

# **Gender-Based Violence and Discrimination Against Women and Girls in Iraq**

A Submission to the United Nations Universal Periodic Review  
of  
IRAQ

Thirty-fourth Session of the UPR Working Group of the  
Human Rights Council

April 2019

*Co-Sponsors:*

Organization for Women's Freedom in Iraq (OWFI)

MADRE

Human Rights and Gender Justice (HRGJ) Clinic, City University of New York  
(CUNY) School of Law

ASUDA

Handicapped Union of Kurdistan

Al-Taqwa Association

Awan Organization

Baghdad Women Association

Democracy and Human Right Development Center (DHRD)

Emma Organization for Human Development

Etana Women Organization

Sawa Organization

Women Organization for Legal Aid (WOLA)

## **I. Background and Context**

1. This report is submitted by MADRE (an ECOSOC accredited NGO), the Organization for Women's Freedom in Iraq (OWFI), the Human Rights and Gender Justice (HRGJ) Clinic at City University of New York (CUNY) School of Law, ASUDA, Handicapped Union of Kurdistan, Al-Taqwa Association, Awan Organization, Baghdad Women Association, Democracy and Human Right Development Center (DHRD), Emma Organization for Human Development, Etana Women Organization, Handicapped Union of Kurdistan, Sawa Organization, and Women Organization for Legal Aid (WOLA). It focuses on several areas of concern related to the status of the rights of women and girls in Iraq, including the prevalence of gender-based violence and impunity for human rights violations. The information was gathered through field visits, drawn from the primary documentation of personal testimonies gathered in Iraq in both English and Arabic, and is supported by reports by news agencies, governments and international human rights organizations.

2. This submission documents six main areas of concern: (i) sexual and gender-based violence in Iraq; (ii) sexual and gender-based crimes committed by ISIL; (iii) access to safe shelter for persons fleeing sexual and gender-based violence, including domestic violence and "honor" killings; (iv) women denied Civil Status Identification Documents; and (v) discrimination against women with disabilities in Iraq; and (vi) discrimination against Afro-Descendant Iraqi women.

## **II. Sexual and Gender Based Violence in Iraq**

### ***"Honor" Killings***

3. Recent years have seen an increase in "honor" killings of women in Iraq as a result of a variety of factors weakening institutions, an increase in violence from armed militias and the reinforcement of tribal and religious norms.<sup>i</sup> It is estimated that several hundreds of Iraqi women and girls are killed as a result of "honor" crimes each year.<sup>ii</sup> In 2017, 272 cases of "honor" crimes and 3,400 domestic violence cases were reported to the police and referred to courts.<sup>iii</sup> In the aftermath of the conflict with ISIL, many women are still at risk of "honor" killing as they return to their homes for perceived "dishonour" they bring to their families and communities.<sup>iv</sup> For example, women victims of sexual and gender-based violence that were unjustly incarcerated under false charges of engaging in prostitution are forced to remain at a shelter in Basra, unable to return home because they have been threatened with "honor" killings by their families.<sup>v</sup>

4. Women in prominent positions such as politicians, journalists, doctors, and human rights defenders are also targeted for "honor" killings for defying gender roles and taking on active public positions.<sup>vi</sup> Between August and September 2018 four prominent Iraqi women were assassinated, including the social media star Tara Al-Fares and women's rights activist Suad al-Ali.<sup>vii</sup>

5. The Iraqi Penal Code allows for mitigated sentences for violent acts<sup>viii</sup>, including homicide, committed for so-called "honourable motives". The law does not provide any guidance on how to

define the term “honourable motives,” leaving the door open for wide interpretation and abuse that allows “honor” killings to continue with impunity. In addition to a lack of legal protection against “honor” killings, police are unwilling to investigate cases due to the social acceptance of “honor” killings.<sup>ix</sup> Data on the rates of convictions or trials of perpetrators of “honor” crimes is severely lacking.<sup>x</sup> This culture of impunity prevents women from reporting gender-based violence due to fears of indifference from authorities or violence retaliation triggering an “honor”-based crime.<sup>xi</sup>

6. The Government has failed to adopt a strategy to eliminate the practice of “honor” killings. While we commend the Government’s recent steps to launch the National Strategy to Combat Violence Against Women in Iraq in coordination with UNAMI and UNFPA,<sup>xii</sup> the lack of government will to pass much needed legislation to address gender-based violence, such as the pending Family Violence Protection Law, contravenes this national strategy<sup>xiii</sup>. Furthermore, without tackling the underlying cultural norms and customs that permit “honor” killings, and impunity for “honor” killers, the Iraqi Penal Code will continue to allow impunity for “honor” crimes committed against women.

