

Feb 2014-Aug 2016

**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**

Presented by NGO's Coalition of CEDAW Shadow Report consisting of:

1. Iraqi Women Network (IWN)
2. Rafidain Women Coalition (RWC)
3. Gathering of "No to violence Against Women in Kirkuk"

**Mid-term Iraqi Women Network (IWN) report
reviewing the Concluding Observations of the CEDAW Committee
(February 2014 until the 1st of August, 2016)**

• **Introduction:**

The report's chapters were built in response to the Concluding Observation No. 60 by the CEDAW Committee, **where the Committee request from the Iraqi government's side to submit, within two years, a written report on steps and measures taken to respond to the recommendations included in the Concluding Observations (12 and 18).**

The Concluding Observations, of the CEDAW Committee, were issued after its 57th session on February 2014, in which the last government's report, submitted to the Committee at the end of 2013, was discussed, concerning Iraq's obligations to implement the CEDAW Convention, also in that session Iraqi CSOs presented the first CEDAW shadow report for Iraq since signing the convention back in 1986.

This report includes a review of the situation of Iraqi women under the status of lawlessness and control of ISIS gangs after an increase in the phenomenon of migration and displacement, in addition to the procedures and measures and legislation adopted to implement recommendations 12 and 18, and the civil society's observations on the government's report plus a number of activities run by IWN and some of its members during this period of time.

• **Summary of the humanitarian situation and the situation of women in Iraq and the role of CSOs:**

- 1. After 9 June, 2014, the areas that had fallen under the control of the terrorist organization ISIS** witnessed a huge displacement wave. The number of internally displaced persons in all parts of Iraq from 01/01/2014 until 26/05/2016 is 3,306,822 person¹, where women and children make up the vast majority of this number, the most heinous crimes of genocide and ethnic and religious cleansing crimes were committed against civilians, especially against women and girls, which may amount to genocide and crimes against humanity and war crimes, as pointed out by the High Commissioner for Human rights of the United Nations report released in March 2015. ISIS fighters practiced physical elimination and En Masse, as happened in the massacre of Spiker², Anbar, Hawija, Saqlawiya and other areas.
- 2. The displaced women and their families live in inhuman situations under harsh climatic conditions,** and acute shortages of basic services; no electricity, clean drinking water and sanitation services are provided, as well as the lack of restrooms, which are mostly shared between men, women and children. In addition to the risks the displaced women face, such as harassment and sexual assault, the lack of privacy for the displaced

¹ - <http://iraqdtm.iom.int> Briefing of international immigration organization 17th of June 2016

² Spyker massacre, carried out by ISIS, death by firing squad for nearly (2000) from the Air Force students at Spyker base in Salahadeen province on June 12, 2014, and threw the bodies of some in the river and some of them were buried alive.

due to overcrowding, low-income to the extent of destitution, reducing them to the level of begging sometimes, homelessness and sexual exploitation, not to mention the lack of medical services, especially for young women, and the scarcity of reproductive health services and medication, which led to the spread of certain types of diseases (such as measles, polio, cholera, skin diseases), which has become a threat to increase the suffering of women and their families.³

3. Members of Christians, Yazidis, Turkmen and Shabak minorities were subjected to a wide campaign of forced displacement

after ISIS gangs occupied the provinces of (Nineveh, Salahadeen and Anbar), which was followed by systematic inhuman and brutal treatment committed against women and girls such as killing, kidnapping, and selling them as (Sabaya: Women Captives as War Spoils) and forcing them to change their religion⁴, many are subjected to abuse, particularly rape and other forms of sexual violence⁵. Till this day⁶, the fate of thousands of women is unknown. These practices reflect a fundamental aspect of extremist ideology, particularly against religious minorities. It must be pointed out that the measures and actions taken to protect the survivors by the government or the international community, (the shelter, full medical services, and empowerment of the victims through education and psycho-social and economic support), is still inadequate and devoid of the methodology to heal the victim's wounds, and to address the effects of what they went through. Intervention took place by The International Organization for Migration and the German Humanitarian Admission Program, to provide support for more than 1000, benefiting women and children as those that were hit the hardest in the community. The victims were transferred to Germany for the purpose of receiving treatment and rehabilitation⁷.

4. In 2015 and until now, the government launched its attack, in order to liberate areas occupied by ISIS, most of the towns and villages of Salahadeen, Diyala, Kirkuk and Anbar have been liberated, the suffering of most civilians has increased because of the military operations, which led to an increase in the number of widows and injuries due to the acceleration of armed operations against ISIS in towns and residential areas.

5. With the liberation of Tikrit and most areas of Salahadeen/ the province, in 2015, the majority of the displaced families returned to their homes, and the local authorities helped the civilians to dismantle the explosives, and to remove the rubles of destroyed houses. Committees were formed in courts to estimate the damage inflicted on the citizen's possessions, yet without any financial allocations to them. Also, some international organizations contributed by giving monetary contributions and food aid and partial rehabilitation of a limited number of civilian houses. There is no tangible effect of the rehabilitation of Tikrit, and some of the areas of Salahadeen such as Baiji, Siniya, Sherqat

³ Consolidated Report to the operation room for the implementation of the Emergency Plan and CSOs for the year 2015, prepared with the participation of (Iraqi Al-Amal Association, the Organization of Women for Peace, Baghdad Women's Association, Iraqi Women's League, Hammurabi Organization for Human Rights, and Iraq Health Access Organization).

