

QUICK GUIDE TO ADDRESS WOMEN'S ISSUES DURING THE UNIVERSAL PERIODIC REVIEW ON IRAQ

These Guides include:

- A list of issues mentioned in the National Report, the Compilation of official UN Documents and the Summary of Other Stakeholders Submissions, with references to the particular paragraphs in which they can be found.
- A reference to "gaps", that is, issues on which the National Report should/could have applied a gender perspective but failed to do so.
- In those cases in which the Sexual Rights Initiative has submitted reports, we have included an Annex with our recommendations.
- In some cases we have included suggested questions and recommendations

References in the two working languages of the Council (English and French) have been kept in their original language.

Issues are highlighted. References from the National Report are *in Italics*.

Recommendations - including those from UN treaty-monitoring bodies, are at the end of the document.

All women's rights issues (included sexual rights' issues related specifically to women) are referred to in this Guide. Other sexual rights issues are referred to in the Sexual Rights Guides for each state under review

CEDAW ratified with reservations [arts. 2 (f) (g), 9(1) (2), 16]¹ OP-CEDAW not ratified. Rome Statute not ratified. Palermo Protocol ratified.

Gaps: National Report not published yet.

ISSUE	N	Compilation	Summary
-------	---	-------------	---------

¹ **Article 2**

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
- (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- (g) To repeal all national penal provisions which constitute discrimination against women.

Article 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.
2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:
 - (a) The same right to enter into marriage;
 - (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
 - (c) The same rights and responsibilities during marriage and at its dissolution;
 - (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
 - (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
 - (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
 - (g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
 - (h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.
2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory

	Report		
Equality and Non discrimination		Persistence of gender discrimination (11)	Marriage, divorce, alimony, inheritance adjudicated by religious courts by constitution (5) Constitutional gender discrimination. Inequalities (11)
Female Genital Mutilation		Underreported (54)	Prevalent in Kurdish villages (58)
Harmful traditional practices/ leading to SR abuses			Temporary marriages is a form of forced prostitution (31) Kurdistan women face abduction and forced marriage (58)
Illiteracy			Rate is twice as high among women (46)
Internally displaced women		Rape, domestic violence and detentions after displacement (49)	
Maternal mortality /maternal health		High incidence (41)	
OP-CEDAW			Not ratified (1)
Participation in public and political life		Threats and killings of female political leaders and activists. Restrictions of freedom of movement and participation in public life. (36)	
Ratification of CEDAW		See Recommendations, CEDAW (2)	See Recommendations, JS1 (2)
Right to education		No attendance due to insecurity, displacement, poverty, negative attitudes toward girl education (44)	Rural girls often denied schooling after 12 / 15 years due to cultural traditions (46)
Right to work			Only 18% of women in labor market (41)
Sexual Violence		Children victims of domestic and sexual violence, forced marriages and honor crimes (22)	
Violence against Women /Gender Violence		No access to medical treatment for victims. Increasing suicides, self-immolations, killings (21) VAW as pattern of suicides, forced marriages and domestic abuse (54)	
Women in conflict and post-conflict situations		Female suicide bombers (15) Sexual threats, humiliating treatment, sexually abuse by members of foreign forces (22) Widows and abandoned women's situation (39) Forced prostitution (47)	Multiple forms of violence. Abuse and rape by armed forces for "immoral" behaviour or dress. Honor killings. Used in suicide attacks. Raped in prison by guards (22)
Women in prison			Few women detention centers. 90 women detained in Abu Ghraib prison (20)

Equality and non-discrimination

In 2000, CEDAW was concerned that **discriminatory attitudes** which impede women's enjoyment of their rights **had not been addressed** (Para 11, Compilation)

JS6² considered that Art. 39 of the constitution open the way to a **complete inequality between the Iraqi citizens** as it calls for marriage, divorce, alimony, inheritance and other personal status issues **to be adjudicated by religious courts** (Para 5, Summary)

JS1³ stated that the preamble of the constitution contains **discriminatory wording towards women as it mentioned only male Iraqis**. Jubilee Campaign (JC) stated that article 20 of the constitution provides women's rights to participate in public affairs and the political system equally to men; however, in practice, women frequently face discrimination and **are denied equal opportunity and equal protection of the law** (Para 11, Summary)

See Recommendations, CEDAW (11), JS1 (11); JC (11) JS11⁴ (5)

Female Genital Mutilation

() United Nations Assistance Mission for Iraq (UNAMI) expressed concern about victims of sexual violence; mentioned that the **practice of FGM remains underreported** (Para 54, Compilation). JS2⁵ informed that in KRG, Female genital mutilation is **prevalent in Kurdish villages and towns** (Para 58, Summary)

See Recommendations, UNAMI (54)

Harmful traditional (customary) practices/traditional mindsets leading to SR abuses

JS7⁶ reported that **temporary and unregistered marriages** are rife, grant no protection for women and their offspring and **is a form of forced prostitution in most cases**. (Para 31, Summary)

Karama noted inter alia, that KRG in Iraq amended its Personal Status Law in 2008 to place restrictions on polygamy and established a Cabinet-level Committee on Violence against Women.