#### ***Forced, Temporary, and Early Marriage***

7. An estimated 24 percent of Iraqi girls marry before the age of 18.<sup>xiv</sup> A 2015 study of marriages in nine governorates across Iraq found that 33.9 percent of marriages were conducted outside the courts system, of which 22 percent involved girls younger than 14 years old.<sup>xv</sup> Forced, temporary, and early marriage has become a strategy of economic survival for many of Iraq’s poor families living in a context of ongoing conflict and insecurity, who may decide to marry their daughters off early with the idea that this spares them from financial and security burdens.<sup>xvi</sup>

8. Lack of access to education and economic opportunities also leave women and girls unable to support themselves financially and forced into unwanted marriages in the hope that they can provide better economic opportunities for their families in those marriages. About 51 percent of forced marriages analysed in a 2015 study were conducted for economic incentives.<sup>xvii</sup> There has also reportedly been a resurgence of the practice of *fasliyya*, marrying a woman off to resolve a dispute, in Southern Iraq where 11 women were forced to marry in such an agreement in Basra in 2015.<sup>xviii</sup>

9. The Personal Status Code allows youth as young as 15-years-old to marry with a judge’s authorization.<sup>xix</sup> While forced marriages may be declared null and void under the Personal Status Code, this is only true if the marriage has not been consummated,<sup>xx</sup> providing further consequences for survivors of marital rape. As recently as January 2017 members of the Council of Representatives in Iraq submitted amendments to the Personal Status Code that would have lowered the age of marriage.<sup>xxi</sup> This followed a similar unsuccessful attempt to amend the Personal Status Code in 2014 to set the legal age for marriage as nine for girls and allow for temporary marriages.<sup>xxii</sup> Advocates fear that similar amendments may arise again in Parliament.<sup>xxiii</sup>

10. The Penal Code does not contain provisions that offer protection for women who decide to turn to the courts, leaving them vulnerable to further discrimination or attacks by members of their

families or communities.<sup>xxiv</sup> In addition, because many forced, temporary, and early marriages are conducted outside the courts, women and girls are often unable to take advantage of legal remedies to escape the marriages.<sup>xxv</sup> Unregistered marriages conducted outside the court system do not fall under the jurisdiction of the courts, and many women do not have the necessary documents to legally escape unwanted marriage.<sup>xxvi</sup>

### ***Trafficking and Forced Prostitution***

11. Due to the Government of Iraq's inadequate data collection, the number of women and girls trafficked in Iraq is unknown.<sup>xxvii</sup> The Iraqi government reported 266 potential trafficking cases in 2017, down from 314 in 2016, of which 68 were suspected to be sex trafficking cases.<sup>xxviii</sup> Trafficking victims risk arrest, criminal prosecution, imprisonment, and deportation for prostitution if they report being trafficked.<sup>xxix</sup> The Government will not initiate investigations into trafficking cases unless victims press charges, however most do not out of fear of retaliation or because they do not know the identity of the trafficker.<sup>xxx</sup> Moreover, after reporting cases of trafficking, police rarely initiate investigations against suspected traffickers or brothels, leading advocates to suspect government complicity in trafficking activities.<sup>xxxi</sup> Government authorities further lack the sensitivity to deal with trafficking cases and in some cases have verbally abused trafficking survivors.<sup>xxxii</sup> Despite legal requirements to provide services to victims of trafficking, the Iraqi government often fails to provide such services, leaving victims with limited protection and support.<sup>xxxiii</sup>

12. Despite claims and possible efforts by the Iraqi government to combat trafficking of women and girls,<sup>xxxiv</sup> trafficking survivors in Iraq still lack access to basic protection, services and justice. Within the past year, local experts in Iraq reported a significant number of prosecutions against sex trafficking survivors.<sup>xxxv</sup> An inter-departmental committee on human trafficking has also noted that first responders and judges remain unaware of human trafficking legislation and do not enforce the laws appropriately.<sup>xxxvi</sup> In addition, as of December 2017 local advocates reported that the Government-run shelter for trafficking victims remained unused.<sup>xxxvii</sup>

### 13. **Recommendations**

- A. The Government of Iraq should take steps to repeal provisions in the Penal Code that allow for mitigated sentencing for crimes committed for "honourable" motives.
- B. The Government of Iraq should take measures to implement the National Strategy to End Violence Against Women, and address cultural attitudes that permit "honor" killings.
- C. The Government of Iraq should amend the Personal Status Code (1959) to prevent early marriages as young as 15-years-old and to strengthen protections against forced and temporary marriages in, including eliminating the exception to annulment of forced marriages for those that have been consummated.

- D. The State should ensure that trafficking survivors have access to basic protection, services and justice as required under the Human Trafficking Act 2012. Iraqi judges should be aware of human trafficking legislation and enforce the laws appropriately.
- E. The State should ensure that survivors of sex trafficking are not criminalized and wrongly prosecuted for prostitution or other crimes.

### **III. Sexual and Gender-Based Crimes Committed by ISIL**

14. Prosecutions of ISIL fighters are fast-tracked under Iraq's counter-terrorism law, which carries a death penalty sentence. Convictions are often based on ties to ISIL, rather than on the specific nature and type of crimes committed.<sup>xxxviii</sup> This low bar for mass conviction means that courts are not investigating the most egregious crimes. Justice actors are also not distinguishing between the guilty and the victims in some situations, with some perpetrators going free and some victims-including women forced into marriages with ISIL fighters-receiving the death penalty. No effort is being made to inform victims of when or where alleged perpetrators are being brought to trial, giving victims no opportunity to participate.<sup>xxxix</sup>

15. ISIL employed sexual violence as a strategic weapon and "as a tactic of terror, a core element of their ideology and modus operandi".<sup>xl</sup> ISIL subjected Yazidi, Muslim, Christian and Turkmen women in Iraq to human rights violations, including sexual and gender-based violence. Local Iraqi civil society organizations, as well as the international community, are calling for transparent and fair trials that acknowledge the sexual and gender-based crimes committed by ISIL and the impacts they have on victims.<sup>xli</sup> Though the Iraqi government acknowledges the sexual and gender-based violence that some women faced under ISIL, particularly the targeting of Yazidi women, it has not acknowledged nor provided accountability for ISIL crimes amounting to gender-based persecution. Nor have they acknowledged such crimes committed against LGBTI persons.