⁴ Arbil Declaration Regional Women's Security Forum on Resolution UNSCR 1325 in May 2015.

⁵ Amnesty report: Escape from Hell, torture, Sexual Slavery in Islamic State Captivity in Iraq, first edition Dec. 2014
<https://www.amnesty.org/ar/latest/news/2014/12/iraq-yezidi-women-and-girls-face-harrowing-sexual-violence/>

⁶ According to the latest Statistics registered at Directorate of the Yazidi Affairs in the Kurdistan Regional Government the number of abductees is estimated at about (6000), women constitute a large percentage of them. Based on the words of Hussein Core director of the office, (2593) people have been freed since the control Daesh on Sinjar in August 2014.

⁷ <https://www.iom.int/news/iom-iraq-german-humanitarian-admission-program-relocates-most-vulnerable-iraq-germany>

and Zawia are still not suitable to live in , which forced the residents of these areas to live in Tikrit⁸ .

- 6. Cautious procedures of displaced people returning to their homes** began in Anbar province, because of mines and explosives planted by terrorists in their homes, roads and farms, and the massive destruction, which exceeded 80% of the buildings and the infrastructure of the city of Ramadi⁹. On the other hand, major displacement of civilians continues on wide scales from Fallujah and the surrounding areas, to escape the oppression of ISIS and the indiscriminate shelling by the ongoing military operations. International Organization for Migration estimates the number of IDPs between 22nd of May to the 16th of June, 2016 by more than 68,000 displaced persons¹⁰. Also, the return of displaced people after the liberation of their areas is faced with problems and obstacles, such as revenge and tribal settlements of disputes¹¹ , in addition to the need for clearing the explosive remnants of war and the rehabilitation of infrastructure and government institutions.
- 7. The suffering of the civilian population under the control of ISIS in Mosul**, is worsening, they are losing their security, livelihoods and economic resource to support their families, not to mention the continuation of horrifying physical liquidation, detention, kidnapping and punishments such as flogging and amputation of hands, fines, forcing children and young people to join the ranks of ISIS, and using them in terrorist operations. At the end of July 2015, **ISIS, in Mosul issued execution lists for more than 2,000 persons, including 300 women**, whose bodies were not handed over to their families, and some have been burned and blown up while alive. Prior to that, the killing of many women among whom were doctors such as Ghada Shafiq and Maha Sabhan and Lamia Ismail and Ines Khatab, and the chief nurse Samar Ahmed Kassem, and lawyers such as Ibtihal Ali Hayali and Samira Saleh Al-Naimi and Najla Al Omari and Nihal Ibrahim and Zainab Waad and Rana Abdul Sattar, and teachers and academics such as Ashwaq Al Naimi and Hanaa Mohammed Fakhri Al-Baghdadi, and women working in the field of media, such as Maysaloon Al Jawadi , and politicians and candidates for the elections, and activists in CSOs, such as the Iman Mohammed Al Salman and Niran Ghazi Thanon and Hind Maaof and Nada Abdullah and Zina Al Anzi.¹²
- 8. Women all over Iraq are still suffering under the continuing conflict**, the increase of the influence of armed groups, the militarization of society, the absence of protection mechanisms, weak law enforcement institutions, and the reinforcement of tribal and religious customs and traditions, since women are more prone to physical assault and sexual and domestic violence, and the emergence of phenomena such as early and forced marriage, outside of the court and temporary marriages, abandonment, arbitrary divorce and women trafficking, and the so-called honor killings and the denial of education and employment. Also, women have become a price to settle tribal disputes, instead of being an active element in the resolution of conflicts and negotiations, as stressed in SCR 1325.

⁸ Iraqi Al-Amal Association report June 2016

<http://almadapaper.net/ar/news/512054/%D9%85%D8%AC%D9%84%D8%B3-%D8%A7%D9%84%D8%A3%D9%86%D8%A8%D8%A7%D8%B1-80-%D9%85%D9%86-%D8%A7%D9%84%D8%A8%D9%86%D9%89-%D8%A7%D9%84%D8%AA%D8%AD%D8%AA%D9%8A%D8%A9-%D9%81%D9%8A-%D8%A7%D9%84%D9%85>

¹⁰ Press Release of the International Organization for Migration in June 17, 2016 - <http://iraqdtm.iom.int>

