of Education has refrained from taking the necessary measures for the application of the Iraqi Basic Education Law no. (118) for the year 1976<sup>12</sup> and for the reduction of the gender gap by launching a national campaign for illiteracy. The indicators still refer to the widening illiteracy phenomenon among women and girls, and according to the estimates of the UNESCO office Iraq in 2013, the rate of illiteracy among young women in the rural areas between the age of 15-24 years is close to 50%.<sup>13</sup>

## **Second Pillar – Violence Against Women**

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<sup>9</sup> By virtue of the statistics of the Directorate for combating violence against women affiliated to the Ministry of Interior in the Kurdistan region, 49 murder cases and 56 suicide cases, and 299 cases of women burning themselves took place. While in 2011, there were 43 murders, 44 suicide cases and 123 cases of burning. In 2012, there were 46 murders, and 39 suicide cases with 253 cases of women burning themselves.

<sup>10</sup> There are several cases of violence that occur through the use of all kinds of communication devices that do not fall within the law of combating domestic violence, and this is a shortcoming in the legislation.

<sup>11</sup> Statistics from the directorate of combating violence against women for the governorate of Duhok were published in War daily newspaper in its issue #1005 on 19/12/2013 in its third page. Also, the directorate has recorded 1281 cases of complaints at the court, of which only 169 cases have been settled.

<sup>12</sup> The report of the Ministry of Human Rights on women rights for the year 2008 – Section eight – Right to Education.

<sup>13</sup> See the UNESCO report published on the official website of the mission in Iraq <http://unami.unmissions.org/Default.aspx?tabid=5003&language=ar-JO>



## G – ‘Honor Crimes’

Even though we have tackled the legal situation regarding crimes committed under the pretext of ‘honor’, for which the law has given an extenuating circumstance for the man in the event he caught his wife in the act of marital adultery, however, we notice that often the police stations and the concerned departments record murder cases of women killed under a pretext of ‘honor’ as a homicide committed by an ‘unknown perpetrator.’

Despite the amendments introduced to the penal code for crimes committed under the pretext of ‘honor’ in the Kurdistan region<sup>14</sup>, which consider the crime a premeditated murder, the shortcomings of the mechanisms and lack of experience in conducting professional investigation procedures often lead to recording these crimes as suicide cases. The last numbers by the forensic medicine in the Kurdistan region for three governorates only, reveal that the number of women that committed suicide in 2013 is 1748 women, as there are no official data or statistics about the premeditated murders of women and the murder cases for other reasons, and the police stations record them all as crimes committed under the pretext of ‘honor’, because of the unavailability of developed mechanisms and procedures that enable the departments of investigations to know the reasons for the crime, and whether it was intentional or honor-based and for the purpose of impunity.

A report by the Yazidi Association<sup>15</sup> for Brotherhood and Solidarity states that 74 cases of suicide most of which for girls and women have been recorded in Senjar and Sheikhan areas in Ninawa governorate in 2013. Most of these cases were not for economic reasons or due to deprivation of education, rather the association has indicated that these were premeditated murder cases recorded at the police stations as being suicides.

Refer to Recommendations 3.2 and 3.4.

## H- Minors Marriage

The phenomenon of marrying off girls at an early age is largely and significantly increasing in a significant manner for several reasons, including the security and economic situations and the spread of illiteracy in addition to the dominance of tribal traditions and customs in the society. Unofficial statistics indicate that the phenomenon of marrying off girls has increased by 19% in the southern governorates for the age category (15-19 years), and by 10% for the same age category in the Kurdistan region – Iraq<sup>16</sup>. Often these marriages take place outside the court.

The law has also granted to the judge the authority to permit a minor as young as 15 to marry if the judge deems it of paramount necessity to authorize the marriage, but the law does not set the mental maturity and the mental ability of the minor as a condition for permission<sup>17</sup>, only puberty is considered to render the marriage of the minor possible according to the jurisprudence of the Judge or to the jurisprudence of the doctrine he adheres to.

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<sup>14</sup> To review the law and amendments thereof, see the link below

<http://www.perlemanikurdistan.com/Default.aspx?page=byyear&c=LDD-Yasa&id=2008>

<sup>15</sup> See the published report in Aquanews Agency

[http://www.lalishduhok.com/lalish/index.php?option=com\\_content&view=article&id=9946:2012-02-02-18-39-55&catid=44:2010-10-12-15-08-22&Itemid=115](http://www.lalishduhok.com/lalish/index.php?option=com_content&view=article&id=9946:2012-02-02-18-39-55&catid=44:2010-10-12-15-08-22&Itemid=115)

<sup>16</sup> See the collection of information about the Iraq review before CEDAW committee – Civil society Information

<sup>17</sup> See the Iraqi personal status law no. 188 for the year 1959 in Articles 8/1, 8/2

Refer to Recommendation 3.4.

