

## **Convention on the Elimination of all the forms of Discrimination Against Women - Iraq**

The shadow follow-up report to monitor the implementation of the final recommendations 12, 18 of the convention on the elimination of all forms of discrimination against women presented by the non-governmental organizations within the Iraqi alliance for resolution 1325 and Partner organizations

### **Introduction:**

This report comes in response to the final recommendations of CEDAW convention issued after discussing the Iraqi report in its session meeting 1197 and 1198 held on 18<sup>th</sup> of February 2014, despite the recommendations focused on the majority of the issues related to the reality of women, considering the recommendations issued by non-governmental organizations addressed in their shadow report, but the period following the recommendations witnessed many changes, events and violations against women and girls as a result of forced displacement, migration of hundreds of thousands of families in large groups to Kurdistan region, middle and south governorates of Iraq, and worst forms of violation of terrorist groups (ISIS) been documented, after their entrance to Iraq on 10<sup>th</sup> of June 2014 and its occupation of many provinces (Nineveh, Dyala, Al-anbar, and Salahaddin), and the report reviews numbers of those violations by field reports been observed by organizations concerned with women affairs.

And despite the efforts by the governmental associations, the international community, the United nations agencies, and the non-government organizations of Iraq, but the extend of the damage and the displacement of approximately 3 million, and the impacts of harmful practices is in continuation, and it needs more national and international efforts to reach a level of security stability that can achieve some improvements towards women and girls in Iraq. And according to the final recommendations 12 and 18, the report reviews the details of the recommendation, in line with the methodology of the shadow report strengthened by documentations and government statements and from the field observations of organizations.

### **Recommendation 12:**

**The agency urges the country party to undertake the pledge of women active and beneficial participation in the process of decision making inside the committee of national conciliation. And urges the country party to identify clear deadline time to finish the project of national action plan to implement the Security Council resolution No 1325 (2000), in collaboration with Kurdistan Region, and the representatives of the women organizations and they should ensure that the plan shall ensure that:**

- (a) Taking in account the range of issues that related to women and peace and security on the agenda of the Security Council as contained in the resolutions of the council 1820 (2008) and 1888(2009), and 1889 (2009), and 2122 (2013)**

### **First/ Participation:**

The non-governmental organizations continues their efforts to support the women participation in decision making positions, and despite the issuance of some of the government legislations, laws and decisions, but the marginalization continues and there is no real will to participation of women in the decision making positions/

- 1- Political parties law: despite to its approval by Iraqi Parliament in 2015 but it is constitute a clear discrimination and a significant absence of women, the article (11) stated: for the establishment of any party or political organization to take in to consideration: First- the request of the establishment should be made in writing and signed by the party or political organization representative ( for the purpose of registration) to the Directorate of parties or political organizations and enclosed the list of names of the constituents not less than (7) seven constituents and enclosed a list of names of members not less than (2000) two thousands members from different governorates, and to be considered the women's representation, and this is doesn't meet the Iraqi obligations and constitute violation of the Iraqi constitute article 14.
- 2- It noted the widening gap between men and women for the senior leadership positions of miniseries in 2015 and according to the data of the ministry of planning the rate of women participation in the ministries reached (%28,3), where the minimum in the Ministry of Commerce (%5,6) and reached its highest level in the Ministry of Finance (%92,8) and for independent bodies (%20) and reached its highest (%41,5) in the Central Bank of Iraq,

and reached the lowest (%0) in Sunni Affairs Office, Martyrs Foundation, and The Committee of Money bills, and the rate of (%0) for Federal high Court, and in for the House of Wisdom (%100) in 2015, and until 2015 there are two women in the post of deputy minister ( The Independent high commission of Elections and the Ministry of Foreign affairs, where there 54 Deputy minister positions for men.

- 3- The cancelation of the Ministry of State for Women's affairs: The first package of government reforms in August 2015, and announced the cancelation of the Ministry of Women, and with no replacement, which contributed to stop the implementation of national and strategic plans in the difficult situations for the women.
- 4- Municipality of the capital id woman: In 2015 a woman was appointed to the post of Municipality of the capital and it's in the level of a minister and its one of the unusual posts and it has wide powers in addition it has significant challenges to provide services very touched to citizen's life, and despite that, she was appointed due to the pressure of Non-governmental organizations and according to the political participation agreement.