¹¹ <http://almadapaper.net/ar/printnews.aspx?NewsID=492383>

¹² Iraqi Women Network report 2014 -2016

9. The Iraqi government approved, in April 2014, the **National Action Plan (NAP) of SCR 1325** integrated into the National Strategy for the Advancement of Women, which is not being implemented due to governmental, parliamentary and political internal conflict and changes, and not allocating a budget for it. And due to the pressure from a number of CSOs, the Iraqi Government approved on the 26th of May 2015 the Emergency Plan to implement the Action plan for 1325, arising from the aforementioned (NAP), taking into account the new situation, after ISIS terrorist invaded a number of provinces in Iraq on the 9th of June, 2014, and its results in the displacement of tens of thousands of families from their homes, and the subjection of many women and girls to extreme types of sexual violence, trafficking and captivity.
10. The Iraqi Government approved a **National Security Strategy**¹³ in 01/03/2016, which adopts the reform of the security system in Iraq. The strategy was based on the SCRs 2170 and 2178 in the fight against terrorism, but they do not refer to the adoption of specific mechanisms for the development of the role of women in the security establishment and to meet their needs in line with SCR1325 and the resolutions attached to it. Also, it did not rely on other national strategies approved by the government as references in the implementation.
11. **Canceling the State Ministry for Women's Affairs:** the governmental reform campaign of August 2015 included the canceling of the Ministry of State for Women's Affairs, thus missed the intergovernmental mechanism responsible for following up the implementation of national policies for the advancement of women. In this regard, (IWN) has provided a proposal for the introduction of the National Committee to Empower Women, as an alternative mechanism for the Ministry of State for Women's Affairs, combining representatives from the three authorities of the state, and CSOs, and the media, and Specialized Studies Institutions on gender and humanitarian studies, which work on the follow-up and monitoring the implementation of national policies to improve and develop the status of women, as well as raising social awareness of women's rights, and the importance of participation and empowerment politically, economically, culturally and socially¹⁴.

- **Laws, bills and regulations:**

1. In August 2015, **Political Parties Law No. 36 of 2015** was issued, women's organizations expressed their reservations and demanded to amend this law, through a memorandum dated September 2016, which was submitted to the three authorities of the state, concerning the fact that the law does not include a quota for women, when the political parties are formed nor within their organizational formations and leadership, since the phrase "taking into account the representation of women," was mentioned, which contradicts with the text of the Constitution and the law, which affirmed the election quota for women. Among its negative consequences is that this will lead to the continuation of the nomination of women for elections, who are not necessarily with background or history of participation in political activities, thus limiting the political empowerment of women, which is contrary to Iraq's international obligations, especially CEDAW, which provided for the adoption of temporary special measures in accordance with Article 4 and the general

¹³ Al Nahrain Center for Strategic Studies

¹⁴ Women memorandum concerning women's participation in political reform dated 2015/8/20

recommendation of the CEDAW Committee No. 25 (1), in addition to the Committee's recommendation No. 35 / b, and c to the Iraqi government. This is also contrary to what is stated in the (NAP) for 1325 approved by the cabinet, which requires an increase and active participation of women in decision-making and peace-building positions. A group of NGOs and individuals, filed a lawsuit in the Federal Court, January 2016, including, among other objections on the law, the issue that it does not include a quota for women in political parties.

2. **Labor Law No. 37 of 2015¹⁵** is a positive and progressive step towards limiting the phenomenon of sexual harassment against women in the workplace. Article (10 / I) stipulates; the prohibition of sexual harassment in employment and profession, both in terms of job search or vocational training or operating conditions or working conditions. As stated in the same article in (paragraph iii), the definition of harassment as: physical or verbal behavior of a sexual nature or any other behavior based on sex, that affects the dignity of women or men, and is undesirable and unreasonable and insulting to those it is directed toward, and leads to rejection or refusal on the part of the person subject to this behavior, explicitly or implicitly resulting in decisions affecting his/her job. This definition is very close to the international definition of sexual harassment. The punishment imposed on the perpetrator is according to article (11). The activation of the provisions in this regard, require the **Mechanisms and procedures** that ensure its application, in addition to raising the level of women's awareness of the importance of these legal rules which provide them with protection in the workplace.
3. **The Bill on Protection from Domestic Violence:** At the beginning of 2015, the Iraqi Government legalized the Bill and submitted it to the House of Representatives. And it became the responsibility of the Parliamentarian Committee on Women, Family and Child. The initial reading was conducted in one of the House of Representatives' sessions. Several Committees held dialogue meetings with law specialists and with CSOs, with the participation of UN specialized agencies such as UNDP, UNWOMEN and UNFPA, to discuss the Bill presented by the Iraqi government, most recently a meeting was held in July 2016, where a dialogue workshop was held in cooperation with the Commission for Women, Family and Child, at the initiative of the Iraqi Al-Amal Association, with the presence of 12 MPs (from both gender) and a number of specialists and activists, in which a compromise version of the bill was developed¹⁶. It was also agreed to continue their advocacy campaign and continue pressure on the various parliamentary blocs and mobilize the public opinion and the media, in the near future, for the purpose of lobbying for the Bill, and to contain the opposition, of some influential blocs and political figures within and outside of the House of representatives, to the Bill on the uncorroborated pretext that it includes provisions contrary to Islamic law, and seek to pass a coherent, clear and prudent Law, in line with the provisions of the Constitution and international HR conventions, to protect victims of domestic violence, including victims of sexual violence, protection and rehabilitation, and officially recognize the establishment of safe shelters for survivors of violence, lacking in Iraq, which is a pressing demand. It also ensures for the victims' access to justice without fear, and limits the phenomenon of impunity for perpetrators of domestic violence.