16. Transitional justice in Iraq must meaningfully account for the suffering of the vast numbers of women and girls who were raped and enslaved, in order to send the message that gender-based violence is unacceptable, that it will not occur with impunity, and that survivors' rights will be enforced. Without acknowledgement and accountability for the full range of crimes and the gender discriminatory basis on which many of them were committed, justice cannot be obtained for victims and communities cannot rebuild. Iraqis need fair and transparent justice to rebuild trust in state institutions and prevent future mass atrocities and the Government of Iraq should acknowledge crimes committed by ISIL if it hopes to support its citizens in creating sustainable peace.

### **17. Recommendations**

- A. The State should take steps to hold ISIL fighters accountable for all sexual and gender-based crimes and support the inclusion of other internationally recognized crimes in prosecutions of

ISIL fighters. The State should take measures to acknowledge the genocide, crimes against humanity and war crimes committed by ISIL in Iraq.

- B. The State should ensure reparations are provided to all victims of the conflict, including sexual and gender-based violence victims.

#### **IV. Access to Safe Shelter for Persons Fleeing Sexual and Gender-Based Violence, Including Domestic Violence and “Honor” Killings**

18. Despite repeated calls for policy change from international human rights bodies,<sup>xlii</sup> in central and southern Iraq, it is against public policy for Iraqi NGOs to provide shelter to women escaping domestic violence, including attempted “honor” killings, as well as trafficking, sexual slavery, or other forms of gender-based violence. NGO-run shelters operate in an undefined legal framework and the NGOs who run them are cautious about publicising their services. Consequently, NGO-run shelters and their service providers are not only vulnerable to police raids, but they also lack protection from threats of violence.<sup>xliii</sup> If women are discovered being housed in a privately-run shelter, police may send survivors back to their families, who they are fleeing in the first place. This means it is not only the lack of available shelter, but the policy prohibiting privately-operated shelters itself that puts women and marginalized people at risk of torture or death.

19. Despite this repression, a few women’s rights organizations continue to provide safe housing and clandestinely, to those fleeing domestic violence, “honor” killing threats, and other forms of gender-based violence. Iraqi NGOs and women’s rights defenders seeking to assist women and girls encounter regular harassment, arbitrary surveillance, and warrantless searches. This harassment not only puts staff and residents at risk, but it forces them to routinely relocate, avoiding unwanted attention from neighbours who have on occasion mistaken safe houses for brothels.

20. Lack of legal protection also puts shelter staff and residents at risk of non-state actor violence. On October 28, 2017, for example, an armed group of 50 persons raided the headquarters of the Organization of Women’s Freedom in Iraq (OWFI), an Iraqi NGO that provides shelter to victims of sexual and gender-based violence, in Al Saadon in Baghdad.<sup>xliv</sup> The men were armed with assault rifles and kidnapped a member of the OWFI staff and held him for ransom, forcing OWFI to negotiate for his release. The armed group did not have a warrant to enter the premises, yet they searched the OWFI headquarters before abducting the staff member. The police have not investigated the incident, maintaining that NGOs do not have permission to run shelters in Iraq.

21. Only in the region of Kurdistan have some local NGOs been permitted to run and maintain shelters for women fleeing violence. In 2011, the Kurdistan Regional Government (KRG) passed Domestic Law No. 8, the Law against Domestic Violence in the Kurdistan Region of Iraq, which calls for the creation of women’s shelters. However, no such policy protections for NGO-run shelters exist in central or southern Iraq.

22. The Iraqi government, in collaboration with UNFPA, opened a shelter in Baghdad. However, the shelter does not provide adequate protection for women fleeing attempted “honor” killings and other forms of domestic violence because women fleeing such violence are required to obtain a court order to access the shelter.<sup>xlv</sup> This process and the conditions imposed by government-run shelters jeopardizes the safety of women by exposing them to retribution from their perpetrators and to extra-judicial means of resolution by the victim’s family, such as being forced to marry the perpetrator or even being subjected to “honor” killings. NGO-run shelters do not have these difficulties and do not set dangerous requirements.