### **Secondly/ Reconciliation:**

1. The conciliation, accountability, and justice committee of the parliament constitute of (11) members one of them is woman forming (%9) only. Where none of the women of the parliament able to reach to the membership of the committee of Security and defense in the three Parliament rounds. And the president of parliament has a (woman) counselor for the affairs of conciliation.
2. The committee of monitoring and implementing the national conciliation: During 2014 the activity of the office of the women in the committee has stopped ( in the General Security of the Council of Ministers) and almost frozen the conciliation process, and it was reopened in 2015 and was chaired by a woman, and it's an office alongside another four sub-offices in different specializations (Services, Migrants, International organizations, women, and in addition to an office for the president of the committee).
3. launched recently on (07/02/2016) the national project of the protection of the peaceful coexistence and prevent hater and fight the extremism and terrorism, by the Council of representatives/ the committee religion affairs who announced that the one of the aims of the project is to participate the women, in a way can assure the active participation in the national committee of protecting the peaceful coexistence and fight the extremism and terrorism, but it needs the actual implementation.
4. The committee of national conciliation ordered to form committee of the resolution 1325 and consists of three members (one woman and 2 men) and despite that, the committee needs a law or work schedule, and there is no initiatives from the government departments to support and participate the committee, with the existence of efforts from the non-government organizations to follow up and participate the committee.
5. The Iraqi Alliance of Organizations appreciate the resolution 1325 forming committee of national conciliation in the Baghdad Provincial Council in 2015 consisting of 21 members and chaired by member of Baghdad provincial council member and contains the ministries of concern, the council of ministries and organizations of civil community, and the women form 7 member including the president of the committee from the Baghdad provincial council and they have a role in the national conciliation, and it is a positive initiative, but it has not happened in the other Iraqi provinces.

### **Thirdly/ the national plan (NAP)**

- 1- The efforts of the non-governmental organizations continues in coordination with the ministry of state for women affairs ( canceled currently) through making pressure and follow ups to confirm the national plan by the Iraqi government, in 2014 it was accepted by the resolution (164) of the ministry council, with all its pillars (Participation, protection and prevention, promotion, the economic and social empowerment, the legislations and implementing laws, and resource mobilization)
- 2- regrettably, that two of the six pillars were pulled out and they are the economic and social empowerments and the second one is the legislation and implementing the law, without reference to the authorities whom prepared the plan and to discuss the matter, and these two pillars are to secure the equality and enjoy the access to the sources and opportunities and also to secure adopting legislations that respect the human rights of all women and men and end impunity of criminals and repower the legislations in this regards.
- 3- In the framework of mechanism and policies of implementing the national work plan in light of the needs, circumstances and as part of the supportive pressures, the non-governmental organizations continued with the

officials, and other local decision makers to discuss and call for developing the policies and mechanisms of implementing the national work plan in light of needs and local circumstances, as the organizations held serious meetings with the concerned bodies of implementing the plan for the purpose of the rights of women in the justice system and promoting for the resolution 1325.

#### **Fourthly/ the roles of the non-governmental organizations (Iraqi alliance for resolution 1325):**

Due to the special circumstance of Iraq some organizations have formed a national alliance in concerning the national plan and resolution 1325, and the outcome of the efforts of the organizations was issuing an emergency plan for the resolution 1325 of the origin national plan, and in coordination with ministry of state of women affairs and the emergency plan for the resolution 1325 was confirmed by the resolution of council of ministers No (201) 26/05/2015 after cancelation of the budget. And in order to implement the emergency plan the government ordered to form an operation room to administer and follow the implementation of the plan chaired by the minister of state for women affairs, and the membership of the committee of women advancement in the concerned ministries, with participation of seven non-governmental organizations, and in Monday on 29<sup>th</sup> of August 2015 the first meeting of the operation room was held prior to a pre-meeting of government associations concerned with the plan. And despite the efforts of awareness raised after the confirmation of the emergency plan, but a questionnaire for the women employee in the ministries found out that %80 of the targeted sample never heard about the resolution 1325 and that %88 of them did not get the opportunity for training or awareness of the resolution, and by intensive efforts of the Iraqi alliance for the resolution 1325 and after discussions with the concerned bodies, the parties agreed in March 2016 on some important priorities for the national plan.