¹⁵ Iraqi official gazette no. 4386 dated 2015 /11 /9 <http://www.moj.gov.iq/view.1925/>

¹⁶ Iraqi Al-Amal Association press release for Beirut workshop July 2016 -<http://www.iraqi-alamal.org/ArticleShow.aspx?ID=539>

4. **Instructions for the residence card:** issued by the Ministry of Interior under the law regulating residential areas inside Iraq No. 95 of 1978, as amended, women are still deprived from obtaining a residence card if she is unmarried and lives alone. The Instructions gives women, whose both parents are dead, or a divorced woman the right to get a residence card, while it does not permit unmarried or abandoned women that live alone, to obtain a residence card. Note that the text of the law does not contain discrimination between women and men, as it ensures that an eighteen years old Iraqi citizen who lives alone shall be treated as a head of a family, when forming the residence card. It should also be noted, that the government authorities demand a residence card as an essential document to commence with any official procedures, and therefore, there are many documented cases where women are denied the right of getting a residence card and the denial of other rights, such as issuing a passport or getting pension salary or receiving loans etc....

- **Rape and abortion crimes**

1. ISIS extremist organization, systematically committed, in areas dominated by them, particularly in Mosul and Anbar, the abductions and capturing of Yazidi women and girls, as well as others (Turkmen an, Christians and Shabak¹⁷). A number of Yazidi women detainees managed to escape, their number is estimated by (900) girl and women¹⁸, and they are undergoing severe psychological suffering, leading to the suicide of a number of them, because of what they experienced such as rape, sexual assault, sexual slavery and forced marriage, and the resulting pregnancies and miscarriages, which has impacted their health badly.

- One Yazidi victim was only nine years old; she was raped and became pregnant. She died during giving birth, due to uterine rupture. The doctors were unable to provide her with the necessary medical help, whether through natural birth or a caesarian operation, due to the difficulty of her case.
- A young woman, age 23 years old, escapes from ISIS being 5 and a half months pregnant, she could not have an abortion since her pregnancy was already advanced, so she gave birth naturally, I was with her in the operation room, I shall never forget her screaming ‘‘ what has ISIS done to me!’’
- There are many other cases of pregnancy, where abortions are demonstrated secretly, and after the operation is preformed, the girls do not receive any psychological treatment at all.¹⁹

¹⁷ http://www.pukmedia.com/Chap_RastBoChep.aspx?Ziman=AR&Jimare=53725#

¹⁸ <http://alnadapress.com/ar/NewsDetails.aspx?NewsID=47108>

¹⁹ Interviews by Yazidi activist Huwaida Mahdi

2. Since Iraqi Penal Code No. 111 of 1969, criminalizes abortion, safe and legal abortion services for cases of rape and pregnancy out of wedlock ²⁰are not available, which forces women to resort to illegal abortion, without medical supervision, endangering their lives. This requires changing laws and policies to provide the necessary protection for women and girls who have been subjected to sexual violence, and those who wish to terminate their pregnancies, especially that abortion in such a case is not an offense, it is a better solution from a humanitarian standpoint, it frees them from the risk of suicide and the sense of shame, providing that they also receive the necessary care due to the problems they experience (psychological, social and health), and to strive to alleviate their suffering and compensate them for the oppression and injustice they have suffered on the hands of ISIS.
 3. Not only minority women were victims, CSOs gathered information about forced marriage of a numbers of Muslim girls and young women to ISIS members, in the governorates of Anbar, Nineveh and Kirkuk, and cases of rape and sexual assault. If one of them showed any refusal or resistance, she is subject to severe harm that causes constant bleeding or abortion or permanent harm to her spine, and is in a very bad psychological condition. Also, many of the young women in these regions faced charges of adultery or blasphemy or apostasy, espionage or magic or lack of commitment to the Islamic dress code, and faced death sentences, by slaughtering or shooting or stoning, and in other cases the accused is punished by flogging or fine, or both.
 4. It is important to mention that many of the women married to members of ISIS have been widowed and therefore are forced to remarry the brother of the killed member or any other (jihadist) member. Worse of all, is that a number of women married to terrorists are haunted by death threats "Honor killings" by relatives and clan members. They are also constantly worried about the fate of their children who do not have personal documents.²¹
- **Civil Society observations on the government's report:**
 1. **The government's report lacked data and recourses;** it also mentioned information that had already been used in the government's report to the CEDAW Committee in 2012.
 2. **The widening gap between men and women in the security sectors and corps:** It is noted that the participation of women in the security sector, especially the police is more than their participation in the military force, and they are working as a police women or security guards. There are small numbers of officers in lower positions of decision-making in the security establishment, practicing mostly administrative and office jobs, not being involved in security training and rehabilitation programs, because of the prevailing outlook in the community, of not accepting the presence of women in the security sector.
 3. The report noted that the Iraqi government formed a committee headed by the Ministry of Justice to prosecute the perpetrators of crimes, according to Article 5 of **the International**

²⁰ Iraqi women's suffering under the rule of ISIS – Human rights watch April 2016 <https://www.hrw.org/ar/news/2016/04/06/288458>

²¹ Iraqi Al-Amal Association report July 2016.

Criminal Court system (ICC), as its members it includes the State Ministry for Women's Affairs, the Ministry of Human Rights, the Ministry of Foreign Affairs, the Secretariat of the Council of Ministers and the Supreme Commission for Human Rights. According to the available information on this committee, it was on a specific mission to provide the study to the Council of Ministers to consider the possibility of Iraq's joining the Rome Statute of the ICC. Sufficient data about its findings on the prosecution of the perpetrators of crimes and the extent of communication with the (ICC) were not available. The role of CSOs was clearly absent. The civil society was able to document and monitor the forms of violence and impunity that has been practiced by ISIS.