JS1 informed that **women in the Kurdistan region** face different forms of violence, including **abduction and forced marriage** () (Para 58, Summary)

² JS6: Monitoring Net of Human Rights in Iraq (MHRI), Iraq; Conservation Centre of Environmental & Reserves (CCERF), Fallujah, Iraq

³ JS1: National Institute for Human Rights, Kirkuk, Iraq; Human Rights Organization in Iraq – Muthanna, Samawa, Iraq; Iraqi National Association for Human Rights in Misan, Misan, Iraq; Kofan Organization for Human Rights and Democracy, Baghdad, Iraq; Yazidi Solidarity and Fraternity League, Mosul - Ba'sheeka, Iraq; Public Aid Organization (PAO), Erbil, Iraq; Iraqi Human Rights Institute, Kirkuk, Iraq; The Human Rights Corps and Civil Society, Baghdad, Iraq; Al-Rafad Charity Society, Baghdad, Iraq; Al Mesalla Organization for Human Resource Development, Erbil, Iraq; Social and Law Clinic, Baghdad, Iraq; Human Rights Organization- Muthanna, Muthana – Samawa, Iraq; Human Justice for Human Rights – Fallujah, Anbar, Iraq; Iraqi Democratic Youth Union-Wassit, Wassit, Iraq; Iraqi Institute for Supporting Democracy, Karbala, Iraq; Without Boundaries Human Institution, Karbala, Iraq; Babylon National Association for Human Rights, Babylon, Iraq; Human Rights Center in Iraq, Kirkuk, Iraq; Iraqi Human Rights Institution, Kirkuk, Iraq; El-Haq Organization for Human Rights Culture, Kirkuk, Iraq; Iraqi Human Rights Watch Association, Karbala, Iraq; Hadya Association for Human Rights and Development of Iraqi Community, Basra, Iraq; Iraqi Center for Women Rehabilitation and Employment (ICWRE), Baghdad, Iraq; Kurdish Human Rights Watch (KHRW), Karbala, Iraq; Al-Erada Organization for Relief & Development, Dyala and Salahedine, Iraq

⁴ JS11: The Coalition of Freedoms in Iraq include: Kurdish Human Rights Watch (KHRW), Karbala, Iraq; Public Aid Organization (PAO), Erbil, Iraq; Kurdistan Youth Empowerment Organization (KYEO), Erbil, Iraq; Kirkuk Social and Cultural Association, Kirkuk, Iraq; Vin Organization for Child Protection, Iraq; Gender Studies Center, Iraq; Human Rights Trainers League, Iraq; Yall Shabab League, Iraq; Students Association for Human Rights, Iraq; Women Rehabilitation Institute, Iraq; Women for Peace Association, Iraq; Babil Center for Human Rights, Iraq; Iraqi Women and Child Association, Iraq; Women Human Rights Center, Iraq; Al-Rafidain Association for Human Rights, Iraq; Future Women for Development Organization, Iraq; Al- Fajr Al-Jadid Organization, Iraq; Disabled Rights Association, Iraq; Kurdish Women Forum, Iraq

⁵ JS2 The Iraq Foundation (IF), Washington D.C., USA; Human Rights Organization, Muthana, Iraq; The Mawtinee Organization for Human Rights Education, Salah El-Din, Iraq; Iraq Institute to Support Democracy, Karbala, Iraq; The Human Rights & Civil Society Organization, Baghdad, Iraq; The Yazidi Fraternity & Solidarity Association, Mosul, Iraq; AL-Safa Organization for Development & Friendship between People, Anbar, Iraq; The National Iraqi Organization for Human Rights, Missan, Iraq; The Human Rights Organization of Kurdistan (HROK), Dahouk, Iraq; Women Empowerment Center, Sulaimaniya, Iraq; The Humane Organization for Human Rights, Kut, Iraq; Al-Fajer Organization for the Development of Civil Society, Thi-Qar, Iraq; The Popular Rescue Organization, Erbil, Iraq; The Rased Center for Human Rights, Najaf, Iraq; The Omeed Organization, Baghdad, Iraq; The Iraqi Firdaws Organization, Basra, Iraq; Humanitarian Women's Rights Center, Diwaniya, Iraq; The Akad Association for Humanitarian Relief, Baghdad, Iraq

