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# GENDER PROFILE – IRAQ

A situation analysis on gender equality and women's empowerment in Iraq

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From  
the People of Japan

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# ACRONYMS AND ABBREVIATIONS

<b>BWA</b>	Baghdad Women Association
<b>CEDAW</b>	Convention on the Elimination of all forms of Discrimination Against Women
<b>CRC</b>	Convention on the Rights of the Child
<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>FGD</b>	Focus group discussion
<b>FGM/C</b>	Female genital mutilation/cutting
<b>GBV</b>	Gender-based violence
<b>GDI</b>	UN Gender Development Index
<b>IDPs</b>	Internal displaced people
<b>ILO</b>	International Labor Organization
<b>IOM</b>	International Organization for Migration
<b>INAP</b>	Iraqi National Action Plan
<b>IPU</b>	Inter-Parliamentary Union
<b>IQD</b>	Iraqi Dinar
<b>ISIL</b>	Islamic State in Iraq and the Levant
<b>KIIs</b>	Key informant interviews
<b>KRG</b>	Kurdistan Regional Government
<b>MENA</b>	Middle East and North Africa
<b>PHCC</b>	Primary healthcare center
<b>SDR</b>	Secondary data review
<b>UNAMI</b>	United Nations Assistance Mission for Iraq
<b>UNFPA</b>	United Nations Population Fund
<b>UNDP</b>	United Nations Development Program
<b>UNICEF</b>	United Nations Children’s Fund
<b>UNSCR</b>	United Nations Security Council Resolution
<b>UN Women</b>	United Nations Entity for Gender Equality and the Empowerment of Women
<b>VAWG</b>	Violence against women and girls
<b>WPS</b>	Women, Peace and Security

# EXECUTIVE SUMMARY

Years of repression caused by a strong conservative culture, economic sanctions and armed conflicts have led to deterioration in the lives of women in Iraq and an associated loss to the country, since women are marginalized and unable to contribute fully economically, socially and politically. Iraqi women today suffer from insufficient educational opportunities and healthcare and limited access to the labor market, as well as high levels of violence and inequality. These conditions are often exacerbated by misconceptions of traditions, by cultural and social norms, by false perceptions and a lack of awareness of women's rights and potential, as well as institutional and legal barriers. Violence and lack of security and stability constrain Iraqi women and girls to traditional reproductive roles, limiting their access to employment and education.

Iraq is currently in the wake of a new political context characterized by the planning for the post-ISIS recovery and reconstruction phase, the recent May 2018 parliamentary elections, and the development of the Iraq vision 2030. This changing context requires a comprehensive overview of the progress, challenges and the potential opportunities to advance gender equality and focus attention on the specific needs of women and girls.

To analyze the challenges and the potential strategies to advance gender equality in Iraq in a context of transition from humanitarian to recovery and development programming, UN Women and Oxfam commissioned the development of a country gender profile between December 2017 and June 2018. The study was part of the "Safe Access to Resilient Livelihoods for the Conflict-Affected Women in Iraq" program and was funded by the government of Japan. This profile aims to map out the gender gaps in the political, legal, health and economic sectors, to identify opportunities to meet gender equality and women's rights goals, and to support governments, international donors and agencies to develop gender-sensitive policies, budgets and programs for long-term impact.

The methodology combined a secondary data review (SDR) with primary data collection by means of key informant interviews (KIIs) and focus group discussions (FGDs) undertaken with 50 individuals, representing 35 organizations or institutions in two locations: Baghdad and Erbil.

This gender profile highlights the status of women's rights in Iraq and describes the needs, challenges and opportunities in relation to each of its thematic sections: an analysis of the national framework and policy; women's leadership and political participation, including the Women, Peace and Security Agenda; women in the economy; violence against women and girls (VAWG); health services, including maternal health; women's access to justice; social status; and access to ICT and information.

# INTRODUCTION

## Country profile: Iraq

Iraq has an estimated population that exceeds 39 million.<sup>1</sup> Iraqi women comprise half of the total population and head one in ten Iraqi households, 80 percent of these are widows.<sup>2</sup> Some 71 percent of Iraqis live in urban areas and 13 percent of these urban households have more than ten occupants.<sup>3</sup> Iraq is one of the most youthful countries in the world; nearly 58.71 percent of the population are under 24 years old (11,736, 897 males and 11,217, 392 females).<sup>4</sup> Iraq's population is composed of several ethnic and religious minorities, including Christians, Kurds, Turkmens, Assyrians and Yazidis. According to Minority Rights Group International, approximately 96 percent of the country is Muslim.<sup>5</sup>

Over the last few decades, the people of Iraq have suffered the consequences of economic stagnation and reduced access to essential services due to wars, sanctions and conflicts. A decade-long war, coupled with years of sanctions and invasions, took its toll on Iraqi women and girls. Between the 1960s to the 1980s women and girls witnessed greater access to education, healthcare and employment, but their conditions began to significantly deteriorate with the Iran–Iraq war (1980–1988).<sup>6</sup> Sanctions imposed by the United Nations after the First Gulf War in 1991 brought further problems for the Iraqi people, and during the US-led 2003 war,<sup>7</sup> women saw their position and security deteriorate even more. The rise and rule of the Islamic State in Iraq and the Levant (ISIS) from 2014 to 2017 over significant territories of the Iraqi state exacted a very high cost on society in general with women suffering from direct as well as indirect violence and restrictions.

Iraq's economy is mostly state-run with more than 90 percent of government revenues and 65 percent of the GDP coming from the oil sector.<sup>8</sup> This sector, however, employs only one percent of the total labor force. Iraqis remain highly dependent on the public sector, which provides around 40 percent of employment (60 percent of the jobs for women who are employed).<sup>9</sup> After years of war and social unrest, Iraq is facing several challenges common to all sectors of the economy, the most important of which are the deterioration of social and economic infrastructure, the disruption of the social fabric and the increased dependence on oil incomes. These factors, coupled with a highly conservative, patriarchal culture, mean that women are even worse affected by these circumstances.

Iraq in 2018 is a fragile state. It is a country emerging from conflict and facing the challenge of reconstructing core physical infrastructure and delivering public services to 39 million people. According to the UN Inter-Agency Information and Analysis Unit, government expenditure for 2013 totaled \$118.3 billion, an increase of 18 percent over 2012 and exceeding 70 percent of GDP. The budget has three main areas: energy, security/defense and social services, accounting for 21 percent, 14 percent and 13 percent of the total budget respectively.<sup>10</sup> Thus, Iraqi government spending is more highly focused on energy and defense than contributing to development needs. In fact, about 60 percent of Iraqi households are suffering from the lack of at least one of the following: access to adequate water supply and sanitation, a minimum of 12 hours of electricity from the public network a day, and food security.<sup>11</sup> As of 2015–2016, Iraq invested only 5.7 percent of its government expenditure on education, which puts the country on the bottom ranking of Middle East countries in any given year.<sup>12</sup>

Iraq ranked 121st out of 188 countries the UN Human Development Index in 2017 and 123rd on the UN Gender Inequality Index (GII).<sup>13</sup> Iraq holds one of the lowest GII rankings (123) in the MENA region in comparison to Saudi Arabia (50), Oman (54), Lebanon (83), Algeria (95) and Iran

(118). However, it is better positioned than Syria, Afghanistan and Yemen. The 2015 UNDP Human Development Report on Iraq states that the country needs to accelerate efforts to meet national targets for gender equality. According to the Inter-Parliamentary Union (IPU), as of 2017, women held 25.3 percent of seats in parliament while in 2000 women's representation in parliament was barely 7.6 percent, showing an increased number of women in parliament in the last decade. Iraq ranked 69th out of 189 countries in the IPU Women in National Parliament database, after Afghanistan and Tunisia.<sup>14</sup>

The total enrolment in primary education almost doubled to six million children in 2012 from 3.6 million in 2000. Girls' enrolment grew at all levels and at faster rates than boys' enrolment, although they are still enrolled in lower numbers than boys and tend to drop out at a higher rate.<sup>15</sup> Furthermore, 28.2 percent of women aged 12 years or older are illiterate, more than double the male rate of 13 percent.<sup>16</sup> At the same time, 84.9 percent of women aged 15 and older are not participating in the formal labor force. As a result, they are at particular risk of poverty. Youth (15–24 years) unemployment is high at 18 percent for men and women combined. However, the rate of unemployment for female youth is much higher than that of male youth, 27 percent and 17 percent respectively.<sup>17</sup>

The ratio of maternal mortality was 84 per 100,000 live births between 2008 and 2012.<sup>18</sup> Of all maternal deaths, 80 percent can be potentially avoided by interventions during pregnancy, childbirth and the postpartum period.<sup>19</sup> Violence against women and girls, and most notably domestic violence, has been consistently prevalent in Iraq in the last few decades. While there are no statistics available for the past year on sexual harassment in Iraqi society, a 2015 survey published by the Iraqi Women Journalists' Forum found that 8 in 10 women surveyed in Iraq report having suffered some form of sexual harassment.<sup>20</sup> One in five women and adolescent girls (21 percent) aged 15–49 were subject to physical domestic violence in 2008.<sup>21</sup>

## PURPOSE AND METHODOLOGY

The study was conducted between December 2017 and June 2018. The research team comprised two international consultants, a gender consultant and a gender and conflict advisor. The overall technical supervision for the Iraqi Gender Profile was by the Country Gender Coordinator for Oxfam in Iraq. There was one validation workshop in Erbil, facilitated by the gender consultant, to which various stakeholders, including government, civil society, UN and international and national NGOs from Baghdad and Erbil, were invited.

The study aimed to do the following:

- Analyze the gaps and opportunities in the national legal frameworks on women's and family rights and the commitments toward international bodies and women's rights on advancing gender equality and equity, the UN Security Council Resolutions on Women Peace and Security (UNSCR 1325) and other relevant resolutions, treaties and agreements.
- Provide an overview of the representation and participation of women in decision-making processes, including in the gender, peace and security and post-conflict agendas; women's access and control over resources/livelihoods and their participation in the economy; the prevention of and response to gender-based violence and violence against women and girls (VAWG), and the access to health facilities/services for women and girls.
- Inform and facilitate the development of gender-responsive policies, strategies and programs in a context of transition from humanitarian to recovery and development programming, considering the links between gender equality, democracy, development, peace and security.

The evaluation applied a combined methodology, including primary data collection and a secondary data review. The methodology aimed to triangulate these qualitative and quantitative datasets. As agreed by UN Women and Oxfam, the methodologies used for this evaluation comprised:

- A desk review of gray literature analysis from the past seven years (2011–2018) on gender equality key performance indicators covering gender equality in the identified sectors; demographic indicators; development indicators; humanitarian indicators; legal frameworks and existing strategies and programs; records of the country's commitments toward international bodies and advancing gender equality and equity; key frameworks pertaining to the country's conflict/post-conflict situation (relevant UNSC resolutions, treaties, and agreements); Iraqi National Action Plan UNSCR 1325 and related emergency plan; the country's human development reports; and national strategies on gender equalities and GBV.
- The field work collected the opinion and expertise of 50 individuals representing 35 organizations or institutions as follows:
  - a) Twenty-four key informant interviews with women (87 percent) and men (13 percent) in Baghdad (15) and Erbil (9) representing public sector representatives from both central government as well as the Kurdistan Regional Government, non-profit sector representatives (members and staff or relevant local or regional organizations based in Baghdad or Erbil), experts and academicians, and individual activists and civil society actors from both Baghdad and Erbil.
  - b) Two focus group discussions (both in Baghdad), with a total of 26 participants. One FGD was conducted with young women (graduates or young professionals aged 21 to 26 from various backgrounds), and the other included women human rights defenders (aged 25 and above). Both focus groups were coordinated by Iraqi Al Amal Association.

Because of the observed status of women, and findings from various development indices, the study focuses on women's and girl's rights, but at times also addresses men's and boy's rights based on their identified specific vulnerabilities and needs. The profile contains a set of main findings and recommendations for gender-responsive policy, programming and strategies in the Iraqi post-conflict agenda. It is intended to be used as a reference document to identify gaps in data and strategic information and to support the advancement of gender equality in Iraq.

## Limitations to the report

- Consultants could not interview all key people or cover all relevant issues or geographical locations (interviews were conducted in Baghdad and Erbil only) because of limitations on time and resources that defined the scope of the assignment. Consequently, the report suggests areas for further research. Thus, the sample of selected key informants is not representative in the quantitative statistical sense. The research adopted a flexible approach and expanded and adapted its list of participants as much as necessary throughout the study. From here, the interview results should be regarded as of exploratory value, but not necessarily inductive.
- Because of the years of crisis in Iraq, there are large data gaps and many relevant statistics were unavailable or out of date. This leads to concern about data quality, given the reliance on sources that probably use different reporting methods and approaches, as well as questions of reliability. The last reliable population estimates in Iraq were conducted in 2018, the last census covering all governorates was done in 1978,<sup>22</sup> and UNDP, UNICEF, WORLD BANK last published reports on the status of women/development/humanitarian crisis in 2015. Considering the severe negative socio-economic impact of the ISIS occupation, new data are a priority for an accurate profile of current conditions of gender in Iraq and to monitor future

progress on gender equitable growth. Corrections of errors of fact, omissions, or mistaken interpretations are welcome.

- Surrounding circumstances: the political and security situation in the country limited the ability to conduct extensive field work and affected the production of the interviews and focus groups.



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## NATIONAL FRAMEWORK AND POLICY

Iraq attained its independence as a kingdom in 1932 and became a republic in 1958 under successive leaderships in a one-ruler system until 2003, when a US-led invasion of the country ousted the Saddam Hussein regime under a United Nations Security Council mandate. UN forces stayed in the country through 2011. In October 2005, a new constitution was adopted following a national referendum, and the first Council of Representatives with 275 members was elected in December that year. The constitution set up the separation of powers (Executive, Legislative, and Judiciary). Since then, the country has been governed as a democratic federal republic with a changing number of council representatives and cabinets, and is organized into 18 governorates, three of which constitute the Kurdistan Region, which enjoys some level of autonomy and is governed by a regional administration (including a parliament, a cabinet, and a judicial system).

Iraq's new Constitution (adopted in 2005) states that all Iraqis are equal before the law and prohibits discrimination based on sex (Article 14). However, the Constitution also cites Islam as the basic source of legislation and forbids the passing of laws contradictory to its "established rulings," and Article 41 allows each religious group in Iraq to govern its own personal status matters. As a result, the situation of women in Iraq very much depends on the implementation of Islamic law and on the priorities and interpretations of male-led religious authorities.<sup>23</sup> Iraq ratified



the most important international treaty related to gender equality: the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1986, but has yet to ratify the Optional Protocol on violence against women. The Convention on the Rights of the Child (CRC) was ratified by Iraq in 1994 and the International Covenant on Civil and Political Rights (ICCPR) was ratified by Iraq in 1971. Although Iraq is party to numerous international human rights conventions, as detailed in this study (see Annex 1), substantial and long-standing impediments to domestic compliance with Iraq's treaty obligations remain. Iraq's current discriminatory legislative provisions illustrate that constitutional provisions alone do not guarantee women the fulfillment of their rights. Legislative change, coupled with active enforcement mechanisms, remains necessary to bring Iraq into full compliance with antidiscrimination instruments and ensure women's equal rights.<sup>24</sup>

## Convention on the Elimination of All Forms of Discrimination against Women

The most prominent human rights instrument on women's equality is the Convention on the Elimination of All Forms of Discrimination against Women, CEDAW. It was opened for signature in 1979, and since then has been adopted by 180 countries. The convention espouses values and legal obligations for women's human rights that, because of the treaty's widespread adoption around the world, have become universal, and is often described as an international bill of rights for women. Consisting of a preamble and 30 articles, it defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination.<sup>25</sup>

Despite ratifying CEDAW in 1986, Iraq maintains reservations to Article 2(f) and (g), which call on states to modify or abolish existing laws and penal codes that discriminate against women; Article 9, which requires equal rights regarding changes and transfers of nationality; Article 16, which concerns the elimination of discrimination in marriage and family relations; and Article 29, paragraph 1, with regard to the principle of international arbitration on the interpretation or application of the convention.<sup>26</sup> Moreover, Iraq has yet to ratify the Optional Protocol to CEDAW. By ratifying the Optional Protocol, a state recognizes the competence of the Committee on the Elimination of Discrimination against Women—the body that monitors states' parties' compliance with the convention—to receive and consider complaints from individuals or groups within its jurisdiction.<sup>27</sup> Thus, the Iraq government is not reporting to the CEDAW Committee.

In February 2014, 107 Iraqi women's networks of NGOs, in cooperation with the Iraqi Women Journalists' Forum, held a press conference to release the first shadow report on Iraq in compliance with the convention (CEDAW). The report covers the Iraqi women's status under armed conflict and post conflict in the previous decade. This was the first shadow report submitted by civil-society organizations to the CEDAW Committee since Iraq signed the convention in 1986.<sup>28</sup>

## Convention on the Rights of the Child (CRC)

The Convention on the Rights of the Child is one of the legally binding international instruments for the guarantee and protection of human rights. Adopted in 1989, the convention's objective is to protect the rights of all children in the world. The convention is the first legally binding international instrument of children's rights protection. It comprises 54 articles that establish the body of all children's civil and political rights, as well as their economic, social and cultural rights. It also advocates the protection and promotion of the rights of special needs children, of minority children and of refugee children. This convention establishes four principles that must govern the

implementation of all the rights it advocates: non-discrimination; best interest of the child; right to life, survival and development; and respect for the views of the child.<sup>29</sup>

Iraq ratified the CRC in 1994, subject to a reservation in respect of Article 14, paragraph 1, concerning “the child's freedom of religion, as allowing a child to change his or her religion runs counter to the provisions of the Islamic Shariah.”<sup>30</sup> Moreover, in 2008 Iraq accessed the:

a) Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (New York, 25 May 2000), which prohibits the recruitment of children in armed forces and forbids the enlisting of a person under 18 years old in war.<sup>31</sup>

b) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (New York, 25 May 2000). The protocol is primarily a juridical tool aimed at defining and prohibiting the sale of children and children's involvement in prostitution and pornography. Under the protocol, governments must treat those actions as crimes; establish within their internal legal system heavy penalties for the authors of such activities; be held responsible for pursuing the authors of such crimes; and provide aid to victims.<sup>32</sup>

In 2014, the UN Committee on the Rights of the Child realized a list of issues in relation to the combined second to fourth periodic reports of Iraq and requested that the government provide information on the following, among others: any special measures that have been taken to counter corruption that affect the implementation of the Committee on the Rights of the Child; the measures taken by the state party to prevent and eliminate the killing of girls in the name of so-called “honor;” the measures taken to address the impact on children of the conflict in the state party; and protection of children whose parents have been sentenced to death, and to comment on reports that children in detention are frequently victims of torture and ill-treatment, including sexual abuse.<sup>33</sup> The government of Iraq submitted two reports in 2015 to follow up the UN Committee on the Rights of the Child's list of issues in relation to the combined second to fourth periodic reports. The concluding observations of the UN Committee on the Rights of the Child (2015) of the Optional Protocol to the Committee on the Rights of the Child on the sale of children, child prostitution and child pornography were as follows:

- The Committee welcomed the following measures: Combating Trafficking in Persons Act No. 28 (2012); Aftercare and Family Integration Program; establishment of two child helplines; establishment of victim support units, a state-run shelter for victims of trafficking and family protection units.
- The Committee noted with concern that “existing policies and programs are insufficient to address the root causes of the sale of children, child prostitution; discrimination of children belonging to minorities, internal displacement and migration, lack of access to education and children being forced to live and/or work in the streets.”<sup>34</sup>

The UN Committee on the Rights of the Child (5 March 2015) made observations on the report submitted by Iraq under Article 8, paragraph 1 of the Optional Protocol to the Committee on the Rights of the Child on. Despite this, the Committee was concerned at the current lack of any comprehensive policy and strategy to address increasing child recruitment and use in armed conflict and recommended that the state party adopt, as a matter of urgency, a comprehensive time-bound policy and strategy and the allocation of a specific budget to cease the recruitment and use of children by armed groups.<sup>35</sup>

## International Covenant on Civil and Political Rights (ICCPR)

The ICCPR recognizes the inherent dignity of everyone and undertakes to promote conditions within states to allow the enjoyment of civil and political rights. Countries that have ratified the

Covenant are obligated “to protect and preserve basic human rights... [and] compelled to take administrative, judicial, and legislative measures to protect the rights enshrined in the treaty and to provide an effective remedy.” Article 2 ensures that rights recognized in the ICCPR will be respected and be available to everyone within the territory of those states who have ratified the Covenant. Article 3 ensures the equal right of both men and women to the enjoyment of all civil and political rights set out in the ICCPR.<sup>36</sup>

Iraq signed the ICCPR in 1969 and ratified the Covenant in 1971. Iraq’s fifth periodic report on the implementation of the International Covenant on Civil and Political Rights took place on 26th and 27th October 2015. As reported by the Centre for Civic and Political Rights, the concluding observations for which the state should provide information on the implementation of the ICCPR concern: a) allegations of human rights violations in the context of the ongoing armed conflict; b) violence against women; c) the death penalty; and d) the prohibition of torture and ill-treatment. The next (6th) periodic report should have been submitted by the state party by 6 November 2018, but no information is available on the current submission process.