23. In 2015, the UN Committee Against Torture called on the Iraqi government to legally permit privately-run shelters.<sup>xlvi</sup> Shortly after, the UN Human Rights Committee followed suit, expressing concern about the Iraqi government’s prohibition of NGO-run shelters for gender-based violence victims, and called on the Iraqi government to facilitate access to NGO-run shelters.<sup>xlvii</sup> A few months following the review of Iraq by the CAT Committee, the UN Committee on Economic, Social and Cultural Rights (ESCR Committee) questioned the Government of Iraq about the anti-shelter policy in its review. Surprisingly, Iraqi government delegates answered that OWFI is helping to meet the needs of survivors in central and southern Iraq.<sup>xlviii</sup> Officials explained that this local NGO is taking measures to address the sharp rise in violence against women by providing comprehensive services for survivors, including shelter. Thus, in international statements, officials pass off to Iraqi NGOs their obligation to ensure shelter for survivors, while on the ground, they harass and hamper local shelter-providing organizations. The Government chose not to respond to questions about the anti-shelter policy or its consequences.<sup>xlix</sup>

24. Lifting the ban on NGO-run shelters would enable local Iraqi women’s human rights organizations to operate legally and provide better protective services and emergency response to women and girls as well as other at-risk individuals fleeing violence. Furthermore, legalizing their activities will provide an additional layer of protection for these organizations, including unhindered access to police assistance and the state’s collaboration in protecting victims of gender-based violence.

## **25. Recommendations**

- A. The Government of Iraq should take steps to ensure the adoption of the pending Family Violence Protection Law with the amendment clarifying that NGOs may provide shelter and establish a legal framework for NGOs to operate shelters that provide assistance to victims of all forms of gender-based and domestic violence.
- B. The Government of Iraq should take measures to protect NGO-run shelters and their staff from warrantless searches, arbitrary harassment, and violence and train its police and judicial personnel by implementing CAT Concluding Observation paras. 25 & 26(a), UN Doc. CCPR/C/IRQ/CO/5.

## **V. Women Denied Civil Status Identification Documents**

26. Women in Iraq are facing an identity crisis. A Civil Status Identification Document is a mandatory document for citizens in Iraq and is used to access basic public services, including healthcare, employment and education. The procedure for a woman to obtain a government-issued identification (ID) includes being supported by a male companion, such as her father, brother or husband.<sup>1</sup> Her ID is issued on the condition that it is based on her male companion's ID. Women fleeing from gender-based violence or conflict-related violence without any legal identification documents face great challenges to freely move around, register for residency permits (required to rent housing or secure employment) and claim civil status rights, including birth certificates for children.

27. The restriction placed on women when applying for identification has heightened their security risk, increasing their vulnerability to violence and discrimination. Lack of legal identification documents also places a great burden on internally displaced women in need of basic services. Many women lost their civil status, either while fleeing the conflict or while held captive by ISIL. The registration procedure in Iraq is inherently discriminatory towards women, and female-headed households are greatly disadvantaged. Many women are unable to obtain basic services, even food rations without legal identification to provide for their families. IDP women are often unable to secure employment, and receive no financial assistance from the state due to a lack of legal identification documents.<sup>li</sup>

28. In addition, when a male relative has been arrested on suspicion of having perceived ties to ISIL or detained under Iraq's Anti-Terrorism Law,<sup>lii</sup> women will be denied legal identification papers and will not be given a housing card in their name. Consequently, women will then be unable to register at the Ministry of Migration and Displacement, required for documentation and housing. Women without legal identification expressed concerns for their safety and more importantly, for their children's security without legal identification.<sup>liii</sup> Undocumented children are unable to attend school; a pressing matter for young children and their wellbeing.

29. Children who were born to ISIL fighters still have no documentation and in order to obtain a birth certificate in Iraq, it is required for the parents of the child to present proof of their marital status.<sup>liv</sup> This procedure has made it extremely difficult for women to register their children born in areas that were under ISIL control, where the father is dead or missing or where the identity of the father is unknown in cases of rape.<sup>lv</sup> The Government of Iraq has yet to take action to amend the laws and regulations surrounding legal identification documents for women or provide an alternative to enhance the protection of women and children. Iraqi women's organizations have found that identification is one of the most pressing concerns for residents living in Iraq's displacement camps.<sup>lvi</sup> The Iraq government should ensure that children born to women who were forced to marry ISIL

fighters or to persons affiliated with ISIL are not subject to and are fully protected from discrimination and marginalization.

30. A single woman without legal identification documents and without a death certificate for her husband is unable to remarry, inherit any of her husband's belongings, claim her husband's pension and if she has any children, she is unable to register them.<sup>lvii</sup> Until Iraq amends its laws and regulations, Iraqi women and girls will remain stateless and even more vulnerable to violence and discrimination.

### **31. Recommendations**

- A. The Government of Iraq should take measures to ensure that prior authorization of a male relative is not required for issuing identity documents for women and further, to place special emphasis on ensuring documents for women and girls displaced by the conflict and for victims of gender-based violence.
- B. The Government of Iraq should take steps to eliminate the barriers that impede women's access to identity documents.

## **VI. Discrimination Against Women with Disabilities in Iraq**

32. Women with disabilities in Iraq face compounding discrimination on the basis of their gender and their disability. They are less likely to obtain access to work and education and consequently, lack financial independence. The observance of traditional gender roles in Iraq also means that women with disabilities often lack freedom of movement,<sup>lviii</sup> and families ashamed of women with disabilities will prevent them from leaving the house, even to receive treatment.<sup>lix</sup> Women and girls with disabilities in Iraq are more likely to experience physical abuse, discrimination, and exploitation.