4. The report mentioned, the **opening of 25 centers** in order to provide psychological help, yet no indications were noticed concerning the results of this effort, or the nature of the offered services, or the numbers of women who benefited from this help.

The first topic / Women, peace and security (Concluding Observation No. 12)

A. National Reconciliation

1. Under the presidential order, issued on 31/12/2015, the formation of a new national reconciliation committee was announced. The Committee consists of six members (all of them are men), based on the agreement of the three authorities of state, which demonstrates the lack of political will among decision-makers to recognize the role of women as a creative force in the process of peace and security building, and the persistent policy of marginalization and exclusion of women, in contradiction to SCRs 1325 and 2242 which affirmed the importance of women's participation in the development of national strategies to combat terrorism and extremism.
2. The National Reconciliation Committee did not adopt, within its declared program for the year 2015, the (NAP) for 1325, nor the Emergency Plan as national references in the implementation of its program. The Committee has organized a number of national conferences and meetings²², yet women did not engage in presenting working papers, and the invitation was extended to a very limited number of women, and the discussions did not address the role of women in national reconciliation.
3. Women's bureau in the National Reconciliation Committee is only represented by one female employee who does not have specific tasks nor active powers. Resolution 1325 Committee was also formed as part of the National Reconciliation Committee, associated with the Operation Room of the Emergency Plan for 1325 and it is headed by a man, with a title of director general.

²² Public opinion makers in 16th of Sep.2015 , a conference about establishing a coexistence network and civil peace 12 March 2016
http://www.iraqnr.com/Home/?page_id=46

4. After several deliberations between the women's organizations, (IWN) issued a statement in February 2016 under the title "Proposals for a national reconciliation program," which included ten proposals in this regard²³.
5. During the past months more than one meeting was held with officials in the National Reconciliation Committee, by women organizations, in order to discuss ways to activate the role of women in the National Reconciliation Committee, yet unfortunately they still maintain an exclusion and marginalization approach.

B. National Action plan to implement resolution 1325

1. (NAP) for 1325 was drafted, in partnership, between CSOs and governmental and parliamentary parties. It included six pillars, the most important of which is the amendment of discriminatory laws and VAW, and allocating an estimated budget for 4 years. When the plan was passed in April 2014 by the government, the two pillars mentioned above were removed, without consulting with the partners who drafted the plan. It could be argued that the plan was stillborn due to the absence of financial allocation.
2. (NAP) included the articles contained in resolution 1325 (protection, participation, and awareness of the decision, and acquiring support and resources), while the rest of the pillars were neglected, such as preventing and recovery. The (NAP) also neglected the rest of the SCRs annexed to 1325: 1820 (2008) and 1888 (2009) and 1889 (2009) and 2122 (2013). It was also noted the absence of an executive program of work for the plan.
3. The Emergency Plan for 1325, which was ratified by the government at the end of May 2015, as a fast response to the needs of women after ISIS invasion of Nineveh province and other areas of Iraq, and to the impact of the captivity of Yazidi women and the sexual violence against them, and the wave of massive displacement, especially the minorities. The Emergency Plan focused only on the two pillars of participation and protection as a priority, and as an urgent stage demand, and also neglected SCRs attached to 1325, in particular those relating to the punishment of the perpetrators of crimes against humanity and against women, and the plan did not contain a program of work and a time frame.
4. Minimal relief and emergency aid was provided for the displaced by the Iraqi Government, Kurdistan Regional Government, UN agencies and International NGOs, and with the continuation of military operations, aid and government services diminished greatly, because of the government's financial deficit as a result of the declining oil revenues, as well as rampant corruption in relevant governmental institutions. Also, international aid does not meet the needs of the huge numbers of the IDPs.
5. For women and girls' victims, the vast majority of their special needs were not provided, also health services are scarce, in terms of providing the necessary treatment medicines, it does not commensurate with the magnitude of the medical cases, injuries and trauma they

²³ Suggestions (IWN) regarding the national reconciliation program , Feb. 2016

have suffered. It should be noted that the announcement of the Ministry of Labor and Social Affairs in the month of June 2016, according to which 1226 Yazidi women, who survived ISIS, were included in a program of social aid, and smart cards were issued for them²⁴. These inclusion measures happened after conducting field visits by CSOs and the Department of Women's Welfare in the mentioned ministry, the Office of Human Rights Commission to the displacement camps and shelters. Note that the monthly subsidy under this program does not exceed \$120 per woman.