#### **Fifth/ Public authorities:**

- 1- During the period from September 2014 until June 2015 the ministry of human rights initiated to form a national committee to follow the recommendations issued from the committee concerning with the convention of eliminating all forms of discrimination against women, by the participation of high commission of human rights, the ministry of state of women affairs, and the supreme council of women in the region of Kurdistan with participation of non-governmental organizations concerned with women and international mechanisms, and consultation with United Nations mission (UNAMI) the national plan was issued to implement the concluding observations for the period 2014-2018, and the committee could not work due to the cancelation of ministry of human rights in August 2015 which forms a significant challenge for the Iraqi government to follow the implement the recommendations and the body that able to follow the implementation, and as a result of that the implementation of the recommendations was ignored despite the efforts of the concerning bodies seeking to implement the plan according to the recommendations, and the plan contained activities and events aiming to implement the recommendations 12 and 18 and neither the high commission nor any other public body could replace the ministry of human rights.
- 2- Despite the challenges facing women and girls, the committee of women, family and childhood did not make efforts in the council of representatives to call for providing financial allocations for the continuation of the emergency plan in the budget of the year 2016, that minimized the capabilities of the public associations for mediate respond, and with the cancelation of some ministries, the national high commission of human rights not been able to replace it or carry out its roles due to the inadequacy of the commission's rules which is been specified to monitoring not implementation.

#### **Recommendations:**

- 1- We call the Iraqi government to implement the national plan designated to implement the concluding observations of the convention of eliminating all forms of discrimination against women (2014-2018) issued by the national committee for following the recommendations.
- 2- The organization assuring the council of ministers to implement the resolution of the prime ministers, to continue the activities of the two committees of women and rural women and specified the officials of women for its administration.
- 3- The council of ministers should specify the employment indicators and building capacities taking in account equal opportunities and the gender as it was mentioned in the government program and oblige the ministries of state to apply them achieving the existence of women in the senior executive positions.

- 4- Accelerate the support of the action room specialized in implementing and administering the emergency plan 1325, and participate non-governmental organizations in the room according to what has mentioned in the terms of the emergency plan and specify the needed resources from each ministry and not less than %10.
- 5- The concerned ministries ( education, health, anterior affairs, defense, labor and social affairs) better effort to raise the awareness of the employees of the ministries and state associations about the articles of resolution 1325, the national, the emergency plan and the available opportunities for their participation to stop the violation against women.
- 6- We recommend the council of ministries to find an alternative for the canceled ministry does not require more finance sources.

#### **Sixth/ terrorist groups (ISIS)**

- 1- Within the circumstances that Iraq is passing through, the violation against women has increased and varied since the occupation of Mosul by ISIS (10/06/2014), and within the crisis of force displacement and increase the number of displaced people, and poor response to the problem kidnapped yezidian women and other women of Arabs, and Christians, those been subject to captivity, merchandising, rape, killing, and happening to diversified age groups. And despite the efforts that the government of Iraq provided including Kurdistan region, but it does not live up to the level of the crime, as the general humanity situation of the women and girls forms a threat to their stability, with the continuation of the suffer of force migration and poor infrastructure of the camps, and poor services (health, psychological, social and humanitarian) and the exceeding of number of displaced people to 2850000, two millions and eighty five hundred thousands , the women forms the rate %49 of them.
- 2- The province of Nineveh witnessed the highest rate of displacement reaching %27.9 of the total number of displaced people, The human being of males formed %50.5 of the total number of displaced people in Nineveh governorate, and females formed %49.5, in Salahaddin Province the displaced people formed %24.12 of the total number, males formed %49.8 and females %50.2
- 3- **City of Mosul** : and under the occupation of Mosul by ISIS, where is the practice of Penal law against women and girls, and restriction of personal freedom, and permanent fear in the streets, markets, and shopping, because of harassment of female police officers, including what it called (office of accountability of women) as part of it forcing women to wear as same as Afghani women's wear. It reported a case of beating a pregnant woman about to give birth because she could not wear the Afghani Hijab (veil) because of her situation, and when she reached the gate of the hospital, she was arrested and beaten 17 lashes without considering her vulnerable situation, and her husband was arrested and beaten with 70 lashes and he was taken to an unknown place, which led to the fall of the fetus and death after sever bleeding. It reported witnessing three non-Iraqis female police officers from different nationalities beating 11 women in one of the women wear shops, despite of wearing the Afghani Hijab (Veil), and one of the women a 17 years old girl died because of she had asthma after sever beating.
- On 18<sup>th</sup> of June 2015 ISIS issued instructions to prohibit women from leaving their house during the month of Ramadan accept for emergency cases, such as going to the hospital and to be accompanied by a man of first degree relative and after gaining the permeation from ISIS.
- During the month of November and December 2015, it was recorded seven cases of suicides of girls aged between 19-30 years because of repression and mental state and inability to withstand the pressure exerted against girls.
- During 2015, the militant organization (ISIS) committed the execution of 837 women since their control of the city of Mosul, according to the forensic of Forensic Medicine Center in Mosul, who received the bodies of these women since the occupation of the organization of the city. Most of them were executed by firing squad after the approval of the Sharia Court of ISIS on their execution, and then their bodies were handed over to the Forensic Medicine Center of Mosul, It notes that most of the women who have been executed are candidates for the House of Representatives and the Council of the province, as well as employees in government departments such as Council of Nineveh province, and the branch of the Supreme Commission for Elections in Mosul, and the Directorate of the municipality of Mosul, and the Directorate of Education of Nineveh, as well as lawyers and Notaries, in addition to housewives and workers in hairdressing and other who been executed under various pretexts.
- There are no procedures or care for women under the current control of ISIS specially in Mosul, in women cases ISIS organization would wear them chains of iron and bite women in different areas of their body who are not complying with legislate dress, especially in the face and shoulders and other inhuman practices.
- 4- **Alanbar**: In documented cases of one of the organizations, were registered 75 cases of forced kidnapping of young women aged 18-25 years during the month of April 2015, where they take from their families by the terrorist organization ISIS under the pretext of marriage and they disappeared of whom were parents do not know