33. Ongoing conflict and violence has disproportionately affected people with disabilities in Iraq.<sup>lx</sup> The lack of legislation and even basic medical services available for people with disabilities in Iraq increases their vulnerability during conflict.<sup>lxi</sup> Inaccessible transportation systems mean that many people with disabilities are abandoned during evacuations, that shelters and camps are often inaccessible for people with disabilities, and that people with disabilities experience discrimination by shelter and displacement camp staff.<sup>lxii</sup> In addition, violence, landmines, and explosive remnants of the conflict continue to increase the number of people with disabilities in Iraq.

34. Disability rights organizations in Iraq note that the Iraqi government has failed to adequately implement Law No. 38 of 2013,<sup>lxiii</sup> covering access to services and benefits to persons with disabilities. UNAMI and OHCHR further highlight that the definition of disabled persons under this law takes a care-based approach rather than a rights-based approach.

### **35. Recommendations**

- A. The State should take steps to fully implement Law No. 38 of 2013 and take measures to address the needs of persons with disabilities in Iraq and the stigma and discrimination faced by women with disabilities in Iraq to enable their equal access to basic services, including healthcare, education and employment.

## **VII. Discrimination Against Afro-Descendant Iraqi Women**

36. Afro-Iraqis are of African descent and located predominately in southern Iraq, in the city of Basra. Afro-Iraqis are exposed to systematic discrimination facing social, economic and political exclusion. Afro-Iraqi women face intersecting gender and racial discrimination.<sup>lxiv</sup> Although the Iraqi Constitution of 2005 stipulates that all Iraqis are equal<sup>lxv</sup> and more specifically, prohibits racism and ethnic or religious hatred, the Afro-Iraqi community is still marginalized and discriminated against and Afro-Iraqi women continue to suffer.

37. Continued casual references to Afro-Iraqis as ‘*abd*’ (meaning ‘slave’) and ‘*aswad*’ (meaning ‘black’) demonstrates the persistent discrimination against Afro-Iraqis today.<sup>lxvi</sup> The social status of Afro-Iraqis reflects a systematic pattern of social discrimination that developed over the centuries and solidified into the mainstream Iraqi cultural consciousness. Human rights violations in Iraq disproportionately impact Afro-Iraq women and Afro-Iraqi women human rights defenders are subjected to threats.<sup>lxvii</sup> The Government of Iraq has failed to acknowledge or implement any educational initiatives to address this stigma and the use of such derogatory labels of Afro-Iraqis and Iraq has yet to implement legislation to prevent racial discrimination and to protect minorities from marginalization.

38. The presence of armed militants heightens insecurity in Iraq, endangering women from minority groups, including Afro-Iraqi women.<sup>lxviii</sup> The Government has neglected to address Afro-Iraqis’ deteriorating living conditions and discrimination against them.<sup>lxix</sup> Lack of access to employment, a regular income and education is perhaps one of the most significant challenges facing Iraqi women of African descent today. Afro-Iraqi women experience higher levels of unemployment compared to women from the majority of the Iraqi population. Afro-Iraqi women have been marginalized economically due to racial and gender discrimination.<sup>lxx</sup>

39. Iraqi children of African descent who are able to enrol in school face verbal abuse and are called ‘*abd*’ (slaves), causing some children to drop out.<sup>lxxi</sup> This contributes to low levels of literacy amongst Afro-Iraqis and a lack of professional class and ability to participate in government, at both the local and national level. The Afro-Iraqi community lives in extreme poverty due to the neglect of the Government of Iraq and discrimination at educational institutions.<sup>lxxii</sup>

40. Discrimination, exclusion and high illiteracy rates amongst Afro-Iraqi women have translated into higher rates of domestic violence. Many Afro-Iraqi women are unaware of their rights and where they can seek help, should they face violence, abuse and discrimination. Community leaders estimated

that domestic violence affects up to 60 percent of Afro-Iraqi women however, many incidents of domestic violence mainly go un-reported.<sup>lxxiii</sup>

41. The Iraqi Constitution omits the right of Afro-Iraqis to engage in political participation.<sup>lxxiv</sup> They do not have their own ethnic quota in Iraq's Parliament, unlike the other ethnic and religious groups in Iraq and have been excluded from the Council of Representatives. There has never been an Iraqi of African descent elected to the Council and Afro-Iraqi women are not included in government peace implementation and decision-making roles. No Afro-Iraqi woman has ever achieved a high-level position. The social, political and economic reality of Afro-Iraqi women is dire and despite constitutional guarantees, there is a clear need for an anti-discrimination law and mandatory education on ethnic minorities, including Afro-Iraqis. Human rights defenders call for fixed representation, as for other minorities, and increased security measures.<sup>lxxv</sup>

#### **42. Recommendations**

- A. The Government of Iraq should take specific measures to address the systematic discrimination against Afro-Iraqis, and to ensure Iraqis of African descent enjoy all their economic, social and cultural rights.
- B. The Government of Iraq should take steps to improve living conditions for Afro-Iraqis, including ensuring their access to clean water and should take steps to increase meaningful employment, with liveable wages, for Iraqis of African descent.
- C. The Government of Iraq should take measures to ensure that negative prejudices and stereotypes in school curriculum are eradicated and replaced with education on ethnic minority groups, including Afro-Iraqi women.
- D. The Government of Iraq should take steps to assess and prepare data on human rights violations experienced by Afro-Iraqis and specifically Afro-Iraqi women and girls.