## Sustainable Development Goals (SDGs)

Iraq ranked 121st out of 188 countries in the UN Human Development Index in 2015 was ranked 123 on the UN Gender Inequality Index (GII), which measures gender inequalities in three important aspects of human development—reproductive health (maternal mortality ratio and adolescent birth rates), empowerment (parliamentary seats occupied by females and proportion of adult females and males aged 25 years and older with at least some secondary education), and economic status (labor market participation and measured by labor force participation rate of female and male populations).<sup>37</sup> Iraq holds the lowest GII ranking (123) in comparison to Saudi Arabia (50), Oman (54), Lebanon (83), Algeria (95) and Iran (118). However, it is better positioned than Syria (133), Afghanistan (154) and Yemen (159).

The 2015 UNDP Human Development Report on Iraq states that “Iraq needs to accelerate efforts to meet the national targets for gender equality.” The report acknowledges that more girls are now in school compared to 15 years ago, and most regions have reached gender parity in primary education. Women now make up to 41 percent of paid workers outside of agriculture, compared to 35 percent in 1990. Although improvements have been made, in girls’ education, for example, there are still “gross inequalities in access to paid employment in some regions, and significant gaps between men and women in the labor market. Sexual violence and exploitation, the unequal division of unpaid care and domestic work, and discrimination in public decision making, all remain huge barriers.” Still the UN stated that: “ensuring universal access to sexual and reproductive health, and affording women equal rights to economic resources such as land and property, are vital targets to realizing this goal.” Moreover, the report pointed out that there are now more women in public office than ever before, but encouraging more women leaders across all regions will help strengthen policies and legislation for greater gender equality.<sup>38</sup>

## Constitution

The current Constitution of Iraq was approved by referendum on 15 October 2005, to replace the Law of Administration for the State of Iraq for the Transitional Period (TAL), previously adopted by a Governing Council appointed by the Coalition Provisional Authority after the Iraq War in 2003. The Iraqi House of Representatives was elected with the participation of 70 women in 2005, a ratio of 25.8 percent. But when the committee for modifying the Constitution was selected, women’s participation was only two out of 27 (7 percent).<sup>39</sup> On many levels the Constitution of Iraq calls for equality among all its citizens with Article 14, which prohibits discrimination based on “gender, race, ethnicity, nationality, origin, color, religion, sect, belief or opinion, or economic

or social status.”<sup>40</sup> The Iraqi Constitution guarantees basic human rights to all Iraqi women. Article 20 provides for universal suffrage for both male and female Iraqi citizens and further states that they shall have the right to participate in public affairs and to enjoy political rights, including the right to vote, elect, and run for office. Article 30 establishes that the state “shall guarantee to the individual and the family—especially children and women—social and health security, the basic requirements for living a free and decent life, and shall secure for them suitable income and appropriate housing.” Furthermore, forced labor, slavery, slave trade, trafficking in women or children, and sex trade are prohibited by the Constitution.

The Constitution guarantees women the right to run for office and vote. However, the quota of 25 percent for women’s representation in all decision-making bodies, provided for in the interim constitution, was moved from the chapter on Duties and Rights to the chapter on Transitional Laws, implying that the quota could easily be removed in the future. The Constitution states in Article 2 that “Islam is the official religion of the state and is a basic source of legislation” and “No law can be passed that contradicts the undisputed rules of Islam.” For example, while all Islamic scholars agree that a woman may inherit from her father, there is controversy surrounding the share she should inherit. The same problem arises in marriage, divorce and custody. The Constitution mentions a bill of rights, but does not mention the most important rights for women: family-related rights, such as marriage, the right to choose a partner and those rights surrounding custody and inheritance.

Another area in which the Constitution grants full equality but where national laws fall short of translating it into action is citizenship. The Constitution grants women the right to give their children Iraqi citizenship (Article 18). However, the Citizenship Law (Article 4) then specifies that children born to an Iraqi mother abroad, or to an unknown father or without any other nationality can be granted Iraqi citizenship at 19 years old but not citizenship at birth. Furthermore, a non-Iraqi man who was born in Iraq to a father who was also born in Iraq can apply for citizenship whereas the same does not apply for females (Article 5).

The Constitution establishes a federal system in the Republic of Iraq made up of a decentralized capital, regions and governorates, as well as local administrations, and specifically recognizes the region of Kurdistan, along with its existing authorities, as a federal region (Article 117). However, the Constitution’s articles related to the federal system functioning do not specifically mention women’s rights or any measure or mechanisms to protect women’s rights at local level.

## The Personal Status Code

As early as the 1950s Iraq had passed a Personal Status Code.<sup>41</sup> The Code penalized child and forced marriages, largely restricted polygamy, and gave equal rights to women in divorce and relatively in inheritance. The consent of both spouses is needed for a marriage to be legal, and the legal age of marriage is 18 years for both men and women (but with parents’ consent and judicial permission the age can be lowered to 15 years). Forced marriage is forbidden by law. Divorce and legal separation is equally ensured for women and men. Women have the right to access to heritage, although they are entitled to half of inheritance in comparison to men. In Islamic law (Sharia) the share of women’s inheritance is half that of men’s.<sup>42</sup> In 2008, the Personal Status Law of 1959 was amended for the Kurdistan Regional Government (KRG) to provide greater equality to women in inheritance.

Personal Status Code N. 188 of 1950

Polygamy      Article 3. Marrying more than one woman is not allowed except with the authorization of the *qadi* (judge). Granting this authorization is dependent on the fulfillment of the following two conditions: 1. The husband should have the

	financial capacity to provide for more than one wife; 2. There is a legitimate interest.
Marriage	Article 7. For the marriage to be valid, the two parties to the contract should be sane and have reached 18 years of age.  Article 8. If a 15-year-old person asks to be married, the judge can authorize their marriage if the eligibility and physical ability of the person in question was proven to the judge, after obtaining the approval of their legal guardian.
Forced marriage	Article 9. No relative or non-relative has the right to force marriage on any person, whether male or female, without their consent.
Divorce	Article 34. Divorce means to sever the bond of marriage. It is done by the man, the woman, any authorized representative or the judge. The divorce must be performed according to the Sharia.
Legal separation	Article 40. Both spouses have the right to ask for separation [...].
Inheritance	Article 89. The inheritors by kinship and the way to bequeath them: 1. The two parents and the children even if the male gets a portion equal to that of two females.  Article 91. The husband is entitled to a quarter of the legacy when there is an inheriting descendent to his wife; and to half when the latter does not exist. As for the wife, she is entitled to one eighth of the legacy when there is an inheriting descendent; and to a quarter when the latter does not exist.

A set of amendments to the Personal Status Code that are further unfavorable to gender equality have been recurrently presented to the parliament. These amendments called for more authority for religious authorities in implementing each sect's rulings when it comes to personal status and family matters, according to the Jaafari Personal Status Law, which would restrict women's rights in matters of inheritance, parental and other rights after divorce, making it easier for men to take multiple wives, and allow girls to be married from age 9. The proposal was met with widespread opposition and active demonstrations. Iraqi women's rights activists actively protested the amendments to the Personal Status Code, according to the Jaafari Personal Status Law. On International Women's Day, 8 March 2017, about two dozen Iraqi women demonstrated in Baghdad against the proposed Islamic law.<sup>43</sup> The UN's representative to Iraq also condemned the legislation: "The bill risks constitutionally protected rights for women and international commitment."<sup>44</sup> In December 2017, Iraq's parliament finally rejected proposed amendments to Iraq's Personal Status Law.<sup>45</sup>

## Law No. 28 of 2012, Combating Trafficking in Persons

On February 23, 2012, the Iraqi Council of Representatives passed Law no. 28 to combat trafficking in human beings.<sup>46</sup> This comprehensive anti-trafficking legislation features provisions for the protection of victims and the prosecution of offenders. It includes the establishment of penalties for perpetrators of human trafficking, coordination mechanisms for civil society, support to different ministries on assistance to victims of trafficking and support to a proposed Higher Committee to Combat Human Trafficking.

Before this law, the legal instrument to use was the 1969 Iraqi Penal Code No. 111 that included trafficking in women and children. However, the lack of specialized law on anti-trafficking has made it difficult to define crimes as trafficking in persons and therefore perpetrators have been able to escape punishment. The absence of a clear legal framework has also made it hard for civil society to support the victims and for the state to work with prevention and protection.<sup>47</sup>

The passage of the law is a positive advancement in the protection of human rights of women and children. Since the passing of the law, the government has created an anti-trafficking department as a division of the Ministry of Interior, formed the inter-ministerial Central Committee to Combat Trafficking in Persons and set up an anti-trafficking hotline. However, the law does not cover all forms of human trafficking and has been criticized for not being comprehensive enough. According to the report *Violence and Discrimination against Women in Iraq* submitted by MADRE and the Organization of Women's Freedom in Iraq to the UN Universal Periodic Review of the Human Rights Council (2014) the enforcement by the Iraqi government to combat trafficking has been minimal, and while the government conducted some investigations and at least one prosecution under the 2012 Anti-Trafficking Law, Iraqi courts have so far not issued any rulings in human trafficking cases.<sup>48</sup>

## Draft law on anti-domestic violence

There is no specific law at federal level in Iraq criminalizing domestic violence. Article 29 of the Constitution prohibits all forms of violence and abuse within the family. However, Article 41(1) of the Penal Code provides that “the punishment of a wife by her husband, the disciplining by parents and teachers of children under their authority within certain limits prescribed by law or by custom” is the exercise of a legal right and, as such, is not a crime. In addition, the Penal Code also provides for mitigated sentences for violent acts, including murder for so-called “honorable motives” or if catching a wife or female relative in the act of adultery/sex outside marriage.<sup>49</sup> The Penal Code (Article 398) also allows perpetrators of rape or sexual assault to escape prosecution or have their sentences quashed if they marry their victim.<sup>50</sup>

In December 2015, the UN Human Rights Committee, which monitors the implementation of the International Covenant on Civil and Political Rights (ICCPR), recommended that Iraq swiftly amend its legislation to guarantee adequate protection of women, including not allowing the exoneration of rapists who marry their victims. Other UN committees, including CEDAW, the Committee on the Rights of the Child and the Committee on Economic, Social and Cultural Rights, have also urged Iraq to amend its Penal Code, including Article 398.

In 2015, a draft law on anti-domestic violence was presented by the Ministry of Women's Affairs with other governmental bodies and civil society. The bill<sup>51</sup> includes many positive provisions, including services for domestic violence survivors, protection orders and penalties for their breach, and the establishment of a cross-ministerial committee to combat domestic violence. Parliament is still in the process of reviewing the draft law. However, despite immense efforts by civil-society organizations and activists, and the support of international organizations, the draft law has been suspended for nearly three years. In April 2018, a coalition of activists and local rights organizations, including the Iraqi Women's League and Baghdad Women Association, mobilized civil society, judges and parliamentarians to call for a vote to enact the law on anti-domestic violence ahead of the 2018 parliamentary elections in May.<sup>52</sup> The Baghdad Women Association, interviewed in this study, reported the necessity of immediately promulgating the law on anti-domestic violence and they are currently protesting with street performances called “Marriage Doesn't Cover Rape” to modify Article 398 and end the impunity of rapists.

Unfortunately, to date, the draft anti-domestic violence law has not yet been promulgated by the government of Iraq, and neither has the modification of the Article 398. These are crucial steps for the Iraq government to ensure the implementation of international treaties and resolutions (CEDAW, CRC, UNSCR 1325, etc.) to combat violence against women and girls and protect women's and girls' rights. Several countries and autonomous regions in the Middle East and North Africa region have introduced some form of domestic violence legislation or regulation, including Algeria, Bahrain, the Kurdistan Region of Iraq, Israel, Jordan, Lebanon and Saudi Arabia.

## Gender machinery

The government of Iraq has made many efforts in the past to contribute to ensuring gender equality at the policy and institution levels. The Ministry of State of Women's Affairs was established in 2003; however, it was under-funded and under-staffed. During the period 2011–2014, the ministry undertook many activities, such as:

- Restructuring of the Supreme Committee for the advancement of Iraqi women and the implementation of plans and programs to develop family protection departments in the Ministry of Interior.
- Formation of the Supreme Committee for the promotion of rural women, and rural women's Development Fund within the Agricultural Initiative funds and approval of training programs and loans.
- Preparation and adoption in the cabinet of the national strategy against violence against women, as well as the preparation and adoption of the national strategy for the advancement of Iraqi women.
- Adoption of the national plan for the implementation of Security Council Resolution 1325 on women and peace and security, in coordination with the Kurdistan Region and in cooperation with CSOs initiatives.

In 2007, the Committee for the Protection of the Family was formed in the General Secretariat of the Council of Ministers under the chairmanship of the State Ministry for Women's Affairs and with the membership of Ministers of Interior, Labor, Human Rights, Education, Migration and Displaced Persons and the NGO sector. Moreover, in 2009, the Directorate of Family Protection was established (as a subdivision of the Ministry of State for Women's Affairs) in Baghdad and in the governorates, which seeks to provide protection for all members of the family and to raise awareness of the dangers of domestic violence.

In February 2009, Iraq's women's affairs minister resigned in protest at a lack of resources to cope with "an army of widows, unemployed, oppressed and detained women" after years of sectarian warfare. Nawal al-Samarai said her status as a secretary of state and not a full minister reflected the low emphasis given by the government to the plight of women in Iraq.<sup>53</sup> In 2015, the State Ministry of Women's Affairs was therefore abolished. This act, along with the lack of budget and political will to advance gender equality in Iraq, led to the deterioration of the already weak gender machinery in Iraq.

In 2017, the Directorate of Women's Empowerment was officially created by the General Secretariat of the Council of Ministers and defines its composition and its role: the community development section responsible for coordination with gender units in government institutions and women's offices in governorates; integrating gender and women's political, social and economic empowerment in government plans and policies; studying and providing reports on the impact of social development programs; reviewing laws, decisions and regulations in terms of a gender perspective; following up the implementation of gender-related national plans and strategies; and the coordination support section in charge of raising gender awareness and liaison with international forums in support of women's issues. However, the Directorate of Women's Empowerment has no portfolio and no decision-making power. In fact, its recommendations are not binding and the directorate is a subdivision of the General Secretariat of the Council of Ministers. All these factors limit the implementation of two important national strategies adopted when the Ministry of State of Women's Affairs was in place up until 2015, namely:

- National strategy to combat violence against women (2013–2017) which focused on facing the discrimination against women in Iraq including its underlying causes, such as social norms, as well as a set of rights within the framework of the international obligation of Iraq and the group

of rights in the Constitution and especially the Penal Code, the Labor Law and the Personal Status Law related to articles that enshrine discrimination. It contains a review of the legislative and institutional framework to identify discrimination against women and to call for the enactment of legislation to protect them.

- National strategy for the advancement of the status of Iraqi women (2014–2018) submitted by the State Ministry of Women’s Affairs and approved by the Council of Ministers in 2014. The plan encourages actions to increase the effective participation of women in decision-making positions at the local and national levels and in all reconciliation committees and peace negotiations; the adoption of a quota for women within the executive authority; harmonization of national legislation with international standards and mechanisms for human rights and women’s rights, including Security Council Resolution 1325; protection of women from GBV; and provision of safe government shelters for victims of human trafficking, homelessness and exploitation and ensuring their rehabilitation and reintegration into society.

However, both strategies face a set of challenges, such as the political, economic and insecurity conditions prevailing in Iraq; the influence of traditional gender stereotypes; the lack of programs aimed at women’s economic and social empowerment and integration; and the weak financial support provided by Iraqi governmental institutions.

At UN level, UN Women is the Chair of the UN Gender Task Force (GTF) and provides technical support to the UN Country Team through the GTF in mainstreaming gender. UN Women also established the International Gender Group (IGG) co-led by the UNAMI Gender Unit at the end of 2017, bringing together UN agencies and the donor community (bilateral and multilateral development organizations).

## The Kurdistan Region

Iraqi Kurdistan is an autonomous region of Iraq. The region gained de facto autonomy in 1991 after the US intervention under George Bush Sr. and the creation of a “haven” to protect the Kurds from attacks by Saddam Hussein’s regime in Baghdad. Iraqi Kurdistan’s autonomous status was later officially recognized in 2003 and is enshrined in the Iraqi Constitution. This created a powerful decentralized local government, the Kurdistan Regional Government, which, since its formation, has consistently expressed its desire to comply with international standards in the rule of law and governance.