their fate, and after increasing the efforts of documenting the cases by the organizations, they were surprised by receiving warning letters from some of the tribal leaders in Anabr, not to continue provoking this problem because they consider it touching their honor.

- 5- **Dyala:** With the increasing dominance of ISIS on some other areas, women have been in Diyala (Jalawla) and Anbar subject to the rape and abduction of women, but the customs and traditions prevented the announcement as a result of social traditions, and during 2015 organizations spotted (14) cases of kidnapping and killing of women in Diyala (Jalawla) as well terrorist operations reached women of Muqdadiyah, abducting, murdering , and throwing them in the revival of the municipality, also increased burglaries on homes inhabited by women and stealing their money in Miqdadiya with the absence of security protection from the government  
- There have been many cases of marriage out of court (traditional marriage) a contract from a cleric without worrying about the results especially for children for their lack of identity papers. In Diyala and victims of al-Qaida in 2006 appeared a large number of children of unknown identity was not treated effectively and fast, some women seeking these marriages (out of court) as a logical continuation of enjoyment by women of salary and social care and this threatens the existence of a generation does not have any papers of identification.
- 6- The rate of Arabs is %74 of the total of displaced people, Kurds formed %1.3 while the Turkmens formed %18.79 and other nations formed %5.9, Muslims formed %99.63, Christians %0.24, and other religions %0.12 of all religion of displaced people, it can be seen the extend of Arab Muslims affected because of the those displacements.
- 7- Regrettably, and as a result of the circumstances, the forced displacement significantly impacted on the level of education for females compared to males, it has leaked females an average of 23% of elementary schools and 51% of secondary schools and 68% of high schools, and 88% of the universities and technical institutes.
- 8- With the challenges facing women and girls as a result of serious violations of terrorist groups (ISIS), including what Sinjar and Nineveh Plain been subjected to in 03/08/2014 which resulted of killing more than 5,500 men and women with the kidnapping and captivity of women and girls with children, Yazidis, estimated number of 6255 kidnapped person (until April 2016), Sale and Dedicate and distribution of (2871) Yezidi woman and a girl after falling in the captivity of ISIS and forcing Yazidis prisoners to convert to Islam forcibly and displacing all the Yazidis, who lived in the district of Sinjar, Qahtaniyah and Ba'shiqah,, where numbering about (350,000) person fled to the Kurdistan Region, The number of survivors reached 2584, of them 831 women and 655 minor girl, and there are 1940 women and girls still in the captivity of terrorist organizations (ISIS), there where the mass graves of Yezidian monitored after the liberation process of Sinjar city center including what was found in Solakh area numbering 79 older women, and exploding (19) religious shrine of Yezidian, Christianity and Islam religion followers, and with the survival of some hundreds of Yezidian women and girls, but what remains in the captivity of ISIS poses the biggest challenge, where they still exercise the grossest inhuman practices and grave violations which came to kill or burn against them.
- 9- While the Kurdistan regional government has identified offices to determine payments in exchange for The Kurds kidnapped yezidian women through (Committee of kidnapped Affairs) of the General Directorate of Yazidi affairs with some support from international bodies, and some other bodies were able to provide sums of money to liberate some of the Arab and Christians kidnapped women. The payment amounts ranging between \$ 300 – 700, and these situations affected the stability of the families been subject to these violence specially where girls and women been subject to rape by ISIS, as statistics shows that in the day of (16/08/2014) more than 100 Yezidian women were raped. In addition to the areas occupied by group terrorist of ISS, the women been subject to the worst kind of violation through the imposition of strict laws and unfair decisions against her such as ( using Niqab, to be accompanied by Maharram when she goes out of the house and assaulted and circumcised women and forcible imposition of the religion of Islam to non-Muslims), the killing of some doctors and lawyers during the year of 2015 in Mosul, and according to the statistics of ministry of planning that more than one million and five hundred displaced woman been subject to serious violence and most of them living in very hard and exceptional circumstances requires immediate intervention by the international civil community.
- 10- . According to the information statements, the Organization (ISIS) kidnapped (400) citizen Turkmen including 50 women and 70 children until February 2015 in the provinces of Kirkuk, Mosul, and Diyala, and women subjected to abuse, including being sold and abused, and led these practices to the suicide of women and girls, and sometimes survivors of (ISIS) are forced by their parents and relatives to commit suicide in fear of being abused.
- 11- Vulnerable groups: The frequency of the conditions of forced displacement has increased the conflict area with the continuation of chronic homelessness because of the conflicts and absence of security. At the same level,