---

<sup>i</sup> Lisa Davis, *Iraqi Women Confronting ISIL: Protecting Women's Rights in the Context of Conflict*, 22 SW. J. INT'L. 27, 8 (2016).

<sup>ii</sup> UN Special Rapporteur on extrajudicial, summary or arbitrary executions, *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her mission to Iraq*, para. 40, UN Doc No. A/HRC/38/44/Add.1 (June 5, 2018).

<sup>iii</sup> UN Assistance Mission for Iraq (UNAMI) & UN Office of the High Commissioner for Human Rights (OHCHR), *Report of Human Rights in Iraq July to December 2017*, p. 12 (2018).

<sup>iv</sup> Lisa Davis, *Iraqi Women Confronting ISIL: Protecting Women's Rights in the Context of Conflict*, 22 SW. J. INT'L L. 27, 8 (2016); Iraqi Women Network (IWN), Rafidain Women Coalition (RWC), et.al., *The Mid Term/ after 2 Years NGOs Report to the CEDAW Committee in Review to COs issued by the Committee after 57th session 2014 for Iraq: Iraqi Women in Armed Conflict and post conflict*

---

*Situation*, p. 8, Shadow Report submitted to the CEDAW Committee (2016) (“Coalition Mid Term Report”).

<sup>v</sup> UNAMI & OHCHR, *Report of Human Rights in Iraq July to December 2017*, p. 13 (2018).

<sup>vi</sup> Ceasefire Centre for Civilian Rights & Minority Rights Group International, *No Place to Turn: Violence against women in the Iraq conflict*, p. 17 (February 2015).

<sup>vii</sup> Martin Chulov, *Deaths of high-profile Iraqi women spark fear of conservative backlash*, The Guardian (October 2, 2018); Megan Specia, *A Social Media Star Is Shot Dead in Baghdad: Iraqis Fear a Trend*, The New York Times (September 29, 2018); Zahra Ali, *After several high-profile murders in Iraq, here’s what headlines missed about their cause*, The Washington Post (October 15, 2018).

<sup>viii</sup> Iraq Penal Code, articles 128, 130 and 409.

<sup>ix</sup> UNAMI & OHCHR, *Report of Human Rights in Iraq July to December 2017*, p. 11 (2018).

<sup>x</sup> UNAMI, *Report on Human Rights in Iraq: January – June 2014*, p.14 (August 2014).

<sup>xi</sup> Interview with Iraqi women’s organization representative, Istanbul, Turkey, January 2015 (on file with MADRE) (name omitted for safety reasons); UNHCR, *Eligibility Guidelines for Assessing the International Protection Needs of Asylum Seekers from Iraq*, pp. 34-35 (2012).

<sup>xii</sup> UN Population Fund (UNFPA) & UNAMI, *Government of Iraq and United Nations Launch National Strategy to Combat Violence Against Women in Iraq* (December 9, 2018).

<sup>xiii</sup> The Family Violence Protection Law was introduced in 2015, Human Rights Watch, *Iraq: Strengthen Domestic Violence Bil*, (March 19, 2017).

<https://www.hrw.org/news/2017/03/19/iraq-strengthen-domestic-violence-bill>

<sup>xiv</sup> UNICEF, *The State of the World’s Children 2016*, p. 151 (2016).

<sup>xv</sup> Miriam Puttick, Minority Rights Group International & Ceasefire Centre for Civilian Rights, *The Lost Women of Iraq: Family-based violence during armed conflict*, p. 23 (November 2015).

<sup>xvi</sup> Interview with Iraqi human rights activist, November 30, 2016 (on file with MADRE) (name omitted for safety reasons); Oxfam and International Alert, *Now is the Time: Research on Gender Justice, Conflict and Fragility in the Middle East and North Africa*, p. 100 (2017).

<sup>xvii</sup> Miriam Puttick, Minority Rights Group International & Ceasefire Centre for Civilian Rights, *The Lost Women of Iraq: Family-based violence during armed conflict*, p. 21 (November 2015).

<sup>xviii</sup> Miriam Puttick, Minority Rights Group International & Ceasefire Centre for Civilian Rights, *The Lost Women of Iraq: Family-based violence during armed conflict*, p. 24 (November 2015).

<sup>xix</sup> Article 8, Iraq Personal Status Law No. 188.

<sup>xx</sup> Article 9, Iraq Personal Status Law No. 188.

<sup>xxi</sup> UNAMI & OHCHR, *Report of Human Rights in Iraq July to December 2017*, p. 12 (2018).

<sup>xxii</sup> Human Rights Watch, *Iraq: Don’t Legalize Marriage for 9-year-olds* (March 11, 2014).

<sup>xxiii</sup> Human Rights Watch, *Iraq: Parliament Rejects Marriage for 8-Year-Old Girls* (December 17, 2017).

<sup>xxiv</sup> UNHCR, *Eligibility Guidelines for Assessing the International Protection Needs of Asylum Seekers from Iraq*, p. 36 (2012).

<sup>xxv</sup> Miriam Puttick, Minority Rights Group International & Ceasefire Centre for Civilian Rights, *The Lost Women of Iraq: Family-based violence during armed conflict*, p. 23 (November 2015).