6. The Emergency Plan included the formation of a chamber, to be implemented by a number of official bodies and a number of CSOs and international agencies, yet did not include a specific budget, relying on donations from the international development funds, and what can be provided by relevant official bodies from their financial allocations, specified for other operational activities.
7. Only once, the Chamber met during the month of July 2015. In August 2015 the Ministry of State for Women's Affairs was canceled as part of the amendments made by the Prime Minister on his cabinet. This led to a complete paralysis in the work of the Chamber of the Emergency Plan of 1325.
8. The General Secretariat of the Council of Ministers reactivated the Chamber in the implementation of 1325 for the purpose of gathering information and data²⁵ relating to the final recommendations 12, 18 in order to prepare a mid-term report about them and submit it to the CEDAW Committee. The team consists of four people from the Ex-Ministry of State for Women's Affairs staff, previously known as the Chamber of Emergency Plan for 1325, headed by a man with the membership of two other men and a woman. We, as CSOs, have not witnessed the team's seriousness to implement the plan.
9. Despite the tense security situation and the lack of resources and sources of support, CSOs worked to provide some of the basic needs for the IDPs in the framework of the Emergency Plan of 1325. In the fields of legal support, monitoring and follow-up of cases of victims of domestic violence and sexual violence, prevention, education, vocational and economic empowerment and providing job opportunities. In addition to the provision of health services (vaccinations, periodically checking, emergency, and providing treatment), and providing humanitarian aid (food, clothes, mattresses, blankets and hygiene kits), and strengthening the role of women in the fight against terrorism, extremism and building civil peace, reconciliation and social cohesion²⁶.
10. Also, the federal budget for the years 2014, 2015, 2016 did not include gender response to the plan, and this indicates the existence of obstacles facing the implementation of policies relating to women, such as the National Strategy to Combat VAW, the National Strategy

²⁴ The Ministry of Labour and social affair site – addition date 2016/6/9

²⁵ Letter of the general secretariat No. m.r.o. 513 /26/ م.ر.و. رقم dated 2016 /1 /12

²⁶ Consolidated Report to the operation room for the implementation of the Emergency Plan and CSOs for the year 2015, prepared with the participation of (Iraqi Al-Amal Association, the Organization of Women for Peace, Baghdad Women's Association, Iraqi Women's League, Hammurabi Organization for Human Rights, and the Iraq Health Access Organization).

for the Advancement of Women, and the (NAP) and the Emergency Plan for 1325. Also, it stresses that women's issues are not a government priority, despite the Prime Minister's pledge, when forming the new government in September 2014, to set the strategic priorities of the proposed government program from 2015 to 2018 to work on the implementation of sectoral strategies adopted by the former government.

11. During the previous period, a number of training programs were organized concerning the gender responsive budget of a number of ministries in cooperation and coordination with local and international CSOs.²⁷

The second topic / the constitutional framework and discriminatory laws and Concluding Observation No. 18:

a. The Constitution Amendment Committee

1. The Committee was formed in the parliamentary session 2005-2009, which submitted its report in 2007 to the parliament, but the vote had not been done, as provided by the Constitution. In the subsequent parliamentary session 2010-2014 political blocs failed to agree on activating the work of the Committee to amend the constitution, and did not succeed in completing the binding constitutional amendments because of the worsening differences between them. Thus Article 41 of the Constitution on personal status remained suspended without reaching a final decision. And the case continues in the current parliamentary session 2014-2018.
2. In reality, CSOs monitored a number of family courts that violate the Personal Status Law No. 188 of 1959 as amended, and filed a complaint to the Chief of the Supreme Judicial Council, in direct meetings with him, he expressed sympathy with the complaint and promised to follow-up, but did not put an end to these violations.²⁸

b. Jafari personal status law:

1. Shortly after the official Iraqi NGOs delegation returned from Geneva, after attending a discussion of Iraq reports by the CEDAW Committee in February 2014 session, the government approved passing the Personal Status Jaafari Bill to the House of Representatives to discuss it, which caused a huge uproar from the public opinion in general, and among CSOs in particular. (IWN) issued a statement on the 2nd March, 2014, under the title "No to the sectarian Bill, insulting the dignity and rights of women." The statement pointed out the questionable and objectionable timing of the decision, shortly after Iraq discussed the report before the CEDAW Committee in Geneva on the 18th of February, where Article 41 of the Constitution and the Jaafari Personal Status Bill, caused the Committee's reservations, due to its consolidation of discrimination against women and its contradiction with the principle of equality and non-discrimination stated in Article 14 of Iraq's Constitution. Also, the timing of the announcement, concurrent with the celebration of International Women's Day, reinforces consecration of injustice and abuse

²⁷ Iraqi government report to CEDAW Committee about the two concluding 12 , 18 CEDAW/C/IRQ/CO/4-6/Add.1
26 May 2016

²⁸<http://www.iraqja.iq/view.2681>

against women and children, who form two-thirds of the society and the absence of a political will to recognize women's rights and participation in decision-making. The statement rejected this dangerous project, and aimed to veto it. A number of events - demonstrations, conferences, interviews, a memorandum of collecting signatures and briefings were organized. The event coincided with the International Women's Day, and women's organizations adopted for its campaign the slogan "Iraqi women in mourning." Also a book titled "Opinions on the Jaafari Personal Status Bill²⁹ " was published, it included two studies, the first study analyzed the bill from a legal and doctrinal standpoint, and the second study, discusses the issue from a psychological and social standpoint. In addition, some films about girl's marriage phenomenon have been produced³⁰. A lobbying campaign in the Parliament against the enactment of the law has been carried out. The campaign gained votes from a number of moderate clerics and government figures, including the Minister of State for Women's Affairs.