The Kurdistan Regional Government has made improvements on gender equality at the legal and institutional levels, showing a political will to advance the gender equality agenda. In February 2009, several amendments were made to Kurdistan election law to increase the inclusion of all groups. The minimum age of parliamentary candidates was lowered from 30 to 25. The legal minimum quota of female parliamentarians was increased from 25 percent (the current quota at federal level) to 30 percent of the legislature. While seats had already been reserved in previous elections for minority communities, this was increased to five seats each for the Christian and Turkmen communities.<sup>54</sup>

The Kurdish government established new institutional bodies to deal specifically with women’s issues and support gender mainstreaming in policy-making, such as the Special Directory to follow up on cases of violence against women, and domestic violence courts in all three Kurdish governorates. In addition, in 2010 the High Council of Women’s Affairs was created.<sup>55</sup> This is the only official entity in the Kurdistan Region that develops government policies and strategies regarding women’s issues in political, economic, cultural and empowerment areas.<sup>56</sup>



The Directorate of Combating Violence against Women (DEVAW) was founded in 2007 under the Ministry of Interior. As reported by a DEVAW's official in an interview undertaken during this study, the directorate has the mission to respond to gender-based violence (GBV), prevent violations of rights and provide for needs such as legal and socio-psychological services to victims and survivors. The directorate's duties include investigating violence cases and supporting victims who want to report; receiving victims who want to bring a claim; providing legal assistance and psychological services to survivors; transferring battered women and girls to shelters; providing training on GBV for police officers and civilian staff; and raising awareness and collecting data and statistics on VAWG cases. It is composed of six sub-directorates, 29 local offices in districts, and 23 mobile teams in camps of refugees and IDPs. The staff members are military employees and civilian personnel (legal officers, researchers, social workers and psychologists). An interview with a DEVAW officer outlined that currently the department is employing 1,000 female police officers (around 30 percent of the total number).

The efforts of the Kurdistan Regional Government to combat violence against women are significantly improving the protection and response to VAWG and GBV in the region. Despite these efforts, DEVAW's officers stated in an interview that there is an increased number of complaints related to SGBV, which indicates that women have serious difficulties in their families and that they are now more aware of the law and institutions that could protect them. Furthermore, the department is currently under-funded and has just four shelters. Thus, there is a need for more budget to increase the number of shelters available for women and girl survivors of violence in the Kurdistan Region.

The Law against Domestic Violence (No. 8) adopted in 2011 by the Kurdistan Regional Government, holds perpetrators accountable for their actions, including acts perpetrated by husbands against their wives, and offers more protection for victims of psychological physical and sexual violence. The law prohibits any domestic violence act within the family, including:

- Forced marriage
- Exchange marriage and marriage of minors
- Marriage in exchange for ransom (bloody money)
- Female genital mutilation
- Forced divorce
- Cutting off kinship relationships and disowning members of family
- Husband forcing wife to engage in prostitution
- Forcing children to work or beg and drop out of school
- Suicide due to domestic violence
- Abortion due to domestic violence
- Battering of children and family members under any justification
- Assaulting, insulting and cursing family members [...], hurting them, imposing psychological pressure, violating their rights and forced wife and husband sexual intercourse.<sup>57</sup>

The law establishes a protection order in cases of domestic violence. In cases of violation of the protection order, the offender is imprisoned (for no more than 48 hours). In cases of domestic violence, the perpetrator is imprisoned for six months up to three years. The Kurdish government also ratified the National Strategy to Combat Violence against Women in 2013<sup>58</sup> which aims to set action priorities "consisting of the legal area, implementation, protection, supervision, and offering service to the survivors of violence [...]; the existing attempts in Kurdistan to confront

violence against women; and how to implement and follow-up the strategy by constructing a higher board from the relevant governmental institutions and the Civil Society Organizations.”

## GENDER, PEACE AND SECURITY AGENDA

While the CEDAW is the main instrument used to frame advocacy on women’s rights and gender equality in many surrounding countries, Iraq’s focus has been on the United Nations Security Council Resolution 1325 (UNSC 1325) on Women, Peace and Security. This landmark resolution was adopted on 31 October 2000 by the United Nations Security Council, and reaffirmed the vital role of women in conflict prevention and resolution, as well as in peace negotiations, peace-building, peacekeeping, and any humanitarian response or post-conflict-reconstruction.<sup>59</sup> In 2014, Iraq was the first country in the MENA region to develop a National Action Plan on UNSCR 1325.<sup>60</sup> The launch of the Iraqi National Action Plan (INAP)<sup>61</sup> to implement the UNSCR 1325 was, in fact, a significant step toward enabling women’s participation and protection in the processes of conflict resolution and peace-building in Iraq.

This INAP for the implementation of UNSCR 1325 is an important and timely policy indicating the government’s commitment to the “Women, Peace and Security” agenda. Iraq’s National Action Plan identifies actions for increasing women’s participation at executive levels, enhancing gender equality in legal documents, removing legislation that violates women’s rights, preventing violence against women, promoting women’s economic empowerment and ensuring protection, security and prevention. However, it does not specifically address some of the key areas of the UNSCR 1325, including women’s participation in conflict resolution and reconciliation; prevention of sexual violence against women in war contexts; and women’s specific relief needs during and post conflict.

The development of INAP was a participatory process between civil society and decision makers. A Cross-Sector Task Force from the federal government of Iraq and the Kurdistan Regional Government was formed, composed of representatives from ministries, members of parliament and legal experts on the Iraqi National Action Plan for implementation of UNSCR 1325. Because of the worsening political situation with the fall of the province of Ninawa, an emergency plan was developed by the Civil Society Alliance 1325, composed of 30 women’s associations. After that, a master plan was defined to determine roles and concrete actions of implementation of UNSCR 1325.<sup>62</sup> Unfortunately, the plan does not have well-defined timelines, comprehensive implementation and monitoring mechanisms or clearly allocated budgets.<sup>63</sup>

Following the adoption of National Action Plan for the implementation of UNSC 1325 and its emergency plan, a number of coordination bodies were created: the Cross-Sector Task Force (CSTF) 1325 leading the implementation of country’s plan for the UNSCR 1325, the emergency plan operation room (as a mechanism to implement the emergency plan), and the high-level National Committee for UNSCR 1325 headed by the secretary general of the Council of Ministers and including the ministers but no civil-society representatives. In July 2017, the United Nations Assistance Mission for Iraq (UNAMI), in collaboration with UN Women and the government of Iraq National Reconciliation Committee and the Office of the Prime Minister’s Women and Gender Affairs Department, organized a meeting with leading Iraqi women to discuss women’s participation in Iraq’s National Reconciliation process. The participants called for a smooth transitional justice system following the defeat of the Islamic State and for accountability for those who committed crimes against women during the conflict. Importantly, they called for the Political Parties Law to be amended to ensure representation of women in the parties’ leadership.<sup>64</sup> However, women are still under-represented in decision-making positions and in national peace-

building forums, and international actors are working to build the capacity of women's rights organizations and media actors in this regard.<sup>65</sup>

The INAP is a first step toward achieving Iraqi women's equal and full participation as active agents in the prevention and resolution of conflicts, in negotiations, peace-building and reconstruction and in incorporating gender perspective into such processes. The current plan runs until 2018 and a revision should follow in the upcoming months. At the time of this study, the plan was not yet released. Although the Iraq government and civil society organizations are making several efforts on the implementation of the UNSCR 1325, more efforts are needed for its implementation and the allocation of a specific budget. Moreover, it is important to implement the six resolutions on Women, Peace and Security, which address sexual violence in conflict, specifically UNSCR 1820 (2008), 1888 (2009), 1960 (2010) and 2106 (2013), 2122 (2013), and 2242 (2015).

An analysis of a dataset of 181 worldwide peace agreements signed between 1989 and 2011 found that, when controlling for other variables, peace processes that included women as witnesses, signatories, mediators, and/or negotiators demonstrated a 20 percent increase in the probability of a peace agreement lasting at least two years. This percentage increases over time, with a 35 percent increase in the probability of a peace agreement lasting 15 years.<sup>66</sup>



Photo Credit: Dalia Ahmed/Oxfam

## Gaps in the Iraqi National Action Plan for Implementation of UNSCR 1325

Although the adoption of Resolution 1325 and INAP were a breakthrough for Iraq, it left untouched the social and cultural constructions that affect decision-making in the country, despite the tremendous efforts of civil-society organizations. More is also needed to build on the proven

potential for shaping more meaningful leadership by women and women’s rights organizations in crisis responses—and for more inclusive political settlements when women activists and leaders have real influence.<sup>67</sup> Greater attention must also be paid to how we complement the Women, Peace and Security agenda with a more comprehensive governance approach to women’s leadership and political participation in post-conflict settings, and a better understanding of how gender-blind policies and perspectives—at community level through to national policy decisions—can maintain and perpetuate key drivers of conflict (e.g. land ownership and inheritance, natural resource governance, citizenship and migration policies).

## Existing civil-society networks supporting UNSCR 1325

Women’s civil society played an important role shaping INAP on UNSCR 1325—even if some important pillars were later removed without their knowledge—particularly the Iraqi NAP 1325 Initiative, a network of women’s organizations and CSOs that encompasses 31 organizations across Iraq, including, among others, the Baghdad Women Association, the Women Empowerment Organization and the Iraqi Women’s League.<sup>68</sup> The Iraqi NAP 1325 Initiative aims to contribute to the building and sustainability of peace and security in Iraq by implementing Security Council Resolution 1325 to protect women and ensure participation in building peace and security in times of war and conflict, and at all levels. In the Kurdistan Region, one of the main initiatives is a network of women leaders from various political parties called the “Women Peace Group”. The group was established in 2012 and includes around 20 women from different political parties in the region. Together, these women identified common priorities and the need to work together on bringing the peace process forward. Common priorities include, for example, increasing women’s share in decision-making (they lobbied together to have at least one woman in the cabinet), as well as adapting the education curriculum to have a more gender-sensitive content.

## WOMEN’S LEADERSHIP AND POLITICAL PARTICIPATION

Since 1980, women in Iraq have had the same right as men to vote and participate in political life, and in the first parliamentary elections that year women won 16 out of 250 seats (6.4 percent) on the National Council; this proportion doubled to 13.2 percent in 1985, before falling to 10.8 percent in 1990. After the fall of Saddam Hussein, the Coalition Provisional Authority (CPA) was established in May 2003 by the US-led coalition to administer Iraq. In July 2003, the CPA created the Iraqi Governing Council, with twenty-five appointed Iraqi representatives from five ethnic groups, including just three women (12 percent) none of whom were part of the presidential council.

The Iraqi Governing Council was, in turn, replaced in August 2004 by a larger (100-person) appointed National Assembly, a body that was subsequently replaced by the 275-member transitional National Assembly, following the January 2005 elections. The primary responsibility of the Assembly was to design the new Iraqi Constitution, approved by a public referendum in October 2005 (see Section 2). The Iraqi House of Representatives was elected in 2005 with the inclusion of 74 women (25.8 percent). But when the committee for modifying the Constitution was selected, women’s participation was only two out of 27 (7 percent).<sup>69</sup>

The Iraqi Higher Women’s Council, an interim body containing a diverse cross-section of Iraqi women, presented a letter supporting a 40 percent quota for women in legislative bodies. The

Transitional Administrative Law (TAL) did not adopt the 40 percent quota lobbied for, but Article 30c did specify that the electoral law governing contests for the National Assembly “shall aim to achieve the goal of having women constitute no less than one quarter of the members.” In terms of quotas, under the “Election Law” as amended in 2009, at least 25 percent of candidates on a party’s candidate list must be women, and under Regulation no. 21, Seat Allocation (2010), at least 25 percent of the national-level Council of Representatives must be women. At sub-national level, at least 25 percent of seats in provincial councils will be allocated to women. At the federal level, the 2015 law that was adopted to regulate political parties did not include any specific provisions on the participation of women, it only called for equality of opportunity between all citizens. In Iraqi Kurdistan, there is a 30 percent quota in place in the KRG parliament; this is an achievement when compared to the situation in Arab and neighboring countries.

According to the Inter-Parliamentary Union (IPU), as of 2017, women held 25.3 percent of seats in parliament, while in 2000 women’s representation in parliament was barely 7.6 percent (see Table 1). Iraq ranked 69th out of 189 countries in the IPU Women in National Parliament database, after Afghanistan, ranked 56th (27.7 percent), and Tunisia, 43rd (31.3 percent). In the MENA region, the lowest ranks are held by Lebanon (3.1 percent of women in parliament), Syria (13.2 percent), Jordan (15.4 percent), Saudi Arabia (19.9 percent), and Morocco (20.5 percent).<sup>70</sup> In the first Iraqi government after the fall of Saddam Hussein, there were six female ministers. Currently there are only two—the Minister of Health and the Minister of Housing. There were eight deputy ministers in 2005, but only one in 2013. Quotas have ensured that women are represented in the Iraqi parliament, but the mere presence of women has not necessarily resulted in the inclusion or championing of women’s issues in the overall political agenda. Women Iraqi members of parliament (MPs) have generally involved themselves in issues typical of women’s sphere of influence, such as child-rearing, are often lacking the political power or clout to influence other MPs, and are rarely vocal.<sup>71</sup>

**Table 1. Percentage of women seats in the Iraqi National Parliament (2000-2014)**

Ranking	Election year	Percentage of women
76	03/2000	7.6
28	12/2005	25.5
39	03/2010	25.2
50	04/2014	25.3

Source: Inter-Parliamentary Union – Women in National Parliament.

There is a consensus that the performance of parliamentarian women in the first and second elections (2010 and 2014) has been inadequate. According to the UNDP 2014 Human Development Report, women failed to fulfill voters’ expectations, did not stand up for women’s rights, did not use their platform to tackle key issues, and failed to present initiatives to enhance their potentially visionary role. Quite simply, their voices were not heard. “Women’s performance should not be separated from the performance of parliament as a whole, which was also weak considering the long list of laws waiting to be legislated, among them important laws such as those relating to labor and social protection, as well as oil and gas. Parliament also did not tackle their discriminatory approach towards women parliamentarians, who are excluded from party leaders’ negotiations on political and security issues, and from chairing parliamentary committees, save those on family and social issues.”<sup>72</sup>

In the first election of Governorate Councils in 2009 there were 110 women out of a total of 440. In the second election in 2013, the number increased to 117 out of 440. Their performance is not better than those in the national parliaments, as their admittance was based on the same criteria,

but, nevertheless, time is needed for the whole experience of political participation to mature in an infant democracy such as Iraq. It is important to assess this experience of women's participation as a challenge and breakthrough given that it is a society still dominated by tribal and religious rules (UNDP, 2014). Women constituted around 28 percent of the members of the specialized committees in 2010, representing a higher percentage in comparison with the current women's representation in the national parliament. However, since the first parliament was elected, women's significant participation (30 percent or more) has been mostly in committees related to health, education, services, the situation of women and children, and human rights.

Despite the steady increase in the number of female MPs across the committee system from 2009, women have never been represented in the Security and Defense Committee, nor in the National Reconciliations and Impunity Committee or the Labor and Social Affairs Committee, making these the worst committees in terms of gender balance in parliament. All of them have male chairs, and their members are all male. The Parliamentary Member Affairs and Development has no female member. In 2010 four out of 17 members were women. By comparison, the Legal, the Finance and Economy and the Investment and Reconstruction Committees showed an increased number of women in 2018 in comparison with the previous parliamentary term, with 23 percent, 29 percent and 23 percent women MPs respectively.<sup>73</sup> Not only does this situation reflect poorly on the role of women in parliament, but it also risks undermining the effectiveness of committees without the presence or with the under-representation of women in leading discussions and decision-making processes. Women can bring a different style and set of experiences to the scrutiny process which could be missed without their participation.

Iraq replaced its Ministry of Human Rights with its High Commission for Human Rights. One third of the Commission's 14 members (11 main members who can vote and three reserve members) are women. However, the Commission and its effectiveness have been challenged by the political deadlock and endless concessions of the same political blocs that are represented in parliament. The selection of members is done by a committee of experts that mostly represents the political parties (11 representatives for the political factions, two for civil-society organizations and one for the Federal Court and one from the Human Rights Office of the United Nations Assistance Mission for Iraq—UNAMI).<sup>74</sup> This Commission should be independent, and compatible with the Paris Principles<sup>75</sup> that regulate the work of similar commissions throughout the world. Civil-society activists called for the abolition of the committee of experts because it is unable to produce an independent commission, one that is not subject to the very political quotas that dictate its own members.

The last parliamentary elections were held on May 12 2018, the first since ISIS's defeat in Iraq. The elections decide the 329 members of the Council of Representatives who will, in turn, elect the Iraqi president and prime minister. A total of 6,990 candidates from 87 parties competed against one another, with an unprecedented number of female candidates (nearly 2,011) who were guaranteed 25 percent, or 83 of the seats. Nine seats are allocated to minorities (but no gender balance is guaranteed among candidates representing minorities groups). As reported by a representative of the High Council of Women's Affairs of the Kurdistan Region, no women were included in the current formation of government. Thus, women have been not taken into consideration in these high-level decision-making processes. Unfortunately, this level of political participation seems to be largely conditioned and responsive to political parties as well—and risks creating/reinforcing a "pipeline" of future women representatives from more educated backgrounds and thereby reinforcing power and influence within political and family elites.<sup>76</sup> This requires attention to create more enabling institutions, processes and working cultures, such as civil and political rights, reform of discriminatory laws, electoral and party reform, and shifting sexist attitudes and practices toward women in public life.

## Awareness of the importance of women’s political participation

According to data collected by the Iraq Woman Integrated Social and Health Survey (I-WISH) in March 2012 by the Ministry of Planning Central Statistical Organization (CSO),<sup>77</sup> when men were asked about their perspective on woman’s capability as compared to men in public and political affairs—and the areas where important decisions need to be taken—they stated a belief that women were more capable in the traditional child-caring and household roles. Some 17.8 percent of men reported that husbands have the right to prevent their wives from participating in the elections. There is also an obstacle of perception among women, with only 67.7 percent believing that women should participate in political elections as candidates and 84.8 percent believing that women should vote. Politics is considered a “man’s business” by the 41.5 percent of women who do not want to participate in political affairs (see Table 2). Statistics show that men prevent women from participating in politics, as reported by 39 percent of women aged 15–54.

**Table 2. Women’s political participation. Assessment of perception of women and men**

	Iraq Total	Other Governorates	Kurdistan Region
Percentage of women (aged 15–54) who reported the right of women to participate as a voter in the election	84.8	82.9	95.1
Percentage of women (aged 15–54) who reported the right of women to participate as a candidate in the election	67.7	63	92.8
Percentage of women (aged 15–54) who reported elections as being men’s business (among those who refused women’s participation in elections)	41.5	41.6	37
Percentage of women (aged 15–54) who reported gender inequality in favor of men in political participation	67	71.5	42.7

Source: Iraq Woman Integrated Social and Health Survey (I-WISH). Ministry of Planning Central Statistical Organization (2012).

Only one out of ten married men (10.3 percent) discuss political issues, such as the forming of the government and party affairs, with their wives. As for future ambitions of adolescent girls, 19.5 percent want to be housewives, 9 percent aspire to be a public or political figure and 64.1 percent want to have a job in education or the health services. Thus, girls’ priority for their future is rarely focused on their participation as politicians and decision-making officers.