⁶ JS7 Women Solidarity for an Independent and Unified Iraq (WSUII), United Kingdom; Iraq Occupation Focus, London, United Kingdom;

Illiteracy

JS6 added that the **illiteracy rate is twice** as high among women compared to that of men. (Para 46, Summary)

Internally displaced women

UNAMI indicated that **rape, threats of rape, domestic violence**, disappearances and detentions after displacement remained a major concern (Para 49, Compilation)

Maternal mortality/maternal health

() In 2000, CEDAW was concerned at the overall health situation of women, in particular the **high incidences of maternal mortality** (Para 41, Compilation)

OP-CEDAW

AI mentioned that Iraq **has yet to ratify** the Optional Protocol () to CEDAW (Para 1, Summary)

Participation in public and political life

In September 2005, five special procedures mandate holders sent a communication regarding **threats and killings by members of armed groups, of female political leaders and women campaigning to protect women's rights**. In 2008, UNAMI received numerous complaints regarding **restrictions on women's freedoms** and verbal comments on their **mode of dress**. According to three special procedures mandate holders, this, together with the general increase in insecurity, has led to the **restriction of women's freedom of movement and their ability or willingness to participate in public life**. A 2009 United Nations Statistics Division source indicated that the proportion of seats held by women in the national parliament remained unchanged from 2006 to 2009 at 25.5 per cent (Para 36, Compilation)

Ratification of CEDAW

See Recommendations, CEDAW (2), JS1 (2)

Reproductive health / rights

() JS2 added that **child mortality is rising because most births happen at home** and the lack of clinics and hospitals in most rural areas (Para 42, Summary)

See Recommendations, JS12⁷ (42)

Right to education

UNICEF noted that children have been unable to attend school **due to insecurity-related school closures/disruptions, displacement, overcrowded classrooms, poverty, poor school infrastructure and negative attitudes towards girl education**. () UNICEF indicated that **dropout rates are increasing** and that vast regional disparities exist () (Para 44, Compilation)

JS2 stated that **due to cultural traditions**, girls in rural areas are **often denied schooling after 12- 15 years** and that the ministry of education remains silent and inactive regarding procedures to be taken to apply the mandatory education law () (Para 46, Summary)

See Recommendations, CEDAW (44), JS7 (46)

Right to work

⁷ JS12 Iraqi Women Will Association (WWA), Baghdad, Iraq; The Organization for Widows and Orphans, (OWO), Iraq

JS6 noted that there has been a **flagrant violation to women's right to work**, that **only 18% of women participate in the working power** and that women with lower educational levels are more likely to be outside the labor force.

See Recommendations, the ILO Committee of Experts (37)

Sexual Violence

In 2008, UNAMI () reported that concerns continue about child **victims of domestic violence** and that children are becoming **victims of sexual violence, forced marriages and honour crimes** (Para 22, Compilation)

See Recommendations, The Special Representative of the Secretary-General on children and armed conflict (59 c), UNAMI (22)

Violence against Women/Gender Violence

The Special Rapporteur on the sale of children, child prostitution and child pornography indicated that gender discrimination laws further exacerbated and entrenched the persistence of violence against women. She stressed that most victims of domestic violence had **no access to medical treatment** and that **such violence had led to the increase in suicides, self-immolations and killings** (Para 21, Compilation)

Violence against women in the Region of Kurdistan remained one of the issues of serious concern to UNAMI, as the **pattern of the recorded incidents of suicide often points towards "honour" - related homicides**. UNAMI reported about domestic and communal violence such as **forced marriages and domestic abuse** (Para 54, Compilation)

See Recommendations, CEDAW (21)

Women in conflict and post-conflict situations

() UNAMI reported that the second half of 2008 was marked by the continuation of suicide attacks, **including by female suicide bombers** (Para 15, Compilation). () In 2005, five special procedures mandate holders noted that **women and girls had been subjected to sexual threats, humiliating treatment, were held for long periods in solitary confinement and sexually abused by members of forces of a foreign Government** operating in Iraq (Para 22, Compilation)