2. As a result of the national and international pressure, the government issued another decision on the first of April 2014 to withdraw the Bill, noting the postponement of its consideration until after the scheduled elections on the 30th of April 2014. After two years of the new government formation, the government has not discussed the bill yet, but some officials issued statements renewing the call for the enactment of the Bill. Women's organizations have also renewed their call to the government to totally drop the bill from the agenda, especially with the presence of a judicial practices that are disrupting the implementation of the provisions of the Personal Status Law No. 188 of 1959, through overlooking marriage contracts outside the court, which are formed by the clergy without reference to courts in the cities and rural areas ³¹, and in many cases, both spouses are minors, which ultimately leads to denying their children from obtaining official documents, thus depriving them of health services provided by the State, as well as school enrollment.

c. The amendment of the criminal code

1. The Penal Code No. 111 of 1969 and the Code of Criminal Procedure No. 23 of 1971 are still in force, and did not undergo any change so far in line with the direction of the National Strategy for the Advancement of Women, the need to amend the Criminal Code, and the preparation of an equal legal environment³², as well as the recommendation of the CEDAW Committee No. 18 to cancel or modify specific articles in these two laws because of the discrimination and prejudice to the dignity of women that these articles include .
2. The past two years have witnessed a remarkable rise of the so-called honor crimes, the phenomenon of women suicide, and women trafficking, and the phenomenon of "of giving a woman away to another tribe as a settlement for disputes"³³ . The perpetrators of these crimes and practices are often not reached by the hands of justice, and if they are caught, the sentences are often very light, ranging from several months to a few years in prison.

²⁹Statement of the (IWN) delegation meets with Chief of the High Judicial Council in 2015/1/22

³⁰ Iraqi Women Journalists Forum – Scream Film <https://www.youtube.com/watch?v=YqZJfDVpfcQ>

³¹<http://www.alsumaria.tv/news/166675/alsumaria-news/ar>

³²National Strategy for the Advancement of Women - the first outcome legislative and legal advocacy environment for women p. 59

³³50 women were a price to settle a dispute between two clans in the north of Basra in the first half of 2015

Women remain captives of the legislation that does not respect their dignity, and they lack protection, fairness and access to justice.

d. Instructions regarding passports

(Article 5) of the instructions of the Ministry of Interior ³⁴states that every Iraqi male or female who reached the age of eighteen years old has the right to obtain a passport without need of permission from a guardian. But the reality indicates that the practices still require the need to obtain parental consent for women under 45 years of age, and in particular, the unmarried women. And often the personal mood of the civil servant/officer determines whether to accept or refuse to grant the passport under various pretexts..³⁵

e. The Jurisdiction over child in the civil law

The Iraqi Civil Law No. 40 of 1951 deprives the mother from the right of jurisdiction over her child. In Article 102, where it states: (The jurisdiction of a child is his father, then the father's guardian, then his grandfather then the grandfather's guardian then the court or the guardian that the court appoints). In this text it is obviously denying the role of the mother, which is impermissible. How can the law prefer, for example, the guardian of the father and guardian of the grandfather to the mother of the child - who may be the guardian if the court approves-, while we believe that the mother should be preferred to others (as stated in the Personal Status Law, which granted custody to the mother), or the law leaves the matter to the court to assess the child's best of interest. Also, the welfare of Minors Act should be amended, which considered the father as the jurisdiction of the minor by the law, and it is considered authentic³⁶ according to the provisions of Article 27, which stipulates that (the guardian of a child is his father, then the court). This act should be amended to be consistent with women's rights and men's rights in jurisdiction and guardianship. This article is clearly inconsistent with Article 14 of the Constitution, which recognized equality without discrimination as it is inconsistent with Article 2 / B and C, and Article 16 / from CEDAW.

Recommendations

The progress achieved in regards to the implementation of the CEDAW Committee's recommendations 12 and 18 is considered very weak. This assessment applies to the rest of the final recommendations/ COs of the CEDAW Committee for the State of Iraq, therefore we address your esteemed committee to monitor the Iraqi Government's implementation of the recommendations, and to urge them to take serious and fast steps and temporary measures to accelerate the bridging the gap of gender based discrimination, and seriously work towards activation and consideration of the following:

- The Implementation of the (NAP) and the Emergency Plan for 1325

³⁴ Ministry of Interior http://www.iraqnationality.gov.iq/central_information_ar.htm

³⁵ An example: In July 5, 2015, the Nationality Directorate for passports in Najaf refused to grant passport to the activist Intissar Mayali under the pretext that the personal photo of her not wearing hijab, forcing her make a complaint to the authorities in charge, the passport was issued in Baghdad.