## Overall challenges for women’s political participation and representation

Participants in the FGDs reported that there is a general lack of trust in decision-making processes that discourage women from participating as voters or following up on politics. Moreover, female respondents stated that “women are often seen by men as naturally and socially incapable of effectively participating in politics both as a leader or a constituent. Issues related to ‘shame’ and the need of a male relative’s oversight were the main obstacles to women’s equal participation.” Respondents from key informant interviews representing local women’s rights associations in Baghdad and Erbil pointed out a set of obstacles and challenges for women in running for elections and for their meaningful participation in political life:

Women share similar challenges in accessing these spaces because of social pressure or stigma, such as the one based on marriage status, notably on divorced or single women who are negatively judged if they are active independent of a male “protector.” Political participation spaces exclude many groups of women, notably those with less education and economic empowerment.

Women fear for their own safety and reputation. Women who engage in public affairs are subject to personal attacks and harassment, sometimes physically and very often verbally with insults to their person, their family and their “honor.” In fact, women running for office in the last May 2018 polls were subjected to “vulgar acts” on their election posters, as well as “attacks against their reputation and honor, defamation, cyber bullying and harassment.”<sup>78</sup>

Within political parties, women are mostly excluded from meaningful positions or critical meetings or negotiations. As such, without a quota, the number of women in executive positions within the parties remains limited and is tokenized in many instances.

Women elected with or without quota promote their particular party’s politics and priorities. Women nominated by political parties to run for parliament or even in decision-making posts essentially follow the party’s agenda and priorities and do not necessarily push for women issues or priorities.

Women often lack the information and skills to participate in political life, in addition to constraints on their mobility and time due to their engendered responsibilities. There is a skills gap among women in politics and those who aspire to participate, this includes communication skills, public speaking, and negotiation, among others. Moreover, although networking is strong among civil-society organizations, it is absent or largely inconsistent among women in politics.

Women suffer domestic violence in Iraq and high levels of sexual harassment. Thus, it is important to pass immediately the draft Anti-Domestic Violence Law, to have a national legal framework to protect women against violence and end the impunity of perpetrators and to amend Article 398 of the Penal Code (which enables a rapist to escape prosecution if he marries the victim).

Recommendations from the Directorate of Women’s Empowerment (DWE) are not binding and the department does not have a portfolio. The DWE is the only women-focused entity within the executive power, although a lot of effort is being made to push for more gender budgets and policies. “The government should elevate the DWE to a full ministry with an independent budget and a clear mandate developed in consultation with women’s NGOs. Its functions should include monitoring other state entities and vetting proposed laws and constitutional amendments for possible violations of women’s rights.”<sup>79</sup>

Women are excluded from the National Reconciliation Program launched in 2006 by the Iraqi government to promote tolerance and nonviolence and increase the respect for the rule of law. Thus, women are excluded from conflict resolution, negotiations and peace-building.

## WOMEN IN THE ECONOMY

Iraq’s economy is mostly state-run with more than 90 percent of government revenues and 65 percent of the GDP coming from the oil sector.<sup>80</sup> This sector, however, employs only one percent of the total labor force (primarily men), which remains highly dependent on the public sector. The ISIS war and widespread insecurity have caused the destruction of infrastructure and assets in ISIS-controlled areas, diverted resources away from productive investment, severely impacted private-sector consumption and investment confidence, and increased poverty, vulnerability and



unemployment. According to the World Bank, the poverty rate increased from 19.8 percent in 2012 to an estimated 22.5 percent in 2014. Poverty rates in regions controlled by ISIS are reported to be 41 percent in comparison to the already-high 22.5 percent seen in the rest of the country.

The situation for Iraqi women, despite the government of Iraq's best efforts to address gender inequality, has declined steadily since 2003. Iraqi women comprise half of the total population and are heads of one in 10 Iraqi households—80 percent of these female heads of households are widows, divorced, separated, or caring for sick spouses.<sup>81</sup> They represent one of the most vulnerable segments of the population and are more exposed to poverty and food insecurity because of lower overall income levels, and are particularly disadvantaged in terms of education and access to employment and adequate shelter. According to IOM, only two percent of female-headed households interviewed are employed and have a steady salary while an additional six percent are employed doing odd jobs and do not earn a regular income.<sup>82</sup>

The unemployment rate is about twice as high in the governorates most affected by ISIS compared to the rest of the country (21.6 percent versus 11.2 percent).<sup>83</sup> Some 84.9 percent of women aged 15 and older are not participating in the labor force, as a result they are particularly at risk of poverty.<sup>84</sup> Youth (15-24 years) unemployment is high at 18 percent for men and women combined. However, the rate of unemployment for female youth is much higher than that of male youth, 27 percent and 17 percent respectively.<sup>15</sup>

According to World Bank data based on modeled International Labor Organization (ILO) estimates, the ratio of female to male labor force participation rate was 21.7 percent in 2017 (21.89 in 2016). This compares to 63 percent for Middle Income Countries, 77 percent for High Income Countries and 87 percent for Low Income Countries. In other words, the ratio of working women remains significantly low compared to other areas of the world. In fact, it has the second lowest ratio (along with Iran) after Syria. The world average is 68 percent, the Arab world's average is 32 percent. This ratio was significantly higher before 2005 and has been steadily yet slowly increasing from 19.6 percent in that year.<sup>85</sup>

Throughout the country, including the Kurdistan Region, the clear majority of employed women (94 percent) are in the public sector,<sup>86</sup> which already constitutes the main employer in the country. Women choose to work for the public sector because of the stability it brings, as well as the guaranteed labor law rights that are not guaranteed or enforced in the private sector. Women are present across different fields of public employment. Latest available statistics (both permanent and non-fixed-contract staff) show relatively high women's employment rates (between 50 percent and 72 percent) in the finance, education and banking sectors. The lowest rates of women employed in the public sector (less than 10 percent) are in the oil and justice sectors, socially considered as predominantly male domains.<sup>87</sup>

Although women's employment in the public sector is high compared with other countries in the MENA region, more needs to be done to increase the leadership and decision-making power of women, considering that currently only two women head ministries in Iraq. Supporting women's full participation in economic, social and political life is a key factor in reducing poverty, increasing the well-being of women and creating fair, safe and secure communities. But, of course, increasing the rate of women's participation is not, nor should it be, just a numbers game. It should also be about ensuring that women are represented, their voices are heard, and that their views and contributions valued. As the Organization for Economic Cooperation and Development (OECD) has noted, "Women typically invest a higher proportion of their earnings in their families and communities than men." USAID, meanwhile, says that when "10 percent more girls go to school, a country's GDP increases on average by 3 percent," adding that when women have the same amount of land as men, "there is over 10 percent increase in crop yields."<sup>88</sup> Thus investing

in women's leadership and empowerment is not just crucial to having an equal and justice society, it is also needed for the economic development of Iraq.

## Women's employment in the private sector

Only two percent of all employees in the private sector—which is predominantly related to the oil sector—are women.<sup>89</sup> Of those women with private sector jobs, 71 percent have little or no education and most work in agriculture.<sup>90</sup> If Iraq does not capitalize on 50 percent of its human resources, it runs the risk of hindering its economic and social development. Huge differences persist in the labor market between women and men: only 14 percent of women are working or actively seeking work compared to 73 percent of men; 21 percent of active females are unemployed compared to 11 percent of active males. The percentage increases to 27 percent for young women and is significantly higher in urban areas than in rural areas, where women are mainly employed in the agricultural sector.<sup>91</sup> According to Iraq Knowledge Network (IKN 2011), young women with higher levels of education have more difficulties accessing work: the unemployment rate increases to 41 percent for those with a diploma and to 68 percent for those with a bachelor's degree. In fact, women in Iraq face a range of challenges and obstacles to greater participation in the private sector, including economic barriers to participation (finance, property, jobs, transport, etc.), access to health, legal rules and processes (discrimination, marriage, divorce, property, etc.), public participation and representation in decision-making forums (courts, etc.), crime and insecurity. Cultural and social obstacles are the other main driving factors preventing women from working in the private sector, such as restrictions on movement and the necessity of having male consent.

Despite Iraqi women enjoying equal rights to employment, according to the 2005 Constitution, certain inequitable elements remain within the law that limit women's economic choices. Some laws and their interpretations limit women in working in certain sectors that require hard labor, night-time work, or dangerous tasks. Moreover, Iraqi society still perceives women in their traditional role as housekeepers and child carers, although it seems that a change is occurring among the younger generations: 66 percent of youth compared to 42 percent of the elderly, support women's right to work.<sup>92</sup>

The idea that persistent gender inequality has very large economic costs is increasingly accepted. In fact, new research from the McKinsey Global Institute (MGI) finds that if women were to participate in the economy identically to men, they could add as much as \$28 trillion or 26 percent to annual global GDP in 2025.<sup>93</sup> Developing a strong and gender-balanced private sector is necessary for Iraq to develop into a diversified and resilient market economy with rising living standards and jobs for men and women. Expanding women's economic opportunities is one of the most important driving forces behind economic growth and the fight against poverty.<sup>94</sup> The government is responsible for many of the interventions required to close the gender gap in Iraq. For instance, it can and should remove legal barriers to women entering the private workforce, and provide basic gender-friendly services (including safe transport, child care for women employees, sanitation facilities for girls in schools, and special courts to handle gender-based violence cases). But companies can also do much more than they have done to date—both within their own operations and among suppliers, distributors, consumers and communities. Companies should think of their efforts to achieve gender parity not as a cost, but as an opportunity.

## Women's employment in agriculture

In the last few years, the agriculture sector has been severely damaged across the country, not only because of ISIS, but also because of water shortages and inadequate planning to support the sector. According to the Food and Agriculture Organization of the United Nations (FAO), the

water level of both the Tigris and the Euphrates rivers has fallen by more than 60 percent over the last 20 years, partially because of upstream water use and damming. Water deficiency may lead to a shortage of hydropower, to desertification, dust storms, loss of biodiversity and the spread of waterborne diseases—all of which have an impact on households and farming communities.<sup>95</sup>

Climate change is also posing additional challenges to the sector. Central Statistics Administration’s data reveal that women are dealing with the shrinking of agricultural space due to drought and desertification. In fact, 3 million out of the 14 million acres currently available to agriculture face the threat of desertification.<sup>96</sup> The combined effects have reduced prospects for viable irrigated agricultural production and diminished sustainable income-generating opportunities for rural communities. It has also negatively impacted the quality of life, especially for women and girls. For example, in a drought situation, women and girls bear the increased burden of fetching water and facilitating other basic household needs from longer distances as water resources dry up.

In 2011, the percentage of women in agricultural employment was 49 percent, while men represented 17.1 percent. In 2017, 43.7 percent of women and 16.7 percent of men were working in the agricultural sector (see Table 3). According to UNDP, “women in rural areas are more likely to be economically active than women in urban areas but they also face greater food insecurity, more barriers to education, and participate more in the informal—and therefore unprotected by Iraq’s equal opportunity laws—economic sphere.”<sup>97</sup> Uneducated women in rural areas have a much higher incidence of poverty and are less likely to be involved in skilled labor than women in urban areas. Logistical and security issues contribute to rural women’s inability to access education and, in turn, non-agricultural related jobs, as well as other critical services.<sup>98</sup>

**Table 3. Labor force participation in Iraq (percentage of female and male employment per sector)**

	Female (Percentage of Total Female Employment)		Male (Percentage of Total Male Employment)	
	2011	2017	2011	2017
Employment in Agriculture	49	43.7	17.2	16.1
Employment in Industry	3.5	3.9	21.3	24.2
Employment in Services	47.5	52.3	61.5	59.7

Source: World Bank (2018). Data Bank based on ILO Modeled Estimates.

Women in agriculture are rarely in control of the resources and the financial transactions in agriculture (setting the price, going to the market to buy and sell, managing the financial aspects of the business), even though they amount to 43.7 percent of the agricultural workforce in Iraq. In fact, even when financial support and loans target women specifically, resources often fall in the hands of the husband or male relatives.

The concept of men as breadwinners and leaders of the household leads men to generally make the decisions for the household, and on behalf of the women. The male head of household may make unilateral decisions that impact a woman’s entire life, including her participation in the job market. Studies show that the controlling behavior women are most likely to face include a husband insisting on always knowing where the woman is (63.3 percent), and insisting on the woman asking his permission to seek healthcare (66.9 percent).<sup>99</sup> In addition, men are also likely to try to control women’s participation in the economy. Women’s economic participation can be a highly contested issue because it contradicts the traditional men-as-breadwinners concept. If a

woman can keep and use her income as she sees fit, this may also be undermining the man's traditional authority in the home.



Photo Credit: Tommy Trenchard/Oxfam

## Impact of conflict on livelihood and shifts in gender dynamics

Iraq has had a series of crises and conflicts in the past decades, the most recent being by the expansion of ISIS. The outbreak of violence and lack of security, as well as the toll of human casualties, had expansive consequences on the economy as well as society, threatening all aspects of livelihoods and related opportunities. On a different level, the consequences of conflict and the relative absence of men on the farms created a need for women to go more to the market to buy, sell and negotiate, which is paving the way for more female agency at this level.<sup>100</sup> According to the gender and conflict analysis produced by Oxfam and UN Women,<sup>101</sup> the current context of displacement constitutes a space where gender roles, responsibilities and practices are being re-negotiated. "ISIS occupation significantly curtailed men's capacity to conform to cultural and societal expectations as providers and protectors, leading men to use violence against women to reassert that lost power and sense of masculinity. At the same time, prevailing gender norms also indicate opportunities for linking roles as protectors to positive role models and contributing to community reconstruction working across age divides. References from study participants that indicate that women are increasingly stepping up in household decision-making on household expenses and awareness-raising methodologies can be used to stress women's contribution to household well-being, rather than framing women's participation as undermining the authority of the head of household."

Despite the array of needs created by the conflict, women's access to livelihood opportunities remains largely conditioned by the lack of awareness (poor access to information), and by how appropriate these opportunities are considered by society (level of acceptance by men). On the other hand, the crises softened many of the social restrictions toward the work of women. Some interviewees indicated that the conflict did lead to shifts in the gendered division of labor, and that

society is becoming more tolerant toward women working in new sectors because of the needs imposed by the successive crises, citing examples such as women stating their own micro-businesses. The 2016 gender and conflict analysis also reported that it is becoming more acceptable for women to work on other people's land as farm workers.<sup>102</sup>

However, many also stated that although many women entered the job market driven by the need for income, they are not necessarily more empowered, but rather face new forms of abuse under which they are forced to go work without having any control over their income or their working conditions, along with fulfilling their gendered roles within the household. Furthermore, many considered that women's economic activities that do not fall in line with existing gender roles (care provision, baking, catering, hand-made ornaments, etc.) will eventually stop as the situation gets better, and that the existing cultural and social norms will be sustained and will likely stop the current engagement of women in paid activities to translate into a real shift in the job market and in the perception toward women labor. It is worth noting also that most interviewees referred to a huge difference in the way the economic activities of a widow and those of a divorced woman are perceived. Even if women in both situations work out of need, the latter is often criticized for working outside her home.

Conflicting views were expressed throughout the different interviews regarding the impact of the crises on women's agency and participation in decision-making within the household. A few considered that some power dynamics are being re-negotiated within the household, especially when women are the ones to go out and provide for the family and are now considered the "breadwinners," however most interviews reported no real change at this level.

## Unpaid care work

While the wage gap might not be accurately reflected in formal employment, gender inequality in terms of remuneration for work is clear when it comes to unpaid care work. Most care work, such as cleaning, cooking, and caring for children or elderly, is performed by women and girls and is usually not remunerated. Although this work is critical to the proper functioning of communities, unpaid care work has been largely ignored by economic and social public policy initiatives. Women in Iraq carry much of the burden of unpaid household work. The Iraq Household Socio-Economy Survey (2012) recorded that women spend on average more than six hours a day performing unpaid activities, such as cooking and childcare.

According to the Overseas Development Institute, in Iraq women give up 10.5 weeks per year more than men in unpaid and unrecognized work.<sup>103</sup> A later 2017 study by Oxfam and UN Women reported that unpaid care work has increased in contexts of displacement (respondents estimated an increase from one to three hours to "most of the day"), with women continuing to consistently invest most of the time and energy (men spent only 25 percent of the total time allocated for unpaid care). The research reflected that women in conflict-affected areas regarded care work as their fundamental responsibility and part of their identity.<sup>104</sup> Mothers, older (unmarried) daughters and elderly women are the ones that mostly engage in unpaid care work.

Unpaid care work remains a barrier to reaching gender equality as it reinforces discriminatory gender stereotypes that force women to stay in the home, limits their participation in the public sphere and prevents them from having access to the labor market. The unequal burden of unpaid care work on women, especially women in poverty, is a barrier to women's full enjoyment of their human rights, and this institutionalized inequality needs to be addressed by national policies and strategies.

## Analysis of the perception of women's employment

According to the 2012 Iraq Woman Integrated Social and Health Survey, 10.9 percent of women aged 15–54 were employed for wages during the survey period; 57.8 percent of those women who were not working indicated that this was due to personal reasons: 17.1 percent attributed their inability to get work to lack of competence and 12.9 percent to economic difficulties. These results show the main perceived obstacles that women and girls are facing in accessing labor markets. Women's traditional reproductive roles, the lack of education and skills, low wages and poor access to markets are the main reasons women are not working. The survey results indicated that 35.3 percent of non-working women are willing to work if a suitable opportunity is made available, while 7.3 percent were available to be enrolled in labor market training programs, (in Kurdistan Region the number was 10.6 percent). As shown in Table 4, 49.2 percent of Iraqi women reported gender inequality in wages in favor to men in the private sector and 32.4 percent reported gender inequality in wages in the public sector.

**Table 4. Women in the labor market. Assessment of the perception of women and men.**

	Iraq Total	Other Governorates	Kurdistan Region
Percentage of women 15–54 years who do not work due to lack of educational qualifications	13.4	13.5	12.8
Percentage of women 15–54 years who do not work but are available if suitable work is offered	30.3	28.4	40.8
Percentage of women who reported gender inequality in favor of men in wages in the private sector	49.2	50.6	41.8
Percentage of women who reported gender inequality in favor of men in wages in the public sector	32.4	31.2	38.9
Percentage of men 18+ who reported that the husband has the right to prevent his wife from working	19.2	21.1	9.9

Source: Iraq Woman Integrated Social and Health Survey (I-WISH). Ministry of Planning Central Statistical Organization (2012).

As reported in the focus group discussions, social norms affect women's economic participation through the burdening gender roles that are assigned to women, and the subsequent opportunity costs that limit their ability to engage in activities outside the household, especially with the lack of provision of parenting support services (daycare) by employers. Another aspect through which social norms were reported by interviewees as barriers to women's engagement in employment is the negative perception toward a woman's frequent presence outside her home, or frequent travels. Women across the different fields of employment face negative judgment with regard to being absent from their family. Interviewees in the Kurdistan Region considered that compared to the rest of the country, women are more encouraged to work and pursue a career. However, the career aspirations of young female graduates remain largely conditioned by the consent of their families and, more importantly, their husbands or husbands-to-be.

An interview with a key informant revealed that in Kurdistan Region, female NGO workers, lawyers and doctors who are educated and have the required skills to perform their job often quit and stay at home to care for children, despite having education, because of lack of consent from

their husbands. The respondent reported that “husbands often question about who would care for their toddler when he came from school.”