overcrowded provinces especially urban areas are facing many of the health and environmental risks because of overcrowding, pollution and the deterioration of sanitation and poor service systems, while other parts experiencing lack of food and human security, such as education, health and the destruction of infrastructure. And in hot conflict areas the repeated conflicts and crises undermined livelihoods and security stability, making these communities put in the circle of impoverishment of chronic and acute threat to the quality of life and sustainability.

### **Recommendations:**

- 1- Calling the government for an immediate implementation of the national plan and the emergency plan which is derived from the national plan, and to work on the implementation of the requirements of the resolutions followed the resolution No 1325 and provide the enough financial sources to implement the plans and uniting the efforts to achieve its goals.
- 2- Calling for the participation of non-governmental organizations in the operation room and the special committees for the implementation of the resolution 1325.
- 3- Integrate the rights of women in the justice system and stop the violence targeting them to ensure that perpetrators do not escape the punishment.
- 4- Calling the Iraqi parliament to issue legislations concerning rape, harassment and provide specialized centers.
- 5- Take the measures necessary to improve the quality of life for displaced people and provide equate environment after liberating the occupied areas by ISIS.
- 6- Develop the religious message by all reference people concerned and discourage violence and spread the principles of Islam.
- 7- Support the participation of community through involving more local activities in the discussions the problems and find solutions.

### **(B) Adoption of a model that provide true equality not limited to influence only the violence that has exercised against women, but affects all aspects of women's life and address the interlocking forms of discrimination targeting women, such as widows and the displaced and refugee women;**

- 1- The Iraqi parliament has not yet approved the law of protection of domestic violence and by increasing the cases of violence the needs of its approval is demanding, the organizations with a follow ups and consultation of United Nations agencies are continuing their meetings with committees of the parliament to approve the law, that goes in line with the international measures.
- 2- The non-governmental organizations are concerned about unavailability of a law that meets the international measures and ensure the freedom, and dignity of Iraqi woman.
- 3- The issuance of national strategic project to develop the women situations in Kurdistan region-Iraq (2013-2019) from the supreme council of women's affairs, considered as positive step in order to reach the development of the women's rights situation in the region.

### **Recommendations:**

- 1- Accelerate to implement the emergency plan for the resolution 1325 and focusing on the disputed areas.
- 2- United the efforts to participate the displaced women and girls in the pace and conciliation initiatives, and provide secured environment to prohibit all forms of discrimination.
- 3- Calling for the government to employ specialist in genders in the senior posts of the three authorities and all ministries.
- 4- Participate the women in actual form in the drawing, determination and administer the humanitarian activities and actions for their community rehabilitation specifically.

