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Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honour to refer to the examination of the combined fourth to sixth periodic reports of the Republic of Iraq at the Committee's fifty-seventh session, held in February 2014. At the end of that session, the Committee's concluding observations were transmitted to your Permanent Mission (CEDAW/C/IRQ/CO/4-6). You may recall that in the concluding observations, the Committee requested the Republic of Iraq to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 12 and 18 of the concluding observations.

The Committee welcomes the follow-up report received on time in February 2016 (CEDAW/C/IRQ/CO/4-6/Add.1) under the CEDAW follow-up procedure. At its sixty-sixth session, held in March 2017 in Geneva, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 12** of the concluding observations, urging the State party “to ensure the effective and meaningful participation of women in decision-making processes within the National Reconciliation Committee”: The State party indicated that women were involved in national reconciliation efforts through the Office of Women's Affairs of the National Reconciliation Committee, which was reopened in August 2015 and, among others, helps strengthen the role of women in the national reconciliation process and raise awareness of resolution 1325 (2000); that the State party supports efforts to implement the national reconciliation component of the National Action Plan to implement resolution 1325 (2000) (NAP); builds capacities of women to work both for and with the security agencies, provides legal services, including representation and consultation, to vulnerable groups such as widows, divorced women, women with disabilities, internally displaced and minority women; and organizes annual media campaigns for the Ministry of State for Women's Affairs. It added that the Committee has a media office that works, inter alia, to train and recruit women in various aspects of conflict-management and conflict-resolution. However, according to alternative sources of information, there are no female members in the new National Reconciliation Committee (out of six members)

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and only one female employee. Moreover, it is reported that women rarely participated in national conferences, workshops and meetings organized by the Committee, and that their role in the peace-building and national reconciliation process is often eluded. It is also indicated that the Committee did not adopt the NAP as a national reference in the implementation of its program for the year 2015.

The Committee notes the reopening of the Office of Women's Affairs in the National Reconciliation Committee and the activities it has undertaken to promote the role of women in the national reconciliation process. However, the Committee considers that the State party did not take sufficient measures to ensure the effective and meaningful participation of women in decision-making processes within the National Reconciliation Committee. The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

In relation to the recommendation that the State party “establish a clear time frame for finalizing the draft national action plan to implement Security Council resolution 1325 (2000), in cooperation with the Kurdistan Region and representatives of women's organizations, and ensure that the plan takes into consideration the full spectrum of the Security Council's agenda on women and peace and security as reflected in Council resolutions 1820 (2008), 1888 (2009), 1889 (2009) and 2122 (2013)”: The State party indicated that the NAP was drafted in partnership with civil society organizations and approved by the Cabinet in Decision No. 164 of 2014, along with a contingency plan which was adopted on in May 2015. It also mentioned the creation of an operations room by the Prime Minister's Office to provide relief aid, emergency grants and food assistance to persons displaced from Anbar, Mosul and adjacent areas, especially to women and children, as well as a joint committee headed by the Ministry of State for Women's Affairs to implement the NAP. It further reported that the Cabinet approved an Emergency Plan to implement Security Council resolution 1325 (2000) on 26 May 2015, in order to address the massive waves of displacement from the affected governorates. Moreover, it specified that the Alliance for the Implementation of Security Council resolution 1325 (2000) sent a letter to high-level government officials to encourage the integration of federal and Kurdistan Region mechanisms for the implementation of resolution 1325 (2000) and the adoption of a unified mechanism to streamline efforts. In addition, it mentioned a number of proactive steps that have been taken, in line with the NAP's objectives, to increase women's effective participation and representation in executive, legislative and judiciary bodies at the national and local levels as well as in the army and the police; build their capacities in the areas of human rights and international rules on the treatment of persons during security operations in conflict situations; provide protection, assistance and compensation to victims of military operations, military errors and terrorist acts, especially women and girls who were internally displaced and/or victims of gender-based violence; monitor violations occurring during the armed conflict and prosecute perpetrators of international crimes; raise awareness and train actors involved in the armed conflict on resolution 1325 (2000); and amend the Military Penal Code and the Military Trials Procedure Code to bring them in line with resolution 1325 (2000). However, according to alternative sources of information received by the Committee, the NAP and the Emergency Plan do not take sufficiently into consideration the Security Council's resolutions 1820 (2008), 1888 (2009), 1889 (2009) and 2122 (2013), particularly those relating to the prosecution and punishment of perpetrators of war crimes and crimes against humanity.