## Restrictions in access to financial credit

In addition to the challenges facing the job market and economic opportunities in the country because of the conflict and the related insecurity, oil prices, and the subsequent deterioration of the fields of production, women face their own specific set of barriers. While the law grants women equal access to economic institutions, they often depend on permission from associated men to engage in activities outside the home, which hampers their economic integration. A case study examining women’s integration in economic activities revealed that 11 of the 12 women under study faced travel restrictions due to security concerns or cultural values.<sup>105</sup> While the relevant laws and regulations grant women access to financial credit through banks or other sources without the need for their husband or male relative’s consent, women’s access to finance remains largely conditioned by social bias toward men receiving the support, as well as application conditions that are very difficult for women. FGDs confirmed that while there have been some micro-finance opportunities for women, especially IDPs and those living in rural areas, the drawbacks lie in the lack of relevant skills to manage and sustain the business opportunities, and in some cases in the social pressure for the women to yield control of the funds to a male in the family (husband, brother, etc.). Statistics confirm this trend. In fact, the Iraq Micro-Finance Institutions (MFI) make fewer loans to women than men (16 percent compared to almost 68 percent in other MENA countries).<sup>106</sup> MFI favored larger loans intended for production purposes to individual males rather than the smaller poverty-reduction loans to groups of women that are more common in the rest of the MENA countries.<sup>107</sup> In the Kurdish area, FGDs outlined that access to finance has been increasingly limited to both men and women in general due to the crisis. “When loans are made available the conditions are restrictive and require a sponsor who is a public sector employee with a certain minimum level of income.”

## Harassment in the workplace

While there are no statistics available for the past year on sexual harassment in Iraqi society, a 2015 survey published by the Iraqi Women’s Journalists Forum (IWJF) found that eight in 10 women in Iraq have suffered some form of sexual harassment.<sup>108</sup> The study concluded that asking for harassment in the workplace to be recognized could have serious consequences: some victims were afraid of losing their jobs if they resisted the abuse and harassment of their managers. As reported in the study: “Most women who were surveyed affirmed their vulnerability to harassment on transportation or at the workplace, and said that they didn’t report it to the police for fear of being accused of being the cause of the harassment.”

There is a general lack of specific data showing the rate of sexual harassment in the workplace in Iraq in both the public and private sectors. Interviews conducted as part of this study reported that it is very common for female employees to face sexual harassment and blackmail, especially in the private sector. In addition, women not only face the risk of harassment, but also a negative reputation in a society that perceives that they must be “compromising” their values to be able to stay at work. Women employees in the public sector started to speak up about harassment in the workplace in 2017, when parliament members and ministers revealed having received complaints of sexual harassment.<sup>109</sup>

Women employees who are subject to harassment at work in both the private and public sectors, have little incentive and find little room to report in the absence of the necessary support networks and systems, and more importantly in the face of a society that considers these issues taboo. Reporting dire working conditions or harassment is even less possible for women in the informal

sector, such as those working in factories. Even for those working in the formal sectors, especially the private sector, the survey reveals that awareness on existing labor laws and rights is very weak, which keeps employees from claiming their rights. Interviews in Erbil indicated that some women employees who were subject to harassment do report, but they mostly do so to receive psychosocial support, and would not necessarily want to pursue legal action or expose the offender.

The Iraqi Labor Law of 2015 prohibits sexual harassment in the workplace and any other behavior that is offensive or results in intimidation or hostility in the work environment. Penalties for sexual harassment during employment, the search for work, or vocational training are up to six months' imprisonment and/or a fine of one million IQD (Articles 10 and 11). These penalties have been criticized as not commensurate with the seriousness of the act and its economic and psychological effects.<sup>110</sup> Sexual harassment is defined broadly to include any physical or verbal conduct of a sexual nature or other conduct based on sex, affecting the dignity of women and men, which is undesirable and unreasonable and insulting to the victim, and the rejection by any person of this conduct, leading explicitly or implicitly, to a decision affecting their job.<sup>111</sup>

## Women entrepreneurs: Participation and ownership of medium, small and micro enterprises (MSMEs)

Throughout the country, the bureaucratic and legal requirements involved in setting up a new business restrict an ascending yet shy trend among women who want to open their small to medium businesses. Furthermore, despite many efforts by civil society and international organizations to provide economic empowerment as part of their projects and interventions, there is still some significant needs for skills and training for women who are interested in pursuing economic opportunities as small scale entrepreneurs or as employees. Interviewees considered that social norms still constitute a significant barrier to women's presence in business, either through creating an informal bias toward men for resource allocation (financing, inheritance, land, etc.), or through discouraging views toward activities outside the household.

The figures in Table 5 validate this finding, showing a very low presence of women entrepreneurs in Iraq in comparison to other parts of the world. In Iraq, only 6.8 percent of firms have female ownership, compared to 22.9 percent in the MENA region and the global rate of 34.7 percent. Only 2.3 percent of firms have women as a top manager, compared to 4.9 percent in the MENA Region and 18.6 at global level, indicating restrictions to women in holding top management and decision-making positions (see Table 5).



**Table 5. Percentage of female participation and ownership of firms (compared data)**

	Percentage of firms with female participation in ownership	Percentage of firms with majority female ownership	Percentage of firms with a female top manager	Percentage of permanent fulltime workers that are female	Percentage of permanent fulltime production workers	Percentage of permanent fulltime non-production workers that are female
All Countries	34.7	14.5	18.6	32.4	25.4	35.3
MENA Region	22.9	3.5	4.9	16	12.6	15.6
Iraq (2011)	6.8	n.a.	2.3	8.6	3.3	1.2

Source: \* This data is computed using data from manufacturing firms only. Source: World Bank. (2017). Enterprise Surveys. <http://www.enterprisesurveys.org/Data/ExploreTopics/gender>.

A 2014 study by the World Bank group shows that women in top managerial positions may serve as role models for other women to seek better employment and higher paying jobs. Also, in contrast to male managers, female managers are less likely to discriminate against other women and therefore more likely to promote female workers to higher paying jobs. Greater gender disparity in education levels (favoring men over women) has been linked to slower overall economic growth rate, higher poverty and lower income levels for women relative to men. Managers in the organized private sector are likely to be highly educated individuals and hence it is natural to expect a higher proportion of female managers in countries where there is greater gender parity in education.<sup>112</sup>

## Gender gaps in education

There has been remarkable progress in education in Iraq. Enrolment in primary education grew tremendously over the past decade, increasing at about 4.1 percent per year.<sup>113</sup> According to latest data available from UNICEF, as of 2015–2016, 9.2 million students are enrolled across all education levels in Iraq. The total enrolment in primary education almost doubled to six million children in 2012 from 3.6 million in 2000. Girls' enrolment grew at all levels and at faster rates than boys' enrolment, although they are still enrolled in lower numbers than boys and tend to drop out at a higher rate.<sup>114</sup> As of 2013, 13.5 percent of school-aged Iraqi children (1.2 million children) did not have access to basic education. For those who are in school, there are large drop-out and repetition rates.<sup>115</sup>

Access to quality education is, without doubt, a main factor that pre-defines women's and girls' chances for effective economic participation and largely conditions their place in the labor force. UNICEF data show that around 355,000 internally displaced children remain out of school in Iraq (48.3 percent of the total internally displaced school-age children) and this reaches 90 percent in conflict-affected governorates, such as Salah al-Din and Diyala. The gender gap in education is evident in the primary education in Iraq where the out-of-school rate for girls is 11.4 percent, more than double the rate for boys at 5.4 percent. These statistics testify to the inequality in education among the two sexes at each level. Furthermore, 28.2 percent of women aged 12 years or older are illiterate, more than double the male rate of 13 percent.<sup>116</sup>

Without dramatic and urgent improvements in the education system, Iraq risks further conflict, economic and political insecurity and a protracted recovery. The United Nations recommends governments allocate 20 percent of their national budgets to education. According to UNICEF,

Iraq's education budget for 2015–2016 was just 5.7 percent of government spending, a 15 percent drop from 2013–2014. Today, the Iraqi government is spending less on education than any other country in the region.<sup>117</sup> Amidst such scarcity of resources, Iraq's girls suffer the most; 60 percent of girls aged 14–18 are not in secondary school. On a different level, the Gender Parity Ratios indicate some improvement in girls' enrolment in most of the governorates, although full equality has not been reached yet in most educational levels in central Iraq, whereas the ratio is equal and positive for girls in the Kurdistan Region for pre-school and upper secondary respectively. Progress over time is mostly seen at the upper-secondary levels in both central Iraq and the Kurdish areas. This higher share of girls' enrolment is attributed to a greater increase in the number of girls enrolled (11.1 percent increase in total girls' enrolment between 2013/2014 and 2015/2016, compared to 8.4 percent for boys).<sup>118</sup> Regional disparities are registered within central Iraq, for example the total ratio (all education levels) vary from Kirkuk with the highest level of gender parity (1.12) to the lowest in Salah al-Din (1.35).

UNICEF's report on the cost and benefits of education in Iraq estimated an economic cost of drop outs and repetition in 2014/2015 in Iraq of 1.5 trillion Iraqi Dinar (IQD) or 18.8 percent of the total education budget (actual).<sup>119</sup> The largest losses were registered among primary education drop outs. Along the same lines, the report analyzed the effect of educational attainment on expected earnings and reported that the economic returns from education are higher for females throughout the country: "females in the public sector earn an additional 2.4 percentage points in return per year of schooling, while females in the private sector earn additional four percentage points." The impact on economic returns is even higher in the Kurdistan Region where the wages of females are higher with 3.2 percentage points in the public sector and 5.5 points in the private sector. This means that education not only secures the potential for women's economic participation, but also significantly conditions their wages and prospects.

## Barriers and challenges to girls' education

Interviewees reported that girls do not have full control over their choice of education throughout the different levels, and especially when reaching tertiary education. Family and social norms have a large share of control over the girls' ability to enroll, as well as their choice of program. These factors are further accentuated by the deteriorating financial situation. In fact, this situation is not completely new, a 2012 survey by the Ministry of Planning: Central Statistical Organization, reported that around 70 percent of participating women considered that they were not able to reach the level of education they wanted.<sup>120</sup>

Various factors have contributed to today's gender divide in education and employment: schools are simply not within a safe traveling distance and many are overcrowded, especially in rural areas, for both boys and girls—a situation that is intensifying due to public budget cuts. Furthermore, social norms discourage many families from sending their girls to co-ed (mixed) schools and thus push toward more school drop-outs. Another factor is a cultural preference to educate boys over girls. Although Iraq has a compulsory law for elementary education, families may stop sending girls to school because they need them to work at home.

Girls' education is also subject to socio-economic pressures that are increasingly pushing toward early marriage (refer to section on child marriage). Furthermore, protection risks were mentioned as top inhibitors to girls' access to educational institutions, with risks such as sexual abuse, kidnapping, harassment and physical punishment in schools highlighted. In fact, an UNFPA/UNICEF assessment conducted in 2016 among adolescent girls in the Kurdistan Region reported that experiences of harassment were raised by girls who experienced it from their male counterparts as well as teachers (physical punishment in school). Some girls even reported being forced to clean instead of learning at school. Unfortunately, girls have little incentive to report

since they are faced with the likely reaction of parents to withdraw them from school as the only alternative.<sup>121</sup> Field interviews also reported that the education system, which already lacks gender mainstreaming in policy and curricula, is becoming less favorable to co-ed education both at the school level and higher education. Curricula are becoming less and less secular, and more responsive to conservative views. For example, physical education is not required in public schools any more, especially for females.

## VIOLENCE AGAINST WOMEN AND GIRLS (VAWG)

Violence against women and girls is a grave violation of human rights. According to UN Women, its impact ranges from immediate to long-term multiple physical, sexual and mental consequences for women and girls, including death. It negatively affects women's general well-being and prevents women from fully participating in society; and it has tremendous costs, from greater healthcare and legal expenses to losses in productivity, impacting national budgets and overall development. Globally, the total direct and indirect costs of violence against women are estimated to be as high as 1–2 percent of a country's Gross National Product. At the global level, this amounts to millions of dollars.<sup>122</sup>

Violence against women and girls, and most notably domestic violence, has been consistently prevalent in Iraq in the last few decades. It is estimated that since 2003 the armed conflict in Iraq has led to the violent deaths of approximately 14,000 women. ISIS has subjected women, girls, men and boys to various forms of sexual violence, such as rape and sexual enslavement, physical and psychological violence and trafficking. Women and girls have suffered from the impact of armed conflict increasing their vulnerability and impairing their access to basic humanitarian services. Eradicating violence against women is a crucial part of Iraq's efforts to promote gender equality and empower women in all spheres of life (SDG n. 5), and to fulfill commitments under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

According to UN Women, 37 percent of Arab women have experienced some form of violence in their lifetime. In Iraq one in five women and girls (21 percent) aged 15–49 were subject to physical domestic violence in 2008.<sup>123</sup> The 2012 Iraq Woman Integrated Social and Health Survey (I-WISH) of the Ministry of Planning reports high levels of exposure to VAWG both within and outside the household:

- 73 percent of women 15–45 years old reported that the perpetrator of domestic violence is the husband, followed by father (53 percent), then other family members (43 percent).
- 36 percent of married women were exposed to at least one form of psychological abuse from their husbands: 23 percent witnessed verbal abuse, 6 percent physical violence, and 9 percent experienced sexual violence (including forced sexual intercourse, humiliating sexual behavior, etc.).
- 46 percent of girls (10–14 years) were subjected to family violence (by the father, mother, brother, or sister) during the month preceding the study.<sup>124</sup>

The survey results indicated a gap between the international concept and Iraqi women concept on VAWG. "Although more than half Iraqi women agreed that not giving them enough money although it is available, preventing woman from visiting her family, preventing her from completing her education and preventing her from working is VAWG, most of them do not consider preventing woman from political participation, controlling her mobility by husband, beating daughters as punishment for misbehavior as VAWG." Many basic forms of violence are considered to be normal

behavior by women in Iraq: beating if a woman goes out without permission (47.9 percent), beating if disobedient to male orders (44.3 percent) and preventing a wife from visiting her relative (69.5 percent), as showed by Table 7. As for the places women identified as increasing their exposure to VAWG, the results confirmed that most of VAWG incidents occur at home. The fewest incidents of violence against women and girls occur in educational institutions. The main reason for the prevalence of VAWG in Iraq according to women (15–54 years) surveyed is “due to the common misconceptions in cultures, misconception of families about ways of upbringing boys and girls, misconception of religion, lack of awareness among men and women, lack of knowledge among women about their rights and women giving up and accepting violence.” The results also confirmed that efforts might start from the home by changing behaviors and beliefs of family members about women’s rights and by encouraging opposition to VAWG.

**Table 7. Percentage of women (age 15–54) who reported the following acts by a husband against his wife as VAWG**

	Iraq	Other Governorates	Kurdistan Region
Beating wife if gone out without permission	47.9	45.1	63.3
Beating wife if disobeyed his orders	44.3	41.7	58.3
Preventing wife from visiting her relatives	69.5	69.4	69.6

Source: The Ministry of Planning: Central Statistical Organization (2012). Iraq Woman Integrated Social and Health Survey (I-WISH) March 2012. [https://reliefweb.int/sites/reliefweb.int/files/resources/I-WISH\\_percent20Report\\_percent20English.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/I-WISH_percent20Report_percent20English.pdf).

Similar results were recorded in 2015 among men by the Agency Information and Analysis Unit (IAU) with 56 percent of Iraqi men believing they have a right to beat their wife if she disobeys.<sup>125</sup> While there are no statistics available for the past year on sexual harassment in Iraqi society, a 2015 survey published by the Iraqi Women’s Journalists Forum (IWJF) found that eight in 10 women in Iraq have suffered some form of sexual harassment.<sup>126</sup> In Kurdistan, the 2017 Annual Report of the General Directorate of Combating Violence Against Women reported 7,010 complaints of domestic violence against women, 220 of burning of women, 74 suicides, 43 femicides, and 115 cases of sexual violence—an increase on the 6,673 registered in 2014. According to the Ministry of Health, more than 3,000 women were killed from domestic violence between 2010 and 2015. Around 548 women were killed in 2017. The Ministry of the Interior’s Family Protection Directorate reported that 54 percent of the family violence cases brought up in 2014 were about husbands physically abusing their wives.

## Impact of the conflict on women and girls

The armed conflict in Iraq has led to the violent deaths of approximately 14,000 women since 2003. A further 5,000–10,000 women and girls are estimated to have been abducted or trafficked for sexual slavery or ransom.<sup>127</sup> In addition to the women killed in bombings, shelling and air attacks on civilian areas in Iraq, women have been deliberately targeted for assassination by both pro-and anti-government militias across the country. The fighting in Iraq has generated mass population displacement and created tens of thousands of widows and female-headed households, escalating women’s vulnerability. Thousands of women and girls are estimated to have been abducted or trafficked for sexual slavery, prostitution or ransom since 2003.<sup>128</sup>

According to a 2016 UNFPA report psychological violence comes even before physical violence among IDPs and refugee communities (non-physical violence included deprivation of resources, such as food or cash, especially those resources that are often received by the husband or the elder member on behalf of the family).<sup>129</sup> It is worth mentioning that the reporting stigma is probably higher when it comes to discussing physical or sexual violence. The same study reported that respondents indicated that the perpetrators were mostly family members (mainly the husband or mother-in-law), or by ISIS if from outside the family. Respondents also showed a high level of normalization and legitimization of GBV within the family by the survivors, the perpetrators, and the witnesses, as well as the community in general.<sup>130</sup>

The impact of widespread violence and the lack of security in the country on the family and on violence within it is severe and multi-faceted. One aspect is linked to the conflict-induced economic pressures that leave men in the family unable to fulfill their “cultural expectations” and their roles as providers. Such pressures often lead to increased “frustration” and “anger” among men who become more likely to abuse their wives to reassert their masculinity. An Oxfam/UN Women report also links the loss of livelihoods to a rise in intimate-partner violence.<sup>131</sup>

## Conflict-related sexual violence against women and girls

Rape is one of the main aspects of gender-based violence that was significantly aggravated and spread by ISIS as a weapon of war.<sup>132</sup> In addition to the indirect factors, such as the general loss of security in the country, and the weakening of the rule of law, the group’s militia committed horrific rape crimes that are still difficult to assess in magnitude and spread. Rape was systematized and codified using religious references. Human Rights Watch reported that around 70 percent of the women and girls examined at a health facility in Dohuk appeared to have been raped in ISIS captivity and all of them exhibited signs of severe emotional distress due to physical assault.<sup>133</sup>

While the country has announced the dissolution of the group in Iraq, the repercussions of its crimes against women remain. In fact, women survivors are facing double the discrimination. In addition to what they endured while in captivity or under ISIS rule, they are now faced with a community that regards their rape or assault as a “dishonor” and many of them are forced to abandon the children they bore when abducted by ISIS as a condition of their return to their families. According to Pramila Patten, the UN envoy for sexual violence in conflict, many of the girls who were released from ISIS face a double stigma and are confined in their tents for being rape victims and as a result for being linked to ISIS; as such, these survivors are unable to benefit from any potential support services within the camp.