### **(C) Budgeting, with the consideration of gender-sensitive, stating on indicators for regular monitoring for its implementation and the establishment of accountability mechanisms:**

- 1- Despite the follow ups and continuity of pressure of the civil society, and with United Nations agencies and despite the ongoing recommendations by CEDAW committee and human rights council within the mechanism of

comprehensive periodic review, but the public budget of 2015 and 2016 were completely empty of any apportionment to activate the emergency or national plan to activate the resolution 1325 or the national strategy for the advancement of women.

- 2- The gender based units are still in the ministries and state associations and they are the pillars which were built to provide the database of the genders in Iraq, and also gained enough training on the responding budgets, but it still needs to spend more efforts under the challenges and violence that faced the woman in Iraq.
- 3- The United Nations report of women in 2014 showed that the gap between both genders in Iraq is more widening in the line with the violence based on gender, and the poor participation of the women and girls in the important fields. Iraq is seeking to respond to its development goals only when integrating women and girls completely in the plans and development goals. The Iraqi government repeated its obligation for the achievement of the goals through developing the circle of the work of United Nations' development assistance.

#### **Recommendations:**

- 1- Reactivating the gender based units to provide data's of 2015-2016 and active participate in achieving the budgets of ministries and associations of the state responding to the gender.
- 2- The loans that granted to Iraq from (International Monetary Fund and world bank) or grants from states or agencies of United \nations, conditioned with restructuring the budget to programed budget and to be built on the basis of gender.
- 3- Completion of the requirements of the social gender indicators that are determined by the ministry of planning for the purposes of follow up, monitoring and evaluation, and issue annual reports in the line with those indicators by Iraq.

#### **Recommendation : 18- the committee recommends the state party to:**

##### **(a) The committee to review the constitution and cancel the article 41 in order to ensure the equality between the man and the woman, in accordance with convention and with article 14 of the constitution:**

- 1- The article 14 of the constitution forms a significant challenge for organizations, and its noted the ignorance of this recommendation despite the repeating calls to continue the constitution review committee in order to cancel the article 41 and is noticed the increase of hesitation to discuss this article by the Iraqi government in addition to the concerning committees in the Iraqi parliament.
- 2- Despite of considering the article 41 of the constitution as of moral articles, but it is noticed practical performance by judges in applying the containing of the article 41 of the constitution which effect negatively on the rights of the women and establishing the sectarianism through these practices.

#### **Recommendations:**

- 1- Accelerate the implementation of recommendation 18 item (a) specialized in resuming the work of the constitution review committee and cancelation of article 41
- 2- We call on the justice authorities to stop the decisions issued by Iraqi courts based on the article 41

##### **(d) Acting immediately on withdrawing the project of Al-Jafary personal affairs law:**

- Despite the withdrawal of Al-Jafary personal affairs law by the government, but the withdrawal was not done formally by the government, and the organizations and the individual concerning with women affairs are worried about attempts by some politicians to resuming the law again, through collecting signature and promoting for it time to time.

#### **Recommendations:**

- 1- Calling for the Iraqi government to implement the recommendation 18 item B of the final recommendations.
- 2- Accelerate to withdraw the Al-Jafary personal affairs law by the council of ministers and by a government resolution formally and publicly to ensure it is not used again.

**(D) To cancel all provisions which are discriminate against the women that contained in the penal law, and court procedures law, and in the legislations and regulations and other recommendations, and to take measures aiming in preparation of an environment that women not becomes subject to discrimination legally and in practice according to what the committee has recommended prior to this time (see 38/55/A, second part, section 181);**