The Committee welcomes the adoption of the NAP, which was drafted in cooperation with civil society organizations, and the subsequent Emergency Plan to implement Security Council resolution 1325 (2000). It also notes the various measures taken in line with the NAP's objectives. However, it notes the lack of integration of federal and Kurdistan Region mechanisms for the implementation of Security Council's resolution 1325 (2000) and the absence of a unified mechanism to streamline efforts in this regard. Moreover, it considers that the State party did not take sufficient measures to ensure that the plan covers the full spectrum of the Security Council's agenda on women and peace and security as reflected in Council resolutions 1820 (2008), 1888 (2009), 1889 (2009) and 2122 (2013). The Committee considers that the State party took some

steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

In regard to the recommendation that the State party “ensure that the plan incorporates a model of substantive equality, in line with the Convention, that will have an impact not only on violence against women but also on all spheres of women’s life and addresses the intersecting forms of discrimination to which women, including widows and internally displaced and refugee women, are subjected”: The State party mentioned a number of measures to promote gender equality, gender mainstreaming and women’s rights, including the establishment of gender units and branches in all the ministries, the development and implementation of the Prime Minister’s government programme, which encourages programmes for rural women and gender diversity, as well as the adoption of the national strategy for the advancement of women. Alternative sources of information indicated that the NAP included certain articles of the said resolution, such as those concerning protection, participation, support and resources, while other important pillars of the resolution, including those relating to the amendment of discriminatory laws, violence against women, prevention and recovery, were removed from the original draft or simply neglected. They added that the Emergency Plan to implement the resolution only focused on the two pillars of women’s participation and protection.

The Committee notes the efforts of the State party to enhance gender equality, gender mainstreaming and women’s rights, as well as to include certain articles of the Security Council resolution 1325 (2000) in its NAP. However, it considers that the State party did not provide sufficient information on specific steps taken to ensure that the NAP incorporates a model of substantive equality, in line with the Convention, that will have an impact not only on violence against women but also on all spheres of women’s life and addresses the intersecting forms of discrimination to which women, including widows and internally displaced and refugee women, are subjected. The Committee considers that it **did not receive sufficient information** to assess whether the recommendation has been implemented.

In relation to the recommendation that the State party “ensure that the plan integrates a gender-responsive budget, sets out indicators for the regular monitoring of its implementation and provides for accountability mechanisms”: The State party mentioned a number of initiatives to take gender into consideration in its public budgeting efforts, including the organization of several training programmes on gender-responsive budgeting for relevant stakeholders and the creation of technical teams in seven ministries that are charged with education, training and preparation for the adoption of gender-responsive budgets. Nevertheless, alternative sources of information highlighted the lack of budget allocated to the NAP and the subsequent Emergency Plan for the years 2014 to 2016, as well as the absence of a programme of work and a timeframe for their implementation.

The Committee notes the steps taken by the State party to develop a more gender-sensitive approach to public budgeting. However, it notes that the State party did not provide information on the measures taken to integrate in its NAP a gender-responsive budget, set out indicators for the regular monitoring of its implementation and provide for accountability mechanisms. The Committee considers that it **did not receive sufficient information** to assess whether the recommendation has been implemented.

The Committee recommends that, in relation to paragraph 12 of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

1. Ensure the effective and meaningful participation of women in decision-making processes within the National Reconciliation Committee;
2. Integrate federal and Kurdistan Region mechanisms for the implementation of resolution 1325 (2000) and adopt a unified mechanism, and to intensify efforts to ensure that the

plan takes into consideration the full spectrum of the Security Council's agenda on women and peace and security as reflected in Council resolutions 1820 (2008), 1888 (2009), 1889 (2009) and 2122 (2013);

3. Review its National Action Plan to incorporate a model of substantive equality, in line with the Convention, that will have an impact not only on violence against women but also on all spheres of women's life and addresses the intersecting forms of discrimination to which women, including widows and internally displaced and refugee women, are subjected;

4. Integrate in its National Action Plan a gender-responsive budget, set out indicators for the regular monitoring of its implementation and provide for accountability mechanisms.

Regarding the recommendation made in **paragraph 18** of the concluding observations "to resume the work of the Constitutional Revision Committee and repeal article 41 with the aim of guaranteeing equality between women and men, in line with the Convention and article 14 of the Constitution": The State party mentioned that the Constitutional Revision Committee held a series of productive meetings to draft amendments to articles that were determined by experts to be discriminatory or to be in conflict with other articles, including articles 14, 41 and 45, but getting them approved by the Chamber of Deputies has proved to be a difficult task given their controversial nature. It further indicated that the Chamber of Deputies was currently reconstituting the Committee so that it can resume its work.

The Committee notes that the Chamber of Deputies is in the process of reconstituting the Constitutional Revision Committee. However, it notes that the State party did not take concrete measures to repeal article 41 with the aim of guaranteeing equality between women and men, in line with the Convention and article 14 of the Constitution. The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

Regarding the recommendation "to immediately withdraw the draft Jaafari personal status law": The State party indicated that the draft law had been withdrawn and that it had no plans to resubmit it for adoption.

The Committee welcomes the withdrawal of the draft Jaafari personal status law. It considers that the recommendation **has been implemented**.