Data on the spread and prevalence of rape is scarce all around the globe and particularly in every fragile state. In fact, both interviews and previous reports concluded that sexual violence is significantly underreported, especially among Internally Displaced People (IDPs) and refugee communities given the stigma and loss of social capital.<sup>134</sup> It is more socially acceptable to conceal and hide the crime than it is to seek justice for the victim or the survivor, especially for an unmarried woman or adolescent girl whose life might be threatened in the name of the family or tribe’s honor. The stigma of rape is also exercised on a community level, as if acknowledging and dealing with the rape of a group’s girls and women is an acknowledgment of defeat and dishonor. Most survivors must deal with a sense of dishonor and guilt and might resort to hurting themselves or even committing suicide.

## Impact of the conflict on men, boys and children

An Oxfam/UN Women study on Iraq on the context of displacement outlined that adolescent men were considered the most vulnerable group, according to 62 percent of respondents in Anbar governorate and 50 percent of respondents in Salah al-Din governorate. The main reason outlined by the study is that adolescent men are tempted by arms and join armed groups or militias because they have not had anything to do in a long time and opportunities to pursue independent income options to form their own family or to contribute to the income of their families of origin were curtailed. Female and male study participants alike stressed the importance of targeting adolescent men and boys with tailored programs to keep them from joining illegal armed groups.<sup>135</sup> Study participants indicate that from their experience, men face considerable constraints in living up to their expected roles as the main household providers, as ISIS occupation exacerbated the pressures on men who refused to join ISIS by restricting movement and forcing the closure of businesses.

In terms of sexual violence against Iraqi men and boys, although there are no available data, evidence suggests that violence against men and boys is also widespread during conflicts.<sup>136</sup> Stereotypes surrounding masculinity and a culturally permissive approach toward violence against men may lead to under-reporting and reduced health-seeking behavior.<sup>137</sup> Children born in Iraqi areas affected by high levels of violence are 0.8 cm shorter than children born in low-violence areas. This grim fact constitutes one of the clearest signs of the effects of violence on health, especially among children.<sup>138</sup> Today's younger generations have been far more exposed to violence than their elders, and the grave consequences in their psychological well-being have been severe. In Mosul, a 2006 study of 1,090 adolescents screened for mental disorders from eight secondary schools found that 30 percent were suffering from PTSD.<sup>139</sup>



Photo Credit: Tommy Trenchard/Oxfam

## Minority groups

The Iraqi Constitution recognizes that “Iraq is a country of multiple nationalities, religions, and sects” with two official languages: Arabic and Kurdish. Moreover, the Constitution enshrines the principle of non-discrimination and the equality of all Iraqis, and guarantees the administrative, political, cultural and educational rights of all the nationalities in Iraq. While these are robust provisions, Iraqi minorities do not often enjoy even the most basic human rights guaranteed by the Constitution.<sup>140</sup>

Though the general security situation in Iraq has improved since 2006–2008, developments have been uneven and conditions for vulnerable populations remain distressing. Some of Iraq’s religious and ethnic minorities remain at risk of targeted violence and political, social and economic marginalization. Women and children from minorities groups suffer of a “double discrimination” both as members of minorities and as women and children.<sup>141</sup> Evidences show that ISIS has committed inhumane practices against women and girls, including killing, kidnapping and forcing them to change their religion. During the past three years, militants kidnapped thousands of Yazidi women and girls to sell to ISIS fighters, where they have been subjected to forced marriage,<sup>142</sup> sexual slavery,<sup>143</sup> rape and domestic servitude.<sup>144</sup> According to the Directorate for the Affairs of Kidnapped Yazidis, an office created by the Kurdistan Regional Government to negotiate and pay for the return of kidnapped women and girls, the total number of Yazidis kidnapped is estimated at 6,000, and women constitute the largest proportion. The Yazidi Center in Baghdad and Land Center in Kurdistan have set up programs to reintegrate women into society.

## Lesbian, Gay, Bisexual, Transgender and Intersex Issues (LGBTI)

According to Human Rights Watch, Iraq’s criminal code does not prohibit same-sex intimacy, although Article 394 makes it illegal to engage in extra-marital sexual relations and as “the law does not expressly allow same-sex marriage, it effectively prohibits all same-sex relations.” Since early 2009, Human Rights Watch has documented kidnappings, executions and torture by militia groups in Iraq against men who are gay or perceived to be gay.<sup>145</sup> In 2015, ISIS’s Diwan al-Hisba (Moral Policing Administration) and online media apparatuses have publicly announced 27 executions of allegedly gay men, at least nine of them in Iraq. The main method ISIS used to execute these men was to throw them off the roofs of high-rise buildings.<sup>146</sup> According to a study across settings by the United Nations High Commissioner for Refugees (UNHCR) in 2017, refugees and informants described sexual violence and exploitation—as well as physical violence and verbal harassment—against LGBTI refugees as a daily threat. In an FGD with seven LGBTI refugees, all participants had experienced sexual violence multiple times in their lives. Six out of seven participants had experienced sexual violence in their country of asylum. Four of the seven had been in detention in Syria or Iraq, and all four had experienced sexual violence while detained.<sup>147</sup> Despite the difficulties that LGBTI people face, civil-society organizations, such as Rasan and IraQueer, have managed to establish small networks and hold (usually clandestine) meetings where LGBTI Iraqis can discuss their sexuality.<sup>148</sup> In March 2018, a group of activists in the northern city of Sulaymaniyah from the CSO Rasan have covered the walls of their city in new murals designed to raise awareness of the rights of LGBTI people and encourage dialog within their mainly Sunni Kurdish society.<sup>149</sup>

## Overall challenges and needs of women and girl survivors of VAWG

Focus group discussions with women and girls revealed the main needs and vulnerabilities of VAWG survivors and women and girls at risk. They suggested a set of recommendations and priority actions to address the pandemic of domestic violence in Iraq:

- There is a need for more female officers and social workers at the centers in the existing police stations and, given the widespread stigma and lack of trust in women survivors about going to police stations, it is necessary to locate centers for VAWG survivors outside police stations.
- There is also a need for more community awareness of the services provided by the centers, to both reduce the stigma surrounding reaching out to them, and to make potential survivors more aware of different forms of VAWG and the existence of services under the GBV referral pathway.
- There is a lack of trust and faith in the current rule of law and public institutions and their role in fighting violence against women. The formal and informal judicial system and its rulings reflect the society and its perceptions and values, which discriminate against women. It is important for women and girl victims of violence to be protected by the law and have access to justice and healthcare.
- Interviewees talked of survivors being discouraged or even condemned by law enforcement agents whenever they attempt to report.

According to key informant interviews conducted for this study, although the domestic violence law in the Kurdistan Region does not require a complicated process for women to be admitted into a shelter, the regulations set out include a long process of registration and reporting and require women to officially report to the police and file a lawsuit at the court on family violence in order to be granted admission. In the Kurdistan Region, interviewees reported that:

- The available shelters are somewhat like prisons where admitted women have little agency and control over their lives, and they are not allowed to leave and come back freely.
- The shelters sometimes house women with psychiatric problems without providing the required follow up.
- Alternative shelters run by NGOs were rapidly shut down because they gained a “bad reputation” within the community. According to interviews with women’s organizations, shelters are thought of as encouraging women to disobey their husbands and the fact that women reside in a shelter without a male guardian is still “culturally unaccepted” in Iraq.
- It would be very difficult for NGOs to run shelters without adequate police protection.

Interviews collected during the focus group discussions with women and young women by this research detailed that the level of awareness about VAWG remains below the minimum, and that more awareness on the existence of VAWG does not necessarily translate into wider vocal support of the necessary policies to fight it, or into real improvements in the lives of survivors. Legal knowledge and information about the existing services is the main gap in people’s awareness regarding VAWG, both among women survivors and the community as a whole.

## Female genital mutilation/cutting (FGM/C)

Although in Iraq less than 10 percent of the total female population have suffered FGM/C, its prevalence in the Kurdistan Region is alarming. A 2016 survey of the High Council of Women Affairs on FGM Prevalence in the Kurdistan Region, reported that among women surveyed, 44.8



percent had suffered FGM/C and 10 percent of girls reported having been submitted the harmful practice of FGM/C. Among these, 67.6 percent of affected women and 16.7 percent of affected girls respectively are living in Erbil. Two common reasons for FGM/C were cited by the targets of the study, firstly it is regarded as a religious requirement (63.4 percent), and the secondly FGM/C is part of their tradition (61.8 percent). While social pressure could be expected to be a main factor, 24 percent of mothers forcing their daughters to undergo FGM/C reported that they did it out of family pressure. Prevalence among both generations was higher in rural areas than in urban ones, as is the case in other studies.

With the aim of reducing FGM/C, Article 6 of the Act of Combating Domestic Violence adopted in the Kurdistan Region in 2011 criminalizes the practice and penalizes people who “instigate, assist, or carry out” the procedure. Punishments for perpetrators of FGM/C are set between 6 months and three years of detention. Penalties also touch medical professionals and midwives and include prison personnel. Interviews indicated that although significant efforts are put in by both local and international agencies to spread awareness on both the negative practice as well as the legal provisions, more implementation and enforcement measures are needed at the legal level. According to the High Council of Women Affairs in Kurdistan, in 2016 only half of women and girls were aware of related health problems caused by FGM/C and only half of the surveyed women were aware of the law prohibiting FGM/C.

A research paper released in 2011 by the University of Freiburg and published in the *European Journal of Psychiatry*, contained clear evidence of the relationship between FGM and psychological disorders. Among a group of 79 girls in Iraqi Kurdistan who had been subjected to one form or another of FGM, results found “alarmingly high rates” of post-traumatic stress disorder (44 percent), depression (34 percent), anxiety (46 percent) and somatic disturbances (37 percent). The statistics are comparable to girls who had suffered early childhood abuse, further cementing the importance of protecting young girls from FGM.<sup>150</sup>

## Child/early marriages

In Iraq, marriage is governed by an individual’s religion as per the Iraqi Constitution within a set of regulatory provisions. According to Article 7 of the Iraqi Personal Status Law, a marriage is valid for both sexes who have reached 18 years of age. However, Article 8 allows a judge to grant an exception for individuals who are 15 years old “if the eligibility and physical ability (puberty) of the person in question was proven, and upon the approval of his/her legal guardian.” The judge is also allowed to provide the authorization if the guardian submits an objection that is not valid. In the Kurdistan Region, underage marriage is prohibited by the law, with exceptions provided for those 16 years or older, along the same lines of eligibility criteria. However, such exceptions still require the informed consent of the child. The Law on Domestic Violence adopted in 2011 considers child marriage as an act of domestic violence that is punishable.

Child marriage is defined as marriage of a child under 18 years old and it disproportionately affects girls. In Iraq, child marriage is culturally, religiously and socially practiced in many communities and this is exacerbated in refugee and Internally Displaced People (IDP) contexts. According to the Population Reference Bureau, 25 percent of Iraqi girls marry before the age of 18 while six percent marry before they reach 15.<sup>151</sup> UNICEF reported that one in five young women (21 percent) aged 15–19 were married in 2011.<sup>152</sup> In 2017, the rate of child marriage increased, reaching 24 percent of women being married by age 18, and 5 percent of the same category had been married by the age of 15.<sup>153</sup> In 2014, UNFPA estimated a 16.7 to 19 percent prevalence of Child Marriage in the Kurdistan Region.<sup>154</sup> In 2017 the Higher Judicial Council recorded more than 4,800 requests for early marriage exceptions.<sup>155</sup> None of these figures may reflect the actual magnitude of the problem given that early marriages, especially for girls younger than 15 years

old, remain underreported.<sup>156</sup> Child and early marriages take place for a number of reasons. One is the continuing strength of tribal customs. Fathers often betroth their daughters to cousins or other tribe members from the time of birth, believing this leads to more stable marriages and a stronger tribe.<sup>157</sup> According to the I-WISH survey, 16 percent of men believe they have the right to force their daughters to marry against their wishes, while 33 percent believe they have the right to force their daughters to marry before the age of 18.<sup>158</sup>

Although child and early marriage was religiously and culturally accepted in Iraq before the recent conflicts and displacements, the situation was further exacerbated by the deteriorating economic situation, the worsened security situation (seen as a reason to stop sending girls to school, and thus marriage is presented as a form of safety), the consequent increase in school drop-outs and limited opportunities for girls' education, as well as the generally weakened rule of law in the country.

A survey conducted by the Baghdad Women Association in various areas of Karkh and Rusafa in Baghdad of 200 girls and women aged from 12 to 17 reported that more than 50 percent of underage marriages were with girls younger than 15 years, and that only 35 percent divorced their partners.<sup>159</sup> Early and forced marriages not only deprive young women of education and all related opportunities, but also put them at comparative disadvantage within the household, and leave little space for agency. In fact, most of these young brides end up living with their husband's families (76.5 percent) only 18.5 percent of their decisions are made by them and their husbands, and 55 percent reported having troubles with their husband's families. The same study reported that 72 percent of the respondents had not continued beyond primary education (including 20 percent of the total with no education). These results validate an earlier study that asserted that 28 percent of the respondents did not go to school, while the 72 percent who did go to school quit studying after their marriage.<sup>160</sup>

According to focus group discussions undertaken for this study, child marriages have been on the rise, or have at least remained constant, despite increasing awareness of the risks of early marriage for girls; financial pressures are the main driver, especially among IDPs, and social norms are in favor. Interviewees also referred to the fear of sexual violence as one of the reasons that push them toward early marriages, as it is considered by some as a protection mechanism for preserving the "purity" and "honor" of the girls. What is on the rise as well is "early divorce," young girls who are married off at an early stage find themselves divorced and enter a deeper cycle of social vulnerability where they are either married off again, or must live with the social burdens imposed on divorced women.

Other reasons that were brought up included establishing "political" ties between tribes, protecting the girls' "honor" by ensuring they would not become sexually active before marriage or engage in a romantic relationship, and in some tragic cases a girl who has been raped is married off to her perpetrator to conceal the crime and maintain her reputation. Interviewees reported that it has been difficult to enforce prohibition of early marriage because of people's ability to go to other Iraqi regions to conduct the union, and because of the favorable conditions that make child marriages increasingly prevalent within the IDP and refugee communities in the communities most affected by the conflict.

## Forced marriages

A "Fasliya" marriage, is one of the forms of marriages that are forced on women in Iraq, pushing them to marry a man from an enemy clan to "rectify" a harm inflicted (crime) by her own clan. "Fasliya" marriages are concealed, and are part of community denial mechanisms in which

various forms of violence against women are normalized and documented as self-inflicted injuries and free-will decisions.

However, it is very hard to discern cases of “Fasliya” marriages, as if they are accepted they are not officially reported. In 2015 for example, 50 women (including underage girls) were married off by their tribe to another tribe in northern Basra to halt an armed conflict between the two sides. The case was known to the public and was condemned by many official figures; however, no legal measures were taken against the legal guardians of the girls. Within these practices more forms of violence and discrimination are practiced against women. For example, divorced or widowed women are treated as a half reconciliation “prize.” In other words, if the agreement between the two tribes listed three women, the number becomes six if the women to be sent are widowed or divorced.<sup>161</sup>

One article reported that these marriages are becoming the solution to less serious unarmed conflicts and even criminal acts. “Fasliya” brides are exchanged for a value of around \$400, so if the conflict resolution agreement is set for a tribe to pay \$1,600, the tribe would send four women. The same source reported that around 3,000 of these marriages took place between 2005 and 2015.<sup>162</sup>

Forced marriage unions are conducted despite legal provisions that penalize coercion in marriage dating from as early as 1959 (Personal Code, Article 9). In the Kurdistan Region, the 2011 Domestic Violence Law specifically condemns and specifies penalties for forced marriages (Article 8). Unfortunately, law enforcement and legal penalties remain shy in the face of tribal traditions and rulings, and fail to secure protection to women who refuse the forced union. A 2013 article reported that some families deal better with their daughter’s suicide than with the “dishonor” of them declining the marriage.<sup>163</sup> In fact, a forced union is condemned only if the bride herself reports it. However, even when the instance of forced marriage is proven, it is rarely challenged once it has been consummated.

## Temporary or pleasure marriages

Given the secret nature of the contracts, no quantitative estimates exist on pleasure marriages (*Nikah mut’ah* in Arabic) in Iraq. *Nikah mut’ah* is a private and verbal temporary marriage contract that is practiced in Shia Islam in which the duration of the marriage and the *mahr* (mandatory payment) must be specified and agreed upon in advance. Financial desperation and widowhood have also led to a rise in temporary marriages. Temporary or pleasure marriages had previously been very rare in Iraq, but have reemerged under the growing influence of Shia religious sources.<sup>164</sup> In these controversial marriages, women and girls are “married” in the presence of a religious figure for a fixed period, which can be as short as several hours. In practice, this is often under family duress or personal desperation in cases of extreme poverty because the man is obliged to pay a “dowry” to the woman or her family.<sup>165</sup> Contracts for pleasure marriage strongly favor men. Men can void the contract at any time; women do not have that option unless it is negotiated at the outset. The couple agrees not to have children. A woman who unintentionally gets pregnant can have an abortion but must then pay a fine to a cleric.<sup>166</sup> Iraqi state law neither recognizes nor regulates these marriages, which leaves women vulnerable to various forms of VAWG as well as trafficking and possible criminal charges related to prostitution.<sup>167</sup> Pleasure marriages are enabled by the Iraqi legal provisions, with Article 41 of the Iraqi Constitution granting the freedom to apply the rules of one’s sect to marriage.

## “Honor” killing

A joint report between Minority Rights Group International and Ceasefire Centre for Civilian Rights, dated November 2015, estimated upwards of 12,000 Kurdish women were killed in the name of honor between 1991 and 2007.<sup>168</sup> Femicide is the killing of a female (woman or girl) specifically because of her gender. “Honor” killing, on the other hand, is the killing of a family member (in most cases a female) because they are perceived to have brought dishonor upon their family and not because of their gender.

In Iraq, data from the Ministry of Interior, estimates that around the end of 2014 the number of cases nationally in which women were killed in the name of “honor” during the year was 49.<sup>169</sup> It is estimated that the number of annual “honor” killing cases is 50–60 in the Kurdistan Region, a number that is likely an underestimation of the actual size of the problem since it accounts only for cases that were reported through visits to the police station or hospital.<sup>170</sup> In March 2012, near the northern Iraqi city of Kirkuk, a father doused his three teenage daughters with boiling water and shot them because, he told a court, he suspected they were having sex. Two of them died.<sup>171</sup>

The Minority Rights Group International and Ceasefire Centre for Civilian Rights 2015 report highlighted that in Iraq “honor” crimes most often take the form of murder, although they can also encompass other forms of violence, such as physical abuse, confinement, control of movement, deprivation of education, forced marriage, forced suicide and public dishonoring.<sup>172</sup> Local civil-society advocates report that within Iraqi society, terminology distinguishes between forms of “honor” killings, with some being so commonly accepted as to be considered a “private” action done by families, or an action beyond reproach. In other words, there is a familial right to kill a female who has brought shame, and in this case police reports are left anonymous. The report points out that “honor killing” is recognized as such, and requires arrest whenever it is committed from outside the family (husband or lover).<sup>173</sup>

The Iraqi Penal Code still includes many provisions that mitigate a sentence for a violent act, including murder, if it is committed in the name of “honor.” Article 409 is the main provision used to grant a perpetrator a minimized penalty if the judge finds that the crime was motivated by the victim’s act of adultery. The situation is different in the Kurdistan Region in which parliament removed all provisions that provide “honor” killings with lenient penalties. However, these crimes still exist in the Kurdistan Region along with the rest of the country. And although the law acknowledges the claim to “honor” restoration in the case of adultery, crimes are committed for various reasons that are not exclusive to sexual activity outside marriage. These include, for example, behavior or dressing that is considered inappropriate, or being the victim of rape, or marriage without the family’s permission.