<sup>xxvi</sup> Miriam Puttick, Minority Rights Group International & Ceasefire Centre for Civilian Rights, *The Lost Women of Iraq: Family-based violence during armed conflict*, p. 23 (November 2015).

<sup>xxvii</sup> US Department of State, *Trafficking in Persons Report 2018*, p. 232 (2018); Minority Rights Group International & Ceasefire Centre for Civilian Rights, *No Place to Turn: Violence against women in the Iraq conflict*, p. 31 (February 2015).

<sup>xxviii</sup> US Department of State, *Trafficking in Persons Report 2018*, p. 231 (2018).

<sup>xxix</sup> US Department of State, *Trafficking in Persons Report 2018*, p. 232 (2018).

<sup>xxx</sup> US Department of State, *Trafficking in Persons Report 2018*, p. 231 (2018).

<sup>xxxi</sup> Minority Rights Group International & Ceasefire Centre for Civilian Rights, *No Place to Turn: Violence against women in the Iraq conflict*, p. 33 (February 2015).

- 
- <sup>xxxii</sup> Minority Rights Group International & Ceasefire Centre for Civilian Rights, *No Place to Turn: Violence against women in the Iraq conflict*, p. 33 (February 2015).
- <sup>xxxiii</sup> US Department of State, *Trafficking in Persons Report 2018*, p. 232 (2018).
- <sup>xxxiv</sup> Government of Iraq, *Seventh Periodic Report Submitted by Iraq under Article 18 of the Convention, Due in 2018*, paras.167-169 and 172-179, UN Doc. CEDAW/C/IRQ/7 (August 15, 2018).
- <sup>xxxv</sup> US Department of State, *Trafficking in Persons Report 2018*, p. 232 (2018).
- <sup>xxxvi</sup> Finnish Immigration Service, *Overview of the Status of Women Living Without a Safety Net in Iraq*, p. 28 (May 22, 2018).
- <sup>xxxvii</sup> US Department of State, *Trafficking in Persons Report 2018*, p. 232 (2018).
- <sup>xxxviii</sup> *Open Letter to the U.N. Security Council on the Government of Iraq's Prosecutions of ISIS fighters* (June 2018), <https://www.madre.org/press-publications/human-rights-report/open-letter-un-security-council-government-iraqs-prosecutions>.
- <sup>xxxix</sup> *Open Letter to the U.N. Security Council on the Government of Iraq's Prosecutions of ISIS Fighters* (June 2018), <https://www.madre.org/press-publications/human-rights-report/open-letter-un-security-council-government-iraqs-prosecutions>; Human Rights Watch, *Flawed Justice: Accountability for ISIS Crimes in Iraq*, p. 54 (2017).
- <sup>xl</sup> European Parliament Members' Research Service, *Fighting conflict-related sexual violence. Briefing*, pp. 4 & 9 (December 2016).
- <sup>xli</sup> *Open Letter to the U.N. Security Council on the Government of Iraq's Prosecutions of ISIS Fighters* (June 2018), <https://www.madre.org/press-publications/human-rights-report/open-letter-un-security-council-government-iraqs-prosecutions>.
- <sup>xlii</sup> See UN Committee Against Torture, *Concluding Observations on the Initial Report of Iraq*, paras. 23, 24 (d), UN Doc. CAT/C/IRQ/CO/1 (September 7, 2015); UN Human Rights Committee, *Concluding Observations on the Fifth Periodic Report of Iraq*, paras. 25 & 26(a), UN Doc. CCPR/C/IRQ/CO/5 (December 3, 2015); UN Security Council Informal Experts Group on Women, Peace and Security, *Republic of Iraq*, UN Doc. S/2016/683 (April 29, 2016); UN Security Council, *Letter dated 22 December 2016 from the Permanent Representatives of Spain and the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General*, UN Doc. S/2016/1104 (December 27, 2016); Special Rapporteur on extrajudicial, summary or arbitrary executions, *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her mission to Iraq*, paras. 18 (kk), 43, and 44, UN Doc. A/HRC/38/44/Add.1 (June 5, 2018).
- <sup>xliii</sup> Lisa Davis, *Iraqi Women Confronting ISIL: Protecting Women's Rights in the Context of Conflict*, 22 SW. J. INT'L. 27, 17 (2016).
- <sup>xliv</sup> UNAMI, *Report on Human Rights in Iraq: July to December 2017*, p. 13 (July 8, 2018).
- <sup>xlv</sup> Uttor al-Musawi, General Director of Women, Department of Labor and Social Affairs.
- <sup>xlvi</sup> UN Committee Against Torture, *Concluding Observations on the Initial Report of Iraq*, para. 24 (d), UN Doc. CAT/C/IRQ/CO/1 (September 7, 2015).
- <sup>xlvii</sup> UN Human Rights Committee, *Concluding Observations on the Fifth Periodic Report of Iraq*, paras. 25 & 26(a), UN Doc. CCPR/C/IRQ/CO/5 (December 3, 2015). The anti-shelter policy was also raised to the Human Rights Committee during their review of Iraq by MADRE and OWFI. See, HRGJ Clinic, MADRE, OWFI et al., *Seeking Accountability and Demanding Change: A Report on Women's Human Rights Violations in Iraq in Response to the Fifth Periodic Report of the Republic of Iraq* (October 2015).
- <sup>xlviii</sup> UN Committee on Economic, Social and Cultural Rights, *Concluding Observations on the Fourth Periodic Report of Iraq*, para. 39, UN Doc. E/C.12/IRQ/CO/4 (October 12, 2015).
- <sup>xlix</sup> UN Committee on Economic, Social and Cultural Rights, *Summary Record of the 63<sup>rd</sup> Meeting*, paras. 12, 36, UN Doc. E/C.12/2015/SR.63 (October 2, 2015).
- <sup>1</sup> Humanitarian Practice Network, *The Crisis in Iraq*, p. 11 (November 2015), available at <https://www.refworld.org/docid/583c32424.html>.
- <sup>li</sup> Amnesty International, *The Condemned, Women and Children Isolated, Trapped and Exploited in Iraq*, p. 20 (2018).