## **I- Female Genital Mutilation**

Despite the lack of official or quasi-official statistics about the cases of female genital mutilation in the center and south of Iraq, this phenomenon is spreading in Iraq in general and in Kurdistan region in particular despite the fact that the authorities in the region are legislating a law criminalizing this action. The genital mutilation of the Muslim Kurdish women in the city of Erbil is widely spread, and there is a clear ignorance of the health consequences of FGM, while there is a relatively significant portion of females that support this practice.

The German organization WADI has conducted a survey about FGM in the Kurdistan region<sup>18</sup>, and the report that the study has produced found different levels in different areas. In Halbaja and Karmeyan, the rate of FGM has varied between 39% and 58%, and in other areas, the rate was 8%. Other reports indicate that the rate of violence in Karmeyah soared, as the rate of FGM has amounted to 70.3%, having been 58.6% before, as per the clinical examination of the female genitalia. The most common form of FGM is Type I (99.6%), and the most common age during which the mutilation is performed is between 4-7 years for a rate of (60.2%). These practices are performed by midwives, and the report has stated that 6.4% of women and girls undergo complications after their genitals have been mutilated, including hemorrhage by a rate of (3.6%).

Refer to Recommendation 4.1.

## **J- Temporary Marriage**

Lately, the phenomenon of temporary marriage has spread in Iraq. Some have considered it a religious freedom, but mostly women resort to it because of the need for money rather than for religious freedom or sexual need, in the light of the increased number of the widowed women and the fact that young men, especially the unemployed ones, prefer the temporary marriages to the permanent marriages as they do not require long term financial commitments.

This phenomenon is considered an exploitation of women, namely the marginalized, vulnerable and unprotected women that are subject to the dominance of customs and traditions. Some promoters of this phenomenon believe that it protects the young women from practicing intercourse outside marriage, and the widowed and divorced women from resorting to prostitution to obtain money.

It was not possible to obtain specific statistics as the temporary marriages occur secretly and without any written records.

Refer to Recommendation 3.4.

## **K- Marginalized Women**

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<sup>18</sup> See the report of the German Wadi Organization in Suleimaneya  
<http://www.ankawa.com/forum/index.php?topic=269280.0;wap2>

**Widowed Women:** - The number of widowed women in Iraq amounted to nearly (500000) women<sup>19</sup> in 2013, due to the military operations that have taken place in Iraq after the year 2003 and till 2013. The widowed and divorced women face in particular extremely difficult social challenges and harsh discriminatory customs, and they are often subject to the risk of sexual exploitation, prostitution, and temporary marriages offers. Also, most female-headed households live in miserable economic conditions due to their limited income, where their average monthly income is within 150 thousand Dinars (US\$120).

The widowed woman suffers a lack of work opportunities and inability to access the labor market because of her low level of education and her lack of skills and training. The Ministry of Labor's data indicate that only 6% of loans for the purpose of establishing small projects are provided to women compared to 94% going to men.

To date, the Council of Representatives could not agree to legislate a social security law for the non-workers from the marginalized categories, namely widows and female heads of households, as affirmed in Article 30/ First and Second of the constitution of 2005.

Refer to Recommendation 4.2.

**Disabled Women:** - 342,000 disabled women<sup>20</sup> live in Iraq, their disability caused by reasons including disability at birth, disability caused by military operations, road accidents, natural disasters, and other accidents. Disabled women suffer from flagrant and considerable discrimination, whether within the household or in society and suffering from . This discrimination is reflected in lack of education ,the inability to work, and lack of health care, rehabilitation and integration in public life,

Displaced Women:- Iraq has witnessed at the end of 2013 a large displacement wave of families, namely in Al Anbar governorate because of the military operations, where 531,000 people<sup>21</sup> were displaced from Al Fallouja and Ramadi, due to the military operations in the governorate. The number of displaced women was 250,000 women. The parliamentary committee for the displaced has revealed that the number of displaced families for the year 2013 amounted to 11,433 families are in the governorate of Diala, 6,198 families in Ninawa, and 954 families in Baghdad, in addition to a lot of displaced women from Syria to Iraq in the Syrian refugees camp, displaced women suffer in areas where displaced from living in places not eligible to human life , which led to an 40% increase in the phenomenon of sexual harassment as well as increased prevalence of suicide among young girls, and sexual assault of women at the hands of security forces, as 3,645 assault case were recorded in Anbar province.

Refer to Recommendation 4.3.

## L- Minority Women

Minority women live under multiple social pressures for two reasons, first for being a woman and the second for belonging to minorities. According to monitoring by the Hammurabi or-

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<sup>19</sup> According to the statistics of the Ministry of Labor and Social Affairs for the year 2012.