## Human trafficking and sex work

The 2016 Global Slavery Index ranks Iraq as one of the worst countries in terms of modern slavery (sixth out of 167 countries). The 2016 Global Slavery Index estimates 403,800 people or 1.13 percent of the total population, live in conditions of modern slavery in Iraq.<sup>174</sup> The instability that has been ongoing for the past 15 years, along with the security situation of neighboring countries, has contributed to the vulnerability of women and girls to trafficking within, into, and from Iraq to become subject to forced prostitution or forced labor.

Human trafficking is one of the most horrific crimes committed by ISIS and one of the forms of servitude that was proliferated by the group. There were many reports of thousands of women, children and men being captured and sold into slavery in an alarming resurgence of primitive violations of human rights. The trafficking and abuse of women was systematic and promoted

within the ISIS system. While little public attention was given to them, hundreds of migrant workers, including women who had already been working in the country, were held captive by ISIS and were also used as slaves for work or sex, or even as human shields in armed conflict.<sup>175</sup> Even after the fall of ISIS rule over Iraqi cities, the trafficking that took place is very difficult to reverse. A large proportion of those who were kidnapped were either killed with no record, or preferred not to return out of fear that they will bring shame back to their families. Others are refugees in Syria, and their families are being blackmailed for ransom should they want them back.

Violence also creates a lot of vulnerability for trafficking. For example, there were 1,600,000 widows in Iraq at the beginning of 2014. Around 100 new widows were created per day during the sectarian violence in the country. In 2014, around 33 percent of displaced widows reported not receiving humanitarian assistance, and 76 percent had no pension—both figures have probably been worsening.<sup>176</sup> Such humanitarian conditions put many women in compromising situations making them very appealing to trafficking networks.

In 2017, the High Judicial Council recorded around 200 crimes related to human trafficking.<sup>177</sup> The same source reported that 50 percent of the cases took place in Baghdad with 91 child victims and around 80 woman victims. Cases are often unreported as showed by a 2017 report by the US Department of State where NGOs considered that the government did not initiate trafficking prosecution unless the victim pressed charges, and that most victims do not report out of fear of being “shamed” or suffering from retaliation.<sup>178</sup> According to the accounts of an Iraqi member of parliament, many of the women in prisons are victims of trafficking, and are held there on prostitution charges without any follow up from the relevant authorities on trafficking.<sup>179</sup> Further testimonies confirm that women who are stuck in the sex industry are often the ones to be thrown into incarceration and treated as guilty while the traffickers (men and sometimes women) who can use their strong connections with law enforcement through bribes are left to go free.<sup>180</sup> In some cases, where victims of sexual violence or trafficking attempted to report to the police, the latter were unwilling to investigate and in many cases ended up blaming and shaming the victims.<sup>181</sup>

Iraq’s 2005 constitution (Article 37) prohibits forced labor, slavery, slave trade, trafficking in women or children as well as sex trade, and its Penal Code (Number 11-1969) also includes provisions on trafficking in human beings. In 2012, the country issued an anti-trafficking law that severely penalizes those found guilty through imprisonment and fines, it also secures the protection of victims (shelter and safety) and provides them with psychological and medical care, as well as financial assistance. In addition to shortcomings in implementation, the anti-trafficking law includes some legal caveats; first, it does not prohibit all forms of human trafficking since it defines an act of trafficking as one that necessarily includes a monetary transaction. Although there are efforts by the government, as well as civil-society organizations and international agencies, to train officials and relevant staff (victim identification methods and screening procedures), the Committee reported in 2017 a lack of understanding of the anti-trafficking law among judges and first responders, and practices in which the police conflate trafficking with other crimes, such as begging and prostitution.<sup>182</sup> Selling sex is prohibited by the Anti-Prostitution Law of 1988. Decisions by the Revolutionary Command Council (which has since been dissolved) increased the maximum penalty against the perpetrator who regulates prostitution or sex work to the death penalty. The Anti-Prostitution Law stipulates that prostitutes are punished by detention at a facility of the Ministry of Labor and Social Affairs to guide and rehabilitate women.<sup>183</sup>

## Existing rescue and relief services

At the federal level, a Family Court was established in Baghdad with two branches (in Karkh and Rusafa districts), to support the institution of the family and to protect women and children from

family violence. However, the court “lacks a specific law and detention centers that are specific to domestic crimes, it is also challenged by the lack of a law against family violence and the legal provisions that contradict the concept of the court including the right of a husband to discipline his wife.”<sup>184</sup> Along with the Family Court, a Family Protection Directorate was established under the Ministry of Interior in 2009 with two centers in Baghdad and one in each of the other governorates. The directorate lacks the legal framework that would regulate and govern its work and enforce the allocation of the necessary budget. With the absence of a law to protect women and children from domestic violence, both the court and the directorate are largely paralyzed. The rule of the court currently stems from the Penal Code and the Criminal Procedures. Furthermore, the staff of the directorate lack the necessary legal knowledge to report crimes as per the Criminal Code to secure the arrest of the perpetrator, and the court rulings are always conditioned by the lack of adequate shelter for women and children survivors of family violence.<sup>185</sup>

Article 8 of the draft domestic violence law commits the Ministry of Labor and Social Affairs to establishing shelters or “safe centers” for domestic violence survivors. Furthermore, the INAP 1325 called for the amendment of the Act of the Federal Ministry of Labor on Shelters, as is the case in the Kurdistan Regional Government, to establish safe places and shelters and free services and support as per international standards. But the plan has yet to be funded and made fully operational. In an interview, the Women’s Empowerment Department at the Council of Minister’s Secretariat referred to concrete action being in place to establish shelters even prior to the adoption of the draft law. Safe centers are particularly important in Iraq since NGOs that have provided shelter for survivors have been often threatened and subject to attacks from offenders and government officials.<sup>186</sup>

Women’s organizations are providing shelters for women and girls survivors of VAWG, such as the Organization of Women’s Freedom in Iraq (OWFI). But a major obstacle is an Iraqi policy that effectively forbids local organizations to provide shelter.<sup>187</sup> According to OWFI, shelters are thought of as encouraging women to disobey their husbands, and daughters to disobey their parents. This leads to the presumption that a shelter is a place where a group of immoral women reside without a male guardian.<sup>188</sup> Those who defy this policy by running safe houses for women escaping violence, or shelters for families displaced by war, “operate under government harassment and police raids.”<sup>189</sup> Few people are willing to endure these risks, and so the need for shelter remains chronically unmet.

In autumn 2018, an armed group in Iraq raided a women’s shelter run by OWFI. Men armed with assault rifles kidnapped a member of staff for ransom and forced the women’s group to negotiate for release.<sup>190</sup> In the absence of a supportive public policy for shelters and the general lack in numbers of the needed shelters and related budget allocation, VAWG survivors have very little choice, and are sometimes referred to prison by the judge in an attempt to protect them from retaliation.<sup>191</sup> In fact, even if women had the resources to book a hotel room or rent an apartment, they would not be allowed to do so on their own (without a husband or a father). Providing legal protection to NGO-run shelters would give organizations like OWFI the ability to operate openly and to expand their services and reach more survivors. This would reduce the burden on the government of Iraq to meet the growing need for humanitarian support and shelter.

## WOMEN’S ACCESS TO HEALTH, INCLUDING SEXUAL AND REPRODUCTIVE HEALTH

Alongside the 2005 constitutional provisions, which aim to promote the health of all Iraqi citizens through provision of public health services, Iraqi Public Health Law No. 89 of 1981<sup>192</sup> provides

broad measures aimed at supporting maternal health, family planning and children's health. The Iraqi Public Health Law forces the state to guarantee the right of each citizen to physical and mental health, and obliges the state to regulate maternity care and family healthcare. However, the law does not make provision, nor does it refer to the prevention and treatment of illnesses specific to women and a full range of women's reproductive health issues and concerns.

Fertility is significantly high in Iraq. The total fertility rate in Iraq is the highest in the MENA region. According to 2016 World Bank data, the birthrate reached 4.4 births per woman (in 1960 it was 6.03). In neighboring countries fertility rates ranged from 1.7 births per woman (Iran and Lebanon), 2.3 in Libya, 2.5 in Saudi Arabia, 2.9 in Syria, 3.4 in Jordan to 4.0 in Yemen.<sup>193</sup>

Life expectancy for women in Iraq has been relatively stable since the late 1990s, but this value is a new maximum reached since that period. The life expectancy at birth in Iraq is 72 for women (it was 48 in 1960) and 68 for men. Although Iraqi women have almost reached the global life expectancy rate (72.8 years), they still struggle to have a healthy life. The probability of dying is rated 213 for men and 133 for women per 1,000 population. These data show that one in 10 women has the probability of dying between 15 and 60 years.<sup>194</sup>

The ratio of maternal mortality between 2008 and 2012 is 84 per 100,000 live births.<sup>195</sup> The available estimates place Iraq among the 68 countries that account for 97 percent of maternal and child deaths.<sup>196</sup> In the MENA region, Saudi Arabia has the lowest rate of maternal mortality (12 per 1,000,000 live births), and Yemen the highest (385 per 1,000,000 live births).<sup>197</sup>

In terms of infant and child mortality, the country has been improving its performance, albeit slowly, and is doing much better than the regional and global averages: in 2015, the infant mortality rate for Iraq was 26.7, compared to 41.4 (eastern Mediterranean countries), and 31.4 (global average). The neonatal mortality rate was 18.7 compared to the regional average of 28.2 and global average of 19.1.<sup>198</sup>

Of all maternal deaths, 80 percent can be potentially avoided by interventions during pregnancy, childbirth, and the postpartum period,<sup>199</sup> but only 37.9 percent of married women 15–49 years who gave birth during the past five years received postnatal care by a qualified person.<sup>200</sup> According to UNFPA, the main causes behind this high rate are poor birth practices, inadequate referral or availability of emergency obstetric care and high level of anemia among pregnant women (35 percent), which particularly affects rural women and those in the Central and Southern Regions.<sup>201</sup> Iraq has been subjected to some of the most complex emergencies, conflict and security situations in the world today. "Health facilities have sustained serious damage and need urgent rehabilitation. Primary healthcare centers have 'deteriorated' due to lack of maintenance, lack of supplies, reduced or inadequate health workers or inadequate support services."

Although reproductive health services in Iraq deteriorated following the 2003 conflict, there have been improvements. Access to reliable data on reproductive health, however, remains limited. Iraq has made relevant progress in maternal healthcare with the proportion of births attended by skilled personnel raised considerably from 72 percent in 2000 to 90.9 percent in 2012; however, improvements are still required, particularly in rural areas, where skilled personnel attend only 78 percent of births.<sup>202</sup>

The Integrated Social and Health Survey of the Central Statistical Organization's Iraq Woman showed that among ever married women (15–49) years who gave a live birth during the past five years; about 90 percent had received qualified ante-natal care provided by a doctor, a qualified nurse or a qualified midwife. 19.2 percent of live births were at home because 70.6 percent of these women believed that home is better place to deliver babies, 68.1 percent of these women reported that public hospitals are better and 8.4 percent of these women voted for private

hospitals. Around 75.1 percent of deliveries occurred in health institutions were natural, while 22.6 percent were cesareans. For post-natal care, I-WISH survey results reveal that among ever married women 15-49 years who gave live birth during the past five years only 37.9 per-cent of them received PNC by a qualified person, and 18.6 percent suffered from some health problems during six weeks after delivery (Table 8).

**Table 8. Statistics on maternal health and access to health services – Iraq**

	Iraq (total)	Other Governorates	Kurdistan Region
Percentage of women who delivered at a health facility	78.5	78.5	78.8
Percentage of births (last birth) delivered with medical assistance	90.4	91.1	85.6
Percentage of women who suffered from complications after birth	18.6	18.1	22
Percentage of women who visited a doctor among those who suffered from complications after birth	70	69.8	70.6

Source: The Ministry of Planning: Central Statistical Organization (2012). Iraq Woman Integrated Social and Health Survey (I-WISH) March 2012.

Women’s ability to practice contraception is essential to protect their health and rights. According to WHO data, contraceptive prevalence among Iraqi women is 52.5 percent. The prevalence of contraceptive for girls aged 15–19 is even lower at 21 percent (see Table 9). Family planning allows women, girls and couples to anticipate and attain their desired number of children and control the spacing and timing of their births. Uninformed attitudes and practices, and insufficient knowledge about family planning, and, more importantly, methods for family planning, lead to an increased number of unwanted pregnancies.

**Table 9. Prevalence of family planning among women and girls in Iraq**

Contraceptive prevalence (percent) (2011)	52.5
Contraceptive prevalence, among girls aged 15-19 (percent) (2011)	21
Unmet need for family planning (percent) (2011)	8
Unmet need for family planning, among girls aged 15-19 (percent) (2011)	7.6

Source: WHO. (2018). Global Health Observatory country views. <http://apps.who.int/gho/data/node.country.country-IRQ?lang=en>

## Impact of the conflict

Three years of intense violence have devastated health facilities in Iraq. Over 60 health facilities have repeatedly come under attack since the escalation of violence in 2014, severely disrupting access to basic health services for children and families. According to UNICEF, the state of Iraq’s healthcare system is alarming. Medical facilities are strained beyond capacity and there are critical shortages of life-saving medicines. For pregnant women, newborn babies and children, preventable and treatable conditions can quickly escalate into a situation of life and death.<sup>203</sup>

In fact, the country’s healthcare system had been hit hard even before ISIS. The Ministry of Health reported that in 2004 there were approximately 1,700 functioning primary healthcare centers



(PHCC) in Iraq, but only half of them had at least one medical doctor. In 2014, at least four governorates (Basra, Nasiriya, Wasit and Missan) had minimal or no health services at all.

A study by the Brookings Institution in 2006 revealed that 12,000 physicians—approximately one third of all registered physicians—had left Iraq since the start of the 2003 invasion. An additional 2,000 had been killed.<sup>204</sup> Male gynecologists have been also the target of Islamic extremists under the pretext that they are invading the privacy of women. In 2005, approximately 75 percent of doctors, pharmacists and nurses had already left their jobs; 55 percent of whom had fled the country.<sup>205</sup>

The living conditions available to women in refugee and IDP camps are unfavorable to their physical and emotional well-being, due to lack of basic provisions and services, extreme weather conditions, lack of safety and hygiene and the use of common facilities, as well as a severe lack of privacy that hinders their ability to maintain a healthy lifestyle when it comes personal hygiene and care. A 2017 study on IDPs reported that 25 percent of respondents suffered from transitional infections (respiratory, digestive, skin, etc.).<sup>206</sup> Oxfam/UN Women's 2016 gender analysis indicated women often lack access to adequate toilets (respondents from Kirkuk), and they are usually expected to share them between three families (around 17 individuals) (respondents from Khalo Baziani and Qadisia).<sup>207</sup> The same study also pointed out the challenges women face when it comes to their menstrual hygiene needs and to the shame associated with menstruation; for example, some women lack the money to buy sanitary pads when they have more pressing needs like food, or lack access to points of sale (with very little support from men who can reach shops that are relatively far).

Furthermore, women's access to reproductive healthcare is significantly challenged by their displacement, and is mostly provided by mobile medical teams that are often too stretched to cover the size and geographic spread of the needs.<sup>208</sup> One year after the rise of ISIS (2015), it was reported that 133 displaced women had given birth on the street, in a camp, or a school building because they were unable to reach a medical center. The estimated number of weekly births among IDPs was 300 in 2015.<sup>209</sup>

WHO data shows an average of 0.37 psychiatrists working in the mental health sector per 100,000 persons in 2014.<sup>210</sup> The shortage of specialists (especially women) has been aggravated by the increasing need for mental healthcare providers due to the recent ISIS crimes that have left hundreds thousands of direct or indirect victims; a study among 668 women and girls who escaped ISIS reported that only one was receiving ongoing care while all of them reported struggling with various forms of breakdowns and trauma (insomnia, anxiety, flashbacks, etc.).<sup>211</sup>

## Challenges and opportunities to improve maternal and child health

Focus group discussions with women and girls in Erbil and Baghdad showed the main needs and vulnerabilities of women/girls in term of maternal health and child care and recommendations and opportunities to improve the health system.

- Basic healthcare services are available throughout the country; however, the sector is facing drastic budget cuts along with higher demand, which is affecting both men and women, especially those in rural areas where access is also affected by deteriorating infrastructure.
- Preventive care and public health awareness has significantly deteriorated due to conflict and the displacements that it caused, and many specializations remain rare to find or to access, despite growing need (mental health was notably mentioned in interviews).

- Most interviews in both Baghdad and Erbil highlighted that the quality gap between public and the costly private service provision is widening, leaving fewer choices for people who do not have the means to seek private services. Civil society and international organizations are filling the service gap for basic health and maternity services in many regions across the country.
- Although the levels of access to medical assistance seem high, interviews indicated that these numbers include basic care, and do not necessarily reflect the availability of quality healthcare to women.
- Some women and girls stated that women who give birth in public or private health institutions often receive inadequate care because of the lack of drugs, inability to transport patients to referral institutions, and inadequate training in emergency obstetrics. Referral institutions at district level are the institutions most capable of dealing with complicated births and many of them suffer from a lack of necessary resources to provide care.
- Access to contraceptives and family planning methods is available, but most of those who do not use it refrain from doing so out of social beliefs.
- Respondents considered that having a female minister of health did not yield more gender-sensitive policies, or more opportunities for female healthcare professionals. Initiatives at this level are steered and supported by civil society and international organizations and often lack institutionalization that secures sustainability.

Interviewees reported that there is still a need for more training for healthcare providers and more monitoring of sexist practices or practices that endanger women's and girls' lives within health centers in hospitals. Such practices include, for example, shaming and blaming victims of violence or women who get pregnant too often, or unfriendly services, or inadequate reporting of GBV cases.



Photo Credit: Said E./UN Women

# WOMEN'S ACCESS TO JUSTICE

The 2005 Iraq Constitution calls for equality among all its citizens. Article 14 prohibits discrimination based on gender and Article 20 claims universal suffrage for all Iraqi citizens and states that men and women shall have the right to participate in public affairs and to enjoy political rights, including the right to vote, elect, and run for office. Article 23 of the 2005 Constitution, along with the provisions of the Civil Code, gave men and women equal rights for owning, accessing and managing non-land assets. In 1950, Iraq passed a Personal Status Code, which penalized child and forced marriages, largely restricted polygamy, and gave equal rights for women in divorce and proportional rights in inheritance (see Section 1.3). Positive advancements to protect women and girls against violence, exploitation and abuse are enshrined in the 2012 Iraqi Law on Combating Trafficking in Humans and the Kurdistan Region Law to Combat Domestic Violence of 2011. Moreover, the Iraqi Labor Law of 2015 prohibits sexual harassment in the workplace and any other behavior that is offensive or results in intimidation or hostility in the work environment. However, Iraq has still to enact a national anti-domestic violence law and amend Article 398 of the Penal Code of 1969 which currently allows marital rape and gives impunity to men for sexual violence against women and girls if they marry the victim.