³⁶ <http://www.iraqia.iq/view.2915>

- The Concluding Observations of the CEDAW Committee's for Iraq 2014, particularly the COs for amending legislation.
- Formation of a national body to empower women according to CO 19 concerning the alternative national mechanism for the Ministry of State for Women's Affairs.
- Dismiss the crimes committed against women and punishment against the perpetrators, from Pardons decisions which usually based on political deals within the national reconciliation program, and work on redress for women victims and their rehabilitation
- Amend the Penal Law No. 111 of 1969, ensuring the cancelation or amendment of any discriminatory article, as stated in CO 18.
- Expedite the legislation of the Law on Protection from Domestic Violence.
- Criminalization of FGM. The Parliamentary Committee for Women, Family and Child has a draft bill to criminalize FGM.
- **The activities of IWN and NGOs**

After the return of the Iraqi Women Network (IWN) delegation from the Geneva meeting, among the most notable activities during this period to follow-up the implementation of CEDAW Committee's COs, were:

1. Publishing two books in Arabic and English, which include the general recommendations of the CEDAW Committee and the CEDAW shadow report for CSOs and the text of the CEDAW and the Optional Protocol.
2. Participation in the presentation and the discussion conference of the CEDAW Committee's recommendations - Implementation mechanisms and follow-up, which was organized by the UN Women in Baghdad on April 2, 2014.
3. In the period between Octobers - November 2014, IWN conducted four provincial training workshops on monitoring and follow-up mechanisms for the implementation of CEDAW, where 84 activists (male and female) participated in them. Each workshop lasted for three days, preceded by a TOT workshop for three days, attended by 20 trainers (male and female) from various provinces.
4. IWN launched at the beginning of 2015 the monitoring report of CSOs about 1325 in Iraq for the year 2014, which was presented in more than one international forum.
5. Organizing two workshops in Erbil conducted by Arab and Iraqi experts during the period from 29 August to 4 September 2015. The first was about the legislative process and management skills that were attended by 27 female MPs, and the other on gender integration in the public policies attended by heads of Gender Units in the Iraqi ministries.

6. Organizing the Women's Security Forum on Resolution 1325 for the Middle East and North Africa (MENA) region in Erbil on May 10-11th, 2015, under the title: "Women's resistance against extremism and terrorism and their struggle for their rights and for peace and security"³⁷. It was attended by more than 180 personalities, including representatives of women's organizations from six Arab countries. As well as cooperation with UNAMI in Iraq in holding a National Conference to Empower Women to address the impact of terrorism, in August 2015³⁸. Both conferences had aimed to highlight on the plight of women in the region in light of conflicts and wars, and enhancing the role of women in the fight against terrorism, extremism, building civil peace, reconciliation and social cohesion and focusing on the implementation of (NAP).
7. In September 2015, the Iraqi Women Journalist's Forum (Iwjf) released the results of a poll on **the phenomenon of harassment of women**, results were **published in the media, and formally presented to the Committee of Women, Family and Child as part of the advocacy campaign to amend the criminal code and to speed up the enactment of the law on protection from domestic violence.**

The poll included that 77% of women subjected to violence, and that 84% of samples of study confirmed that men practice violence more than women. And 63% of them confirmed their psychological and physical disabilities due to exposure to violence. And 92% of those beaten did not complain to the police because of fear of family and social reputation consequences.

As for **Why the spread** of this phenomenon, 78% **indicated that the deterioration of the security situation** and lawlessness, and 70% of answers blamed **the economic situation and the high incidence of poverty and the reluctance of young people from marriage**, and 69% referred cause to **discrimination based on gender in State institutions**, and 60% said that **the adoption of the Ministry of education gender segregation clearly had an impact on the rise of this phenomenon**, as well as 49% of the women in the study, **indicated that sectarianism have some impact on the rise of rates of harassment.**

Answering question **about solutions** to the phenomenon of domestic violence, 43% **responded that there should be a law to punish the harasser, and modify the Iraqi Penal Law 111 of 1969 to repeal provisions that include violence and discrimination against women**, and 36% **confirmed the importance of media sharing information and awareness**, as in sharing TV channels phone numbers to contact and report incidences, and 21% **suggested other solutions such as compulsory education and changing curricula**, and adapting **methods of civic education and enlightened religious education.**

8. Iraqi Firdaws Association carried out during 2015/2016 a large campaign to limit abuses and malpractices in the name of religion and tribal traditions practiced against women in the province of Basra. Among these practices are: "Fassliya"-offering women as a price to settle tribal disputes, forced marriages, marriage outside the court and the norm of

³⁷<http://www.iraqia.iq/view.2915>

³⁸ The summary paper for the National Conference and the most important final recommendations

“Nahwa”- the right to forbid marriage of a woman by her cousins/who are eligible to marry the woman instead. Firdaws Association carried out a variety of activities and events, holding large meetings which included dozens of tribal elders and clerics, representatives of the legislative and executive branches in the province of Basra, as well as activists in human rights and women's rights. The outcome of these activities was signing a tribal covenant document between tribal leaders and Firdaws Association to reduce the phenomenon of VAW, which included disapproval and condemnation of all forms of VAW, and they expressed their commitment to support the rule of law to resolve disputes, and to refrain from the practice of using the woman as a sacrifice to resolve tribal and clan conflicts.

9. IWN organized in 14/03/2016, a discussion panel with the advanced Cadre of the National Security Establishment (general directors and their assistants), on the contents of SCR1325 and its implementation mechanisms within the national framework, in order to increase the awareness of employees in the security institutions concerning the specificity of the situation of women in conflict and to ensure the protection and commitment to women's and girls' human rights through the adoption of a comprehensive national policy for the implementation of the SCR1325.

For follow up with Iraqi Women Network/International Women Rights Mechanisms and Protection Watch team in Iraq team:

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