- 1- Still the discriminatory provisions in dome of the Iraqi laws are practiced, and it is noted the ignorant by the government of implementing the recommendations of CEDAW committee, and the comprehensive periodic mechanism, such as the Iraqi Penal law and the law of court procedures, and the personal affairs law, and the article 26 of the national card, and the government did not make efforts to create non-discriminate legislations.
- 2- The discrimination is still exist in the Iraqi penal law number 111 of 1969 (41,128,130,377,380,398,400,402, 409,412,and 427) am also personal affairs law 188 of 1959 and the law of court procedures No 23 of 1971.
- 3- There still legislative gap despite the continue calling from civil society organization specially with the current situation of Iraq and what are the women been subject to of significant violation and specially the legislations related to sexual violence by terrorist groups (ISIS) and which are considered as war tool, and no specific procedures been taken to safe abortion, which became a barrier facing the women victims of sexual violence.
  - And it's been noted that the government recently has created helpful environment for women through:
    - 1- -The issuance of second amendment of the law 20 of 2009 specialized with compensation of the effected people by the war operations and military mistakes and terrorism actions responding to the situation of yezidian women wives of kidnaped men.
    - 2- -Issuance of law of labor on 17/08/2015 and the law stated in the article 9- banning the sexual harassment at employment and occupation either at work or training or employment or conditions of work and this article is support of women protection, and the law assured the importance of equality and not to discriminate in salaries and leaves.
    - 3- -Despite the approval of the law of trafficking of human being No 28 of 2012, but it still needs follow up and monitoring recommendations specialized in activating the role of the stat to shelter the victims of trafficked people, it is still in lack of qualified psychological and sociological programs, In addition of missing the safety material, which forms danger on victims lives, and still no recommendation for implementing the law been issued, and the law did not content all violence that women been subject to by ISIS.

**Recommendations:**

1. Accelerate the issuance of laws that protect from the domestic violence by the Iraqi Parliament and the government of Kurdistan region-Iraq to work on amending the articles do not fit with the practice situation.
2. Issuance of a law in relation to sexual violence covers the special and general and in the disputed areas.
3. Calling on the Iraqi parliament to cancel the articles forming clear discrimination, such as penal law No111 of 1969 (41, 128, 130, 377, 380, 398, 400, 402, 409, 412, 427) and canceling or amendment of some legal articles in the personal affairs law 188 of 1959 the amended, and amending the law of court procedures No 23 of 1971
4. Accelerate to make amendments to article 412 of Iraqi penal law No 111 of 1969 in order to stop the violation of women in the cases of circumcision of females.
5. Review and amend the law of trafficking human being to fit the situation of women in Iraq, and cover what the women and girls been subject to by terrorist groups of ISIS.

**(E) To review the project of domestic violence law to ensure imposing penalties on those who practicing violence against women, and to form the penal law and court procedures law according to that;**

1. The family protection from violence law still practiced in the Iraqi parliament, and it is been noticed some disagreement on some articles of the law which do not goes on with the convention eliminating all forms of discrimination against women and the other international measurements, and it is been noticed objection from the religious committee to issue the legislation of the law of protection from the domestic violence, reasoning that with existing of punishment provisions dealing with the violence cases.
2. The domestic violence against women still in the top of the pyramid among the forms of violence in Iraq, the directorate of protection of family and child within the interior ministry stated that, the largest rate (%52) of claims related to domestic violence been recorded till the end of 2014 are attacks of husbands on their wives, and

increased to (%57) till the end of November 2015 and Baghdad come in the top of the list comparing to other provinces forming (%25) of the total number of claims in 2015 and this indicate that the abusers in Baghdad are more confident of directorate of family protection at the interior ministry and they are no more seeking traditional tribe form of conciliation far from the law. The law of family protection which is not yet been legislated is considered one of the important laws.

3. In Kurdistan region the rates of violence against women increased reaching %50 comparing with 2014, and the prime reason is economic reason behind the increase of cases of violence, the rate of divorce increase to reach the level of suicide because of deteriorating the living situation in the region.
4. The local reports issued by the directorate of combating violence against women following the interior minister of Kurdistan region indicates that the cases of killed women only recorded an increase (%54) comparing to the past year. And (31) woman were killed for different reasons in the region of Kurdistan during the last six months of 2015, where the number of similar cases of last year were (17) cases, and the province of Erbil comes in the first position in relation to cases of killed women which reached (12) cases, and the number of women made suicide during the first six months of 2014 were (20) cases, increasing the number in the first half of this year to reach (38) cases, and the rate of increase is %52, and the suicide by burning increased to reach (167) cases comparing to the same period of last year which was (173)
5. And the number of claims by women as a result of violence and recoded by the directorate of combating the domestic violence at the interior ministry in Kurdistan, has increased from (3181) claims in the first half of 2014 to (3646) in the first half of 2015 and this is positive indicator in a way and negative in another way, indicating the increase of women's awareness as positive indicate and increase the domestic violence as negative indicate.
6. Centers sheltering victims of violence: in the provinces of Iraq there still the subject of opening centers providing shelter to the women victims of violence is forming a significant challenge for the directorate of combating domestic violence and the non-governmental organizations, and in Kurdistan region there are 3 centers to provide shelter for women victims of violence as a step towards protecting the woman from violence, but the centers are not enough, as there is high rate of violence against women in addition they cannot accommodate displaced women because of administration matters as they cannot provide legal services and because of lost documentation.