<sup>20</sup> According to the statistics of the International Human Rights Organization

<sup>21</sup> According to the statistics of the Department of Migration and Displaced in Anbar.

ganization's report, they are subject to pressure in universities for not being veiled, as they are forced in many cases to wear the veil and Islamic clothes<sup>22</sup>.

## **M – Conversion to Islam of Female Minors**

The non-Muslim minorities in Iraq suffer conversion to Islam *de jure* (by law), as Article 21, paragraph 3 of the amended Civil Status Law no. 65 for the year 1972 stipulates that if a parent were to convert to Islam, the minor children are registered as Muslims by law, and the registrar shall register this in the civil status register without the knowledge of the minors. The law grants the minor one year after becoming of adult age to approach the competent courts to re-convert to their original religion.

Several organizations working on minorities issues have monitored the problems they are facing, as a result of this issue, and have called upon the Iraqi government to expedite the amendment of the law and the stabilization of the discriminatory verdicts of the courts, by not forcing the minor children to convert to the religion of the parent that has converted to Islam.

Refer to Recommendation 4.4.

## **N- Women Prisoners**

The governmental report of the situation in prisons indicated between 2005 and 2012, 447 death sentences were carried out—one of the highest rates in the world—of which 13 were women, and in 2013 the death sentence was carried out on 5 women, and there are 32 female prisoners awaiting the execution of the verdict<sup>23</sup>. The activists note that Iraq accepted the recommendation of the Human Rights Council regarding abidance by the standards that restrict women from receiving the death penalty. In addition to this, activists are concerned about the high level of extra-judicial killings committed outside the scope of the judiciary.

Regarding the correction centers in the Kurdistan Region – Iraq, with the issuance of the social reform<sup>24</sup> regulation no. (1) in 2008, which regulated the work of the correction centers in Kurdistan region – Iraq, the home leave instructions No. (1) in 2010, issued by the Ministry of Labor and Social Affairs in the Kurdistan region have considerably contributed to the reform and rehabilitation process for the female prisoners at the correction centers in the region's governorates. The inmate has the right to enjoy a home leave and to visit her family for a period of five days other than the two travelling days, every three months for the adults and every 12 days for the juveniles. However, the perpetrators of the crimes of terrorism, murder and attempted murder and kidnapping have been excluded from this right. Thus, female prisoners still suffer under classification on the basis of age and the offence they have committed.

## **The Third Pillar: Women's Participation in Decision Making Positions**

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<sup>22</sup> The report of the Hammurabi organization published at the end of the year 2013.

<sup>23</sup> See the report of the prisoners situations displayed by the Iraqi ministry of human rights on its website.

<sup>24</sup> See the website of the Ministry of Justice in Kurdistan region that has published the law on its website.

## **Women's Political Participation**

### **Women's Participation in the Council of Representatives and Provincial Councils**

Women in Iraq have participated after the year 2003 in the political process in Iraq, where they have participated in the 2010 elections to run for the Iraqi Council of Representatives (CoR) which is considered the highest legislative authority in Iraq. The number of women candidates running for the CoR was 2440 women from all of the Iraqi governorates, and only 82 women won the elections via the quota, which represents 25% at least. The same applies for the provincial councils elections that took place in 2013, where 5378 women competed for seats in the provincial councils, to occupy 117 seats in 15 Iraqi governorates.

Women have been subject to discrimination in this domain through:

#### 1- Electoral Advertisement:

- a) The names of women usually appear the end of the electoral lists and usually men come on top of the lists.
- b) No necessary support was provided for women to win, whether in terms of the pictures or electoral banners that the political parties display.

2- The limited participation of women in the electoral process in terms of nomination and winning because of the patriarchal society in Iraq, which believes that women cannot present anything to the society and that she is incapable of discussing the laws and endorsing them.

3- There are no women leading a political party or bloc, to take a leadership role in the political process.

Refer to Recommendations 5.1 and 5.2.

### **Women's Participation in the Executive and Judiciary Authority**

**The Executive Authority:** There is only one woman from a total of (30) ministers in the current government, because the political parties and blocs do not believe that women are capable of managing the ministries efficiently.

**The Judicial Authority:** During the previous years, women could not occupy any position in the judicial authority in Iraq, except in 2011, where only 8 women were Judges and 15 women were Deputy Attorney General in Iraq.

**Participation in the National Reconciliation Committees (NRC):** The government did not include any woman in the NRCs in Iraq, whether at the central level or provincial level, because the society does not believe that women are capable of negotiating and have the convincing ability for resolving the problems of Iraq. Despite the fact that there is a special office for women at the committee, yet there is not an actual program for activating the role of women in the national reconciliation, as is required in the Security Council Resolutions SCR 1325 and SCR 1438 for Iraq. Moreover, there is no role for women in the NRC offices, the Sahawat office, or the tribes support office.

.Refer to Recommendation 5.3