() In 2008, UNAMI reported that there was increasing concern about the **situation and rights of widows, women abandoned by their husbands** () (Para 39, Compilation)

() UNAMI reported that () some female Iraqi refugees in a neighboring country were reported to have been **forced into prostitution** (Para 47, Compilation)

JS2 informed that women are victims of **domestic physical and emotional violence**. HRW mentioned that violence against women and girls continues to be a serious problem, **with members of insurgent groups and militias, soldiers and police among the perpetrators**. **Militias have specifically targeted female politicians, civil servants, journalists, rights activists and women on the street for what they consider "immoral" or "un-Islamic" behavior and dress**. HRW informed that **"honor" killings remain a serious physical threat** to women and girls in Kurdish areas and elsewhere in Iraq. JS1 mentioned that **armed groups have used women in suicide attacks**. JS10 and AMSI reported that a large number of **detained women were raped by prison guards or official employees** (Para 22, Summary)

See Recommendations, Karama (22)

Women in prison

According to JS2, Iraq's prisons and detention centers suffer from inhumane standards () There are few women detention centers () JS10 stressed that 90 women were detained in Abu Ghraib prison before the occupation forces released them after the huge scandal regarding this prison () (Para 20, Summary)

Suggested Questions and Recommendations

CEDAW

- § That the Government modify or withdraw its reservations to the convention (Para 2, Compilation)
- § To: review discriminatory legislative provisions; take measures, including temporary special measures, aimed at creating de facto and legislative non-discriminatory environment for women and work towards the elimination of polygamy and ensure that gender-sensitive public education campaigns create a nondiscriminatory environment (Para 11, Compilation)
- § To encourage and support the establishment of facilities for women victims of domestic violence (Para 21, Compilation)
- § To strengthen efforts to eradicate illiteracy (Para 44, Compilation)

The ILO Committee of Experts

- § To provide information on how the wage-fixing committee ensures that wages are determined in accordance with the principle of equal remuneration for men and women for work of equal value (Para 37, Compilation)

The Special Representative of the Secretary-General on children and armed conflict

- § That: gender-awareness campaigns within Iraqi armed forces and police at central and regional levels should be organized to fight against impunity for sexual and gender-based violence perpetrated against children; Iraqi authorities be encouraged to recruit more women in the police and judiciary in order to facilitate the gathering of testimony for sexual and gender-based crimes and to link victims to appropriate response services, especially for children (Para 59, Compilation)
- § Amending the criminal legislation permitting the application of mitigating circumstances to "honour crimes" (Para 22, Compilation)

UNAMI

- § Amending the criminal legislation permitting the application of mitigating circumstances to "honour crimes" (Para 22, Compilation)
- § To consider the adoption of legislation banning FGM (Para 54, Compilation)

JC

- § That Iraq must reform its employment and property laws to demand more rights for women and individuals of minority groups (Para 11, Summary)

JS1

- § That Iraq withdraws its reservations to Articles 2, 9 and 29 of CEDAW (Para 2, Summary)
- § Amending the constitution and all laws that discriminate against women and ensuring a fair representation for women in the parliamentary, executive and judicial presidencies (Para 11, Summary)

JS7

- § That the Iraqi government must develop a well funded, comprehensive strategy for children's education (Para 46, Summary)

JS11

- § Amending article 46 of Iraqi constitution which allows the government to restrict rights and freedoms (Para 5, Summary)

JS12

- § That women should be supported with reproductive health programmes and psychological support (Para 42, Summary)

Karama

- § Amending the penal code to remove mitigating factors from the punishment of honor related crimes against women and drafting, approving, and enforcing laws against domestic violence (Para 22, Summary)

SRI

- § To implement urgent and sustained measures, including temporary especial measures, to address the multiple forms of violence against women and girls -within the family and in society- to ensure prosecution and punishment and the adequate means of access to legal support, protection and redress for victims.
- § To address the scourge of sexual violence in conflict and post-conflict areas, including sensitization work to encourage women to report the violations and to impede punishment by members of their families or communities for doing so; and ensuring safe judiciary mechanisms and counseling services.
- § To develop and implement a national wide programme to promote the access of women and girls to reproductive health care services, including obstetric urgency services, as well as intensive training of medical staff and traditional births attendants, to reduce maternal mortality rates.
- § To undertake the necessary steps to eliminate occupational segregation, promoting women's employment under the principle of equal pay for equal work, and implementing special training and developing skill programmes for women and girls than ensure them equal access to labor market.