In regard to the recommendation that the State party "repeal all discriminatory provisions against women contained in the Penal Code, the Code of Criminal Procedure and other legislation, regulations and directives and take measures aimed at creating a non-discriminatory legislative and de facto environment for women as previously recommended by the Committee (see A/55/38, part two, para. 181)": The State party reported that the Judicial Council formed a joint committee which was responsible for studying proposed amendments to the Penal Code and other relevant laws submitted by the former Ministry of Women's Affairs. It indicated, however, that the work of the committee was suspended at the present time, but that the Government was currently trying to re-operationalize it. The State party further mentioned that the president of the Judicial Council appointed a member at the rank of general director whose job was to coordinate, in collaboration with the Higher Committee for the Advancement of Iraqi Women, the implementation of the strategy for the advancement of women and the strategy for combating violence against women, particularly in the area of legislation. Alternative sources of information indicated that the Penal Code No. 111 of 1969 and the Code of Criminal Procedure No. 23 of 1971 were still in force and had not undergone any changes so far, and that some provisions in the Personal Status Law No. 188 of 1959 and the Instructions for a resident card issued by the Ministry of Interior under the law regulating residential areas inside Iraq No. 95 of 1978 still discriminated against women. Moreover, they stated that access to justice for women was still limited and that impunity remained widespread. Nevertheless, they mentioned a number of legislative measures taken by the

State party to better protect women's rights, including the second amendment to Law No. 20 of 2009, which addresses the right to compensation for persons affected by military operations, military mistakes and terrorist acts, especially women and girls, and the Labour Law No. 37 of 2015, which prohibits sexual harassment in the work place.

The Committee notes the measures taken by the State party to better protect women's rights. However, it notes that the State party did not take concrete steps to repeal all discriminatory provisions against women contained in the Penal Code, the Code of Criminal Procedure and other legislation, regulations and directives. It further considers that the State party did not take sufficient measures aimed at creating a non-discriminatory legislative and de facto environment for women. The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

Regarding the recommendation "to review the draft law on domestic violence with a view to ensuring that penalties are imposed on perpetrators of violence against women and harmonize the Penal Code and the Code of Criminal Procedure accordingly": The State party mentioned that, on 12 March 2015, the first reading of the draft law on domestic violence took place. It also reported on the various meetings and workshops that were held among relevant stakeholders, including the Committee on Women, Family and Children, the Committee on Human Rights, the Ministry of State for Women's Affairs, the Directorate of Family Protection in the Ministry of the Interior, as well as civil society organizations, to discuss the draft law and proposed amendments. It indicated that the draft law was currently being redrafted for a second reading prior to a vote.

The Committee notes the numerous meetings and workshops held to crystallize a national vision of the draft law on domestic violence. However, it notes that the State party did not take concrete measures to review the draft law with a view to ensuring that penalties are imposed on perpetrators of violence against women and to harmonize the Penal Code and the Code of Criminal Procedure accordingly. It considers that the recommendation has **not been implemented**.

In relation to the recommendation that the State party "ban the implementation of discriminatory provisions against women contained in directives of the Ministry of the Interior in order to ensure compliance with decision No. 7/1/3/2711 (2004) of the General Secretariat of the Council of Ministers, which rescinds restrictions to women's freedom of movement, and to guarantee equal treatment of women and men with regard to the requirements for obtaining a passport": The State party indicated that the measures taken by the passports division of the Ministry of the Interior and other agencies were in line with Law No. 32 of 1999 and Regulation No. 2 of 2011 on passports, which do not discriminate in any way in issuing passports. It added that the law did not require women to have the approval of a guardian or male relative for a passport application or for travel, except in the case of a divorced woman or a widow who wishes to travel with her children (a certificate of guardianship issued by a personal status court must be submitted) or for the purpose of performing the Hajj pilgrimage (the host State requires a male relative escort). However, alternative sources of information indicated that, in practice, women under 45 years of age, and in particular unmarried women, were still required to get parental consent in order to obtain a passport.

The Committee notes the information provided by the State party that the directives of the Ministry of Interior are in line with Law No. 32 of 1999 and Regulation No. 2 of 2011 on passports, which do not discriminate against women as regards the requirements for obtaining passports and do not require women to have the approval of a guardian or male relative for a passport application or for travel. However, it notes that discriminatory practices against women, especially unmarried women, still persist with regard to the issuance of passports. The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

The Committee recommends that, in relation to paragraph 18 of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

1. Resume the work of the Constitutional Revision Committee and repeal article 41 with the aim of guaranteeing equality between women and men, in line with the Convention and article 14 of the Constitution;
2. Resume the work of the joint committee responsible for studying proposed amendments to the Penal Code and other relevant laws, with a view to repealing all discriminatory provisions against women contained in the Penal Code, the Code of Criminal Procedure and other legislation, regulations and directives and creating a non-discriminatory legislative and de facto environment for women;
3. Review the draft law on domestic violence with a view to ensuring that penalties are imposed on perpetrators of violence against women and harmonize the Penal Code and the Code of Criminal Procedure accordingly;
4. Ensure that the remaining discriminatory provisions targeting divorced women and widows who wish to travel with their children be lifted from the directives of the Ministry of the Interior, and to address persistent discriminatory practices that may hinder equal treatment of women and men with regard to the requirements for obtaining a passport.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,



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