### **Recommendations:**

1. Accelerate in issuing laws of protection from domestic violence can fit with the international measurements of human rights.
2. Provide houses and accommodation in the Iraqi provinces specialized in protecting women from the domestic violence similar as in Kurdistan region.
3. Investment of religious messaging from all the religious endowments to promote for respect of family and specially women and girls.
4. Devote educational curriculums in the different education stages to participate in stopping the domestic violence.

### **- Female circumcision:**

- The spread of the phenomenon of mutilation of female genitals of Kurdish Muslim women, in Sulaymaniyah province is very high, despite the majority of cases are of the first type, and there is clear poor awareness of the consequences of the circumcision of females, a study by organizations founded that in (Halabja) and ( Garmian) the rate of female circumcision between (%39) and (%58), and in other areas the rate was %8 and in other areas %58.6, according to the clinical tests of female genitals of women. And the most common type of female circumcision is of the first type rated %99.6, and the most common age that the circumcision is occurring in is between the age of 4-7 rated %60.2 and these operations are conducted by midwives, and the report mentioned that %6.4 of women after the deformation of their genitals feels there are complications, bleeding rates %3.6 of these complications.
- The cases of killing, suicide, burning, self-burning, torture, cases of sexual violence phenomenon the Iraqi community suffer from including the region of Kurdistan, and it makes a significant worries for public associations and for women concerned organizations, according to the publication of ( the directorate of combating violence against women) in Kurdistan, and in the other governorates.

- **Recommendations:**

1. We call on all parties to amend the law in Kurdistan region, and make it stronger to fight the violence and discrimination against women.
2. Form courts specialized in domestic violence, and committees of conciliation out of the large cities.
3. Increase the number of judges in relation to domestic violence, and the specialists in the justice council.
4. Ease the work of conciliation committees and assuring the importance of confidentiality during the investigation procedures and court hearings.
5. The data of violence not to be hidden reasoning that with domestic violence, in order not to weaken the efforts to combat the violence against women in Kurdistan.
6. Appoint a special budget and provide all necessities, and to be given an importance to the cases of equality between the two genders in Kurdistan of Iraq.
7. The persecutor to play an active role in investigation in cases of violence against women.

**(F) to prevent discrimination against women as practicing the recommendations of the interior ministry to insure the obedience of the decision of the council of ministers No 7/1/3/2711 Of 2004 which eliminate the restriction imposed on the freedom of the women of mobility and to ensure the equality between the women and men in dealings in relation of conditions if gaining a passport.**

- Despite that the interior minister has eliminated its discriminated recommendations in relation to the conditions of a women gaining a passport but the practice by some of whom working in this issue are still tightening the procedures to grant a passport to the woman and her children when she is a widow or divorced, as the custody of children in the hand of the man and preventing of taking her children only after the approval of the husband or whom they are in his custody.

- **Recommendations:**

- 1- The government and the interior ministry shall issue clear decisions to prevent the restrictions imposed on the women during transportation.
- 2- The office of general inspector at the interior ministry shall carry out the follow ups of the implementation of the decisions and all other related procedures that are specific to women.

**To connect - about the details of the report and sources of information and organizations contribute - through:**

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<b>Contributing organizations in writing the report</b>		
	<b>Organization</b>	<b>The province</b>
1	Awan Organization for awareness and capacity development	Diwaniya
2	Sawa Organization for Human Rights	Muthanna
3	Women Leadership Institute	Baghdad
4	Iraq Foundation	Baghdad
5	Um elyateem for Development Foundation	Baghdad
6	Hawa'a Organization for Relief and Development	Diyala
7	Eyzidi Organization For Documentation	Nineveh
8	Women for progress center	Baghdad
9	Women Empowerment Organization	Arbil
10	The Iraqi Organization for Academic Youth	Baghdad
11	Altaqwa association for women and child Rights	Basra
12	Maan Organization for Human Rights	Baghdad
13	Baghdad Women Association	Baghdad
14	Iraqi teachers committee for women	Baghdad
15	Asuda Organization For Combating Violence Against Woman	Sulaymaniyah
16	As hour Banepal cultural Society	Baghdad