



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND
www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org – cedaw@ohchr.org

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Excellency,

In my capacity as Rapporteur on follow-up on concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honour to refer to the examination of the seventh periodic report of Iraq, at the Committee's seventy-fourth session, held in October and November 2019. At the end of that session, the Committee's concluding observations ([CEDAW/C/IRQ/CO/7](#)) were transmitted to your Permanent Mission. You may recall that in paragraph 48 on follow-up to the concluding observations, the Committee requested Iraq to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 14 (a), 16 (b) and 40 (a) of the concluding observations.

The Committee welcomes the follow-up report received in December 2021 ([CEDAW/C/IRQ/FCO/7](#)) under the CEDAW follow-up procedure. At its eighty-first session, held in February 2022, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 14 (a)** of the concluding observations, urging the State party to **“repeal article 41 of the Constitution, in which it is currently stated that ‘Iraqis are free in their commitment to their personal status according to their religions, sects, beliefs or choices, [as] regulated by law’, with the aim of guaranteeing equality between women and men, in line with the Convention and article 14 of the Constitution”**:

The Committee notes the establishment of a special committee for constitutional amendments by the Council of Representatives, which reviews article 41 of the Constitution and holds consultations with stakeholders. However, it regrets the absence of information on a concrete timetable to repeal article 41.

The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation has been **partially implemented**.

The Committee notes that the information provided by the State party is thorough and extensive, but it fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.

The Committee recommends that, in relation to **paragraph 14 (a)** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

Repeal, without delay, article 41 of the Constitution, in which it is currently stated that “Iraqis are free in their commitment to their personal status according to their religions, sects, beliefs or choices, [as] regulated by law”, with the aim of guaranteeing

H.E. Mr Abdul-Karim Hashim Mostafa
Permanent Representative

Email: orgs.genpm@mofa.gov.iq

equality between women and men, in line with the Convention and article 14 of the Constitution.

In relation to the recommendation made in **paragraph 16 (b)** of the concluding observations, urging the State party to **“restore the Ministry of Women’s Affairs and provide it with a clear ministerial portfolio and mandate to promote and protect women’s rights and advance gender equality, allocating adequate human, technical and financial resources to it, enhancing its capacity to influence the formulation, design and implementation of public policies on gender equality and strengthening its coordination and oversight role in the preparation and implementation of legislation in the field of gender equality and in mainstreaming gender perspectives into all laws and policies”**:

The Committee notes the information provided by the State party that the Department of Women’s Empowerment, a Cabinet department, assumed the responsibilities of the Ministry of State for Women’s Affairs. It also notes the establishment of the National Council for Women’s Affairs. While the Committee notes the information provided by the State party, that the ‘...Department has been able to avoid the negativity that accompanied [...] the Ministry of State for Women’s Affairs...’ and that ‘the current institutional structure ensures that the work of the Ministry of State for Women’s Affairs (defunct) continues’, the Committee regrets the absence of information on whether the mandate and portfolio of the Department is fully comparable to the former Ministry’s and which steps the State party has taken to ensure that a Ministry is in charge of women’s rights and gender equality. The Committee is, further, concerned about the absence of information on the human, technical and financial resources allocated to the Department of Women’s Empowerment, whether these are comparable to those of the former Ministry of State for Women’s Affairs and whether they allow the Department to influence the formulation, design and implementation of public policies on gender equality and to assume a coordination and oversight role in the preparation and implementation of legislation in the field of gender equality and in mainstreaming gender perspectives into all laws and policies.

The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation has been **partially implemented**.

The Committee notes that the information provided by the State party is thorough and extensive, but it fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.

The Committee recommends that, in relation to **paragraph 16 (b)** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

Strengthen its efforts to restore the Ministry of Women’s Affairs and provide it with a clear ministerial portfolio and mandate to promote and protect women’s rights and advance gender equality, allocating adequate human, technical and financial resources to it, enhancing its capacity to influence the formulation, design and implementation of public policies on gender equality and strengthening its coordination and oversight role in the preparation and implementation of legislation in the field of gender equality and in mainstreaming gender perspectives into all laws and policies.

With regard to the recommendation made in **paragraph 40 (a)** of the concluding observations, urging the State party to **“ensure the safe return of internally displaced women and refugee women to their homes and their participation in the reconstruction of their communities”**:

The Committee welcomes the information provided by the State party on the adoption of the Yazidi Female Survivors Act (No. 8 of 2021) and of the national plan for returning persons to their areas of origin of 16 March 2021, as well as on the assistance provided under the Ministry of



Migration and Displaced Persons Act (No. 21 of 2009). It also takes note of the information shared on the type of assistance provided under each Act and under the national plan, and the statistical data shared in its report on the number of returns, on grants to returning families, on the provision of housing and on income-generating projects. Nevertheless, the Committee regrets that this data is not disaggregated by gender and other relevant factors. It further expresses concern about the lack of information on how many women and girls, particularly women and girls allegedly belonging to ISIL, have been able to return safely, were allocated plots of land under the Yazidi Female Survivors Act, were able to construct homes on the land, and received other types of support, such as through rehabilitation services, income-generating activities and material and in-kind assistance. Further, while welcoming the State party's efforts to resolve tribal disputes and ensure reconciliation in the areas of origin and to enable women to play a role in these processes, the Committee regrets the absence of information on the participation of women in these efforts and whether they ensure safe return.

The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation has been **partially implemented**.

The Committee notes that the information provided by the State party is thorough and extensive, but it fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **satisfactory**.

The Committee recommends that, in relation to **paragraph 40 (a)** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

Accelerate the safe return of internally displaced women and refugee women to their homes and their participation in the reconstruction of their communities.

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

Yours sincerely,

Louiza Chalal
Rapporteur on follow-up
Committee on the Elimination of Discrimination against Women