- 
- <sup>lii</sup> Anti-Terrorism Law No. 13 of 2005, Article 4.
- <sup>liii</sup> Interview with displaced Yezidi women, Dohuk, Iraq, November 2018 (on file with MADRE) (names omitted for safety reasons).
- <sup>liv</sup> Birth and Death Registration Law (1971); Civil Status Law (1972); *see also* Human Rights Watch, *Iraq: Families of Alleged ISIS Members Denied IDs* (February 25, 2018).
- <sup>lv</sup> Interview with Iraqi women’s organizations representatives, Erbil, Iraq, November 2018 (on file with MADRE) (names omitted for safety reasons).
- <sup>lvi</sup> Interview with Iraqi women’s organizations representatives, Erbil, Iraq, November 2018 (on file with MADRE) (names omitted for safety reasons).
- <sup>lvii</sup> Human Rights Watch, *Iraq: Families of alleged ISIS members denied IDs* (February 25, 2018).
- <sup>lviii</sup> UNAMI & OHCHR, *Report on the Rights of Persons with Disabilities in Iraq*, p. 9 (December 2016).
- <sup>lix</sup> Iraqi Alliance of Disability, *The Parallel Report for the Government’s Report on the Convention on the Rights of Persons with Disability (CRPD)*, p. 9 (January 2018).
- <sup>lx</sup> UNAMI & OHCHR, *Report on the Rights of Persons with Disabilities in Iraq*, p. 3 (December 2016).
- <sup>lxi</sup> Ken Rutherford and Megan Hinton, *Evolution of Disability Rights in Iraq*, *The Journal of ERW and Mine Action*, p. 38, Vol. 19: Iss. 3, Article 9 (2015).
- <sup>lxii</sup> Ken Rutherford and Megan Hinton, *Evolution of Disability Rights in Iraq*, *The Journal of ERW and Mine Action*, p. 38, Vol. 19: Iss. 3, Article 9 (2015).
- <sup>lxiii</sup> Iraqi Alliance of Disability, *The Parallel Report for the Government’s Report on the Convention on the Rights of Persons with Disability (CRPD)*, p. 9 (January 2018); UNAMI & OHCHR, *Report on the Rights of Persons with Disabilities in Iraq*, p. 6 (December 2016).
- <sup>lxiv</sup> Interview with Afro-Iraqi women’s rights activist, Baghdad, Iraq, November 2018 (on file with MADRE) (name omitted for safety reasons).
- <sup>lxv</sup> Iraq Constitution 2005, Article 14.
- <sup>lxvi</sup> Interview with Afro-Iraqi women’s rights activist, Baghdad, Iraq, November 2018 (on file with MADRE) (name omitted for safety reasons).
- <sup>lxvii</sup> Interview with Iraqi women’s organization representative, Erbil, Iraq, November 2018 (on file with MADRE) (name omitted for safety reasons).
- <sup>lxviii</sup> Interview with Afro-Iraqi women’s rights activist, Baghdad, Iraq, November 2018 (on file with MADRE) (name omitted for safety reasons).
- <sup>lxix</sup> Saad Salloum, *Crossroads, Human Rights Violations Against Iraqi Minorities After ISIS, Report 1*, pp. 12, 151 & 158 (2015).
- <sup>lxx</sup> Interview with Afro-Iraqi women’s rights activist, Baghdad, Iraq, November 2018 (on file with MADRE) (name omitted for safety reasons).
- <sup>lxxi</sup> Interview with Afro-Iraqi women’s rights activist, Baghdad, Iraq, November 2018 (on file with MADRE) (name omitted for safety reasons).
- <sup>lxxii</sup> Institute for International Law and Human Rights, *Iraq’s Minorities and Other Vulnerable Groups: Legal Framework, Documentation and Human Rights*, pp. 72-73 (May 2013).
- <sup>lxxiii</sup> Institute for International Law and Human Rights, *Iraq’s Minorities and Other Vulnerable Groups: Legal Framework, Documentation and Human Rights*, p. 76 (May 2013).
- <sup>lxxiv</sup> Iraq Constitution 2005, Article 125.
- <sup>lxxv</sup> Minorities Conference, “The Role of Women in building Reconciliation between Components of Iraq” Baghdad, Iraq (December 2018).