**Table 10. Ease and affordability of accessing justice (2016)**

Does the Constitution contain a clause on non-discrimination?	Yes
If there is a non-discrimination clause in the Constitution, does it mention gender?	Yes
Does the law recognize personal law courts?	Yes
Does a woman's testimony carry the same evidentiary weight in court as a man's?	Yes

Source: World Bank. (2018). Women, Business and the Law. <http://wbl.worldbank.org/>

## Iraq Labor Law of 2015

Employment relationships in Iraq (other than Iraq Kurdistan Region) are governed by Labor Law No. 37 of 2015.<sup>212</sup> This has yet to be adopted by the Kurdistan parliament where Iraq Labor Law No. 71 of 1987 still applies. Article 2 of the Labor Law 2015 guarantees the right to work, under equal conditions and with equal opportunity, to all citizens who are able to work, without any discrimination based on sex, race, language or religion. Women may not be recruited to perform arduous or harmful work specified in accordance with executive instructions issued under the Labor Law of 2015. Women are prohibited from working at night, subject to exceptions, such as in administrative or commercial work, in health, recreational services, transport and communication services.

In other respects, the Labor Law of 2015 supports equality of opportunity for women and prohibits discrimination in hiring and recruitment. Some positive indicators showing improvements of the Labor Law of 2015 are:

- It includes an explicit legal guarantee of equal pay for work of equal value and guarantees the right to work, with equal opportunity, to all citizens who are able to work, without any discrimination on the basis of sex (and several other grounds).
- It applies to domestic workers.
- It prescribes penalties for discrimination on the grounds of sex, including in vocational training or the terms and conditions of employment. The penalty for discrimination is imprisonment for up to six months and/or a fine of one million IQD.

- It increases the length of paid maternity leave from 72 to 98 days and prohibits discrimination based on gender in various aspects of employment, including hiring and dismissal.
- Article 6 abolishes child labor.
- It provides for incentives to work. Iraq now guarantees workers returning from maternity leave the same position or a similar position with the same wage.<sup>213</sup>

However, a 2018 World Bank study underlined the main gender gaps as follows:

- In Iraq, women receive tax deductions only if they are unmarried, divorced or widowed.
- Unmarried parents must go through additional procedures to register their children's births. An unmarried parent must obtain a court order to register their child.

## The Penal Code on sexual violence

Penal Code No. 111 of 1969 classifies rape as a criminal offense under Article 393: "Any person who has sexual intercourse with a female without her consent or commits buggery with any person without their consent is punishable by a term of imprisonment not exceeding 15 years." Aggravating circumstances for this offense are established if the victim is under 18 years old and if the perpetrator of the rape is a relative, a public official, a religious leader or a doctor. Nevertheless, the criminal provisions of the Iraq Penal Code exclude marital rape and enable impunity for sexual violence against women and girls by marrying the victim. Article 398 affirms that: "If the offender mentioned in this section then lawfully marries the victim, any action becomes void and any investigation or other procedure is discontinued and, if a sentence has already been passed in respect of such action, then the sentence will be quashed" (see Table 11). Article 398 is in contradiction to CEDAW and the UNSCR 1325, both ratified/adopted by the Iraqi government. To comply with the international treaties and meet international standards, amendment is urgently required to Article 398 as is the enactment of the Anti-Domestic violence Law at federal level. These are both critical measures to end the impunity of rapists and to prevent and respond to sexual violence against women and girls. Egypt and Morocco repealed their "marry your rapist" laws in 1999 and 2014 respectively. In Morocco the law was repealed following the suicide of a 16-year-old girl and the attempted suicide of a 15-year-old, both of whom were forced to marry their rapists.<sup>214</sup>

## Access to justice for crimes of domestic violence and human trafficking

The High Judicial Council established courts of inquiry for crimes of domestic violence and human trafficking in 2015, but then abolished them in 2017.<sup>215</sup> According to Freedom House, in practice, access to the formal civil court system is limited, and a woman's ability to defend her rights often depends on decisions by her family, tribal authorities, or the officials of her religious sect, particularly in relation to personal status disputes, which are commonly settled without recourse to a civil court.<sup>216</sup> Where cases of VAWG are reported, instead of utilizing legal remedies, authorities frequently attempt to mediate between women and their families so that the women can return to their homes.<sup>217</sup> Marital rape or rape by a partner are not considered criminal conduct. The Federal Ministry of Interior maintains 16 family protection units at police stations, which aim to resolve domestic disputes. These units prioritize family reconciliation over protection and lack the capacity to provide ongoing support to survivors. There is no regular referral system to provide services, such as legal aid or safe shelter. The family protection units in Basra and Kirkuk, for example, were reported to be staffed primarily by male officers, making it difficult for women to access them.<sup>218</sup>

The Kurdistan Regional Government (KRG) administers shelters for women and aids survivors of domestic violence and Yezidis who have been rescued or released. However, space is limited. The KRG provides direct financial assistance to former captives, including Yezidis who were released or rescued, as well as some other essential services, including shelter, rehabilitation, and psychological assistance in camps for displaced people.

Since the passage of the IKR’s Domestic Violence Law in 2011, the KRG and local NGOs have educated the public about the law through the use of town hall meetings, and provided training to police and judges in the handling of domestic violence cases. While IKR has experienced some progress, including the establishment of domestic violence courts and support centers in the three provinces of Sulaymaniyah, Erbil and Duhok, implementation of the law across the region as a whole is limited. No system has been created to disaggregate data on domestic violence cases heard in the courts. Provinces are mandated to create specialized domestic violence units within police stations, composed primarily of female officers. However, it has proved difficult to recruit women to the police force because of social traditions.<sup>219</sup>

## Restrictions and obstacles to women’s access to formal justice

Iraqi women and girls face several legal restrictions that limit their mobility and decision making. Married women cannot choose where to live in the same way as married men. Iraqi women cannot independently decide where they want to go, travel or live, so they may face difficulty getting to work or conducting business transactions. Gender gaps in financial inclusion are higher for women in terms of their access to bank accounts and their capacity to borrow from a financial institution (Table 11). Such restrictions may stem from women’s role in traditional societies, which was often limited by a fathers’ or husbands’ guardianship. Additionally, Iraq imposed restrictions on women’s ability to work at night (apart from specific employment categories: health, transport and commerce).

**Table 11. Actions that women can/cannot legally perform in the same way as men**

Apply for passport	Yes
Choose where to live	No
Be head of household	No
Get a job without permission	Yes
Travel outside the home	No
Travel outside the country	No
Own land	Yes
Open a bank account	Yes

Source: World Bank. (2018). Women, Business and the Law. <http://wbl.worldbank.org/>

Furthermore, while the procedural legal provisions (Criminal Procedure Code of 1971) do not appear to specifically discriminate against women, many of the provisions make it more difficult for women to bring complaints to trial. For example, Article 1 states that criminal proceedings can be initiated “by an oral or written complaint submitted to an investigative judge, a [judicial] investigator, a policeman in charge of a police station, or any crime scene officer by an injured party, any person taking his place in law, or any person who knows that the crime has taken place.”<sup>220</sup> This provision can be problematic in the case of disproportionate crimes, such as domestic violence or “honor” killings. Such crimes can be difficult to report and often women do not wish to do so for fear of repercussions.

When they choose to file a lawsuit, women face obstacles for paying the registration and lawyers' fees, as showed by an Oxfam study *Impact of Legal Fees on Women's Access to Justice in Lebanon, Jordan, Iraq and Yemen* in 2013.<sup>221</sup> The study outlined the following challenges and restrictions to women's access to justice in Iraq:

- Social barriers: Women generally know about the court already and they have a good idea of how to access it. The major challenge, however, is for women to attempt to go to court, given the heavy tribal and patriarchal rules.
- Financial barriers: For a woman to file a lawsuit, she must fill in the required paperwork (she may be assisted by someone who knows how to, or by a lawyer), and then submit it to the judge. Exemption from registration fees is non-existent and Iraqi lawyers do not currently provide pro-bono services. There are no special procedures or mechanisms for vulnerable groups of the population, including women. Thus, some 95 percent of women surveyed who come to court to file lawsuits against their husbands do not have the needed financial resources to pay for registration and lawyers' fees. Even if they managed to collect enough money to file a lawsuit (pay registration fees), women are still not able to pay lawyers' fees. This leads to significant delays in the judicial process. This also leads to significant drop-out rates as they fail to provide required documents.

## Informal judicial system

Alongside the formal state-related judiciary procedures, an "informal justice system" operates in Iraq. This term denotes a non-state-administrated justice process with dispute-resolution mechanisms outside the scope of the justice system. In Kurdistan, this informal system is called "Solhi Ashayri" and it is a tribal-based procedure used to achieve reconciliation between families and groups in dispute.<sup>222</sup> Traditionally, it is activated through the intervention of tribal leaders, religious figures and elder members, exclusively men, to resolve disputes on property, women and land. Honor-based violence, including honor killing, is one of the serious issues discussed and planned inside the circle.<sup>223</sup> In March 2017, the Ministry of Justice announced a new initiative for "arbitration" among tribes, allowing a team of 47 tribal elders to intervene as arbitrators in resolving all possible disputes and conflicts between Iraqi tribes. This bill was not welcomed by civil society, which considered it to be "propaganda" for political parties, undermining the work of Iraqi state institutions.<sup>224</sup> Activists stressed that the tribal arbitration project can strengthen the power and influence of tribes within the institutions of the Iraqi state and can lead to the attrition of the role of law.<sup>225</sup>

## Women's leadership and participation in the judiciary

Iraqi women have been engaged in the legal field since the 1920s, and in 1959, the first female judge was appointed. In 1976 women were admitted to the Judicial Institute in Baghdad, but in 1984 Saddam Hussein stopped women's entry. Since the fall of the Baathist regime in 2003, women are again serving as judges. While the number of female judges is on the rise, they are few (as of 2006 there were 16 female judges in the whole of Iraq).<sup>226</sup> The first female judge in Iraqi Kurdistan, Nigar A. Muhammed, stated that in 2014 out of 250 judges in Iraqi Kurdistan, only 12 were female.<sup>227</sup>

## Current and future challenges for women's access to justice

Focus group discussions with women and girls and key informant interviews with experts in Erbil and Baghdad reported a set of challenges and restrictions that women found in accessing justice:

- Focus group discussions with women and girls reported a set of constraints that hinder their access to the judicial system; these include their own awareness of the legal framework, the financial burden of pursuing their lawsuits, physical access to courts (distance, lack of transport infrastructure, etc.), as well as intense social pressure from both direct family and the broader society. Women might face harassment when seeking refuge with law enforcement bodies, or might be silenced out of fear of punishment.
- Interviews with experts described the judicial system as a reflection of the patriarchal society. Gender mainstreaming remains weak, and incentives are very few given the tribal norms that prevail and constitute direct threats to the enforcement of the law, and also to the safety of judicial personnel.
- At the level of practice, even in the Kurdistan Region where a local law criminalizes violence against women in its many forms, judges are still often reluctant to invoke legal rulings. CEDAW is almost never used in ruling cases of GBV or gender related issues; it is considered to be incompatible with social norms, which contradicts the fact that the Convention supersedes local laws given that Iraq is a signatory state.
- At the level of law enforcement and fact finding in relation to judicial procedures, interviewees outlined many practices that discourage women from coming forward and seeking justice. For example, in addition to intense social pressure and condemnation, survivors of sexual assaults or crimes are often subject to investigations that inquire into their “sexual history” and use it during deliberations. Furthermore, there is the absence of fast-track courts to deal with urgent cases in which women have few options or resources until they receive a verdict.

## WOMEN’S PARTICIPATION IN ICT, MEDIA AND CIVIL-SOCIETY ORGANIZATIONS

The Iraqi 2005 Constitution provides for the right of free expression for women and men. Article 38 protects the freedom of expression using all means: freedom of press, printing, advertisement, media and publication, and freedom of peaceful manifestation. Nevertheless, the right of free expression shall be “in a way that does not violate public order and morality.” Despite freedom of expression being guaranteed by law, there are still limitations on the exercising of these rights by individuals and media. There is self-censorship due to a real fear of reprisals at political level or by ethnic and sectarian forces, terrorist and extremist groups, or criminal gangs. Libel and defamation are offenses under the penal law and the 1968 Publications Law with penalties of up to seven years’ imprisonment for publicly insulting the government.<sup>228</sup> The 1968 Publications Law prescribes up to seven years in prison for opposing the government, and the 1969 Penal Code criminalizes libel and defamation. In 2010, the Supreme Judicial Council created a special court to prosecute journalists—despite a ban on the creation of special courts in Article 95 of the Constitution.

Iraq ranks among the bottom 20 countries in the world for freedom of expression. The 2018 World Press Freedom Index—released by Reporters Without Borders—ranked Iraq 160th of 180 countries based on an evaluation of pluralism, independence of the media, quality of legislative framework and safety of journalists. This compares with 137th in 2005, 153rd in 2014 and 158th in 2016. These statistics show a decreasing level of freedom of expression in Iraq in the last decades. When compared with other MENA countries, Iraq occupies a medium rank in the World Press Freedom Index. The best positioned countries in the region are Tunisia (97), Lebanon (100), Jordan (132), and Turkey (157), while the worst in terms of freedom of expression in the media are Syria (177), Saudi Arabia (169), Yemen (167), Iran (164) and Libya (162).<sup>229</sup>

Being a journalist in Iraq is not an easy task. According to the Iraqi Press Syndicate, more than 455 members of the Iraqi media have been killed since 2003, including 20 in 2016.<sup>230</sup> In 2017, the Iraqi parliament was working on a freedom of expression draft law. This legislation contains several articles that civil society believes would curb free speech in Iraq.<sup>231</sup> The media working group “Mesopotamian Youth” based in Baghdad, together with the Article 38 Coalition and the Iraqi Social Forum, discussed this new freedom of expression draft law in a seminar held in October 2017. According to them, the draft law is an attempt to restrict rights that are fundamental to the practice of democracy and accountability, such as the right of freedom of expression and the right to demonstrate and assemble.<sup>232</sup>

Women journalists are a rarity in Iraq, and many have faced violence and intimidation, particularly those writing and broadcasting on human rights and other contentious issues. In general, the media does not engage with gender issues that could be deemed sensitive, and portrays women in the stereotypical roles of mother and homemaker.<sup>233</sup> In February 2017, journalists held a conference in the city of Basra (south of Iraq) to discuss women journalists and human rights defenders. The group demanded that authorities “create laws that protect them, ensuring that adequate safety measures are put in place so they can work in safety.”<sup>234</sup> The seminar was held by the Iraqi Women’s Journalist Forum, a non-governmental women’s association active in advocacy and mobilizing public opinion on women’s rights, combating violence against women, violations of human rights, underage marriage and women’s participation in policy-making processes. In recent years, the Forum has reported cases of harassment and violence against women in the media in the form of pressure or blackmail, kidnapping and killing. In fact, within one year (May 2016–May 2017), 11 female journalists were attacked, threatened or even killed.<sup>235</sup>

Political activists publicly blamed the deterioration of freedom of expression in Iraq on the rise of religious and sectarian movements and armed groups. “Self-censorship has become the norm, while crossing red lines requires big guts, which generally lead to serious consequences. The only available free space is on social media where one can hide behind pseudonyms.”<sup>236</sup> Thus, social media is seen as “safer” and used by women and girls to express their ideas and opinions. However, exact statistics and data on the number of female users in Iraq are not available. According to 2016 World Bank data, 21 percent of the total population uses the internet in Iraq.<sup>237</sup> But these data are not gender or age disaggregated in order to analyze women’s and youth’s access to internet. At the regional level, by 2017, on average, females made up 32.3 percent of total Facebook users.<sup>238</sup> The proportion of females among Twitter and LinkedIn users is even lower at around 18 percent of total users.<sup>239</sup> The latter data is not segregated by age, as such; a smaller gender gap would be expected among the younger generation.

Freedom of expression is a fundamental right. According to the Article 19 of the Universal Declaration of Human Rights, everyone has the right to freedom of opinion and expression. Iraq voted in favor of the Universal Declaration of Human Rights at the United Nations General Assembly in 1948. Access to free expression is also vital both to support the development process and as a development goal. The connection was perhaps most famously put forward by Amartya Sen in his widely cited book *Development as Freedom*<sup>240</sup> where he argued that expansion of freedom is both the primary end and the principal means of development.

## Impact of ICT on women and girls

- Respondents to FGDs reported that the use of ICT is making it easier for young women to have access to resources and news, as well as to participate in public debates, albeit virtually. While the interviews affirmed that women and girls do use social media, they are generally expected to conceal their real appearance by using generic pictures of their male family members. FGD participants talked about social media being a space in which many women,



especially young ones, are finding more courage to speak up, some of them even using their real names.

- In some cases, ICT is also providing women with economic opportunities through online marketing of their services and products so they can sell without having to open a physical business. Some considered that social media is creating more awareness of gender issues and providing activists with exposure and platforms not offered to them through traditional media.
- However, on the gloomier side, many interviewees reported negative impacts of ICT use, and more specifically social media, on women and girls. They considered that the virtual world is offering new platforms for harassment and attack, for sexism to be vocal, and for survivors to be repeatedly blamed or continuously victimized or slandered. Another negative aspect is the spread of cybercrimes, given the low level of awareness and the non-existence of oversight; such crimes include blackmailing and harassment, as was the case in the May 2018 polls when female MPs were subjected to attacks against their reputation, and suffered defamation, cyber bullying and harassment on social media.

## Civil-society and women's organizations

Civil-society organizations (CSOs) are new forums in the Iraqi context. During the Baathist period, civil society as a concept was not recognized, and many civil-society functions were either repressed or incorporated into the state. Almost immediately after the fall of the old regime and virtual collapse of the Iraqi state in spring 2003, the Iraqi CSO sector began to emerge, and has since grown exponentially. Today, the number of CSOs in Iraq is impossible to pinpoint, but estimates range as high as 10,000, if not more, although formally registered groups are much fewer than this.<sup>241</sup> The US Department of State estimated in its 2008 Human Rights Report for Iraq that 1,800 CSOs were “operational, including 235 human rights NGOs and 181 women's rights NGOs.”<sup>242</sup>

Starting from 2003, several women's organizations started to emerge to defend women's rights and develop gender equality, such as the Baghdad Women Association, which is currently advocating for the adoption of the law on anti-domestic violence and protesting with street performances called “Marriage Doesn't Cover Rape” to modify Article 398. Women's organizations are providing shelters for women and girls survivors of VAWG, such as the Organization of Women's Freedom in Iraq (OWFI) founded in 2003, although clandestinely, because of the lack of protection for running their operations and the social stigmatization of women's shelters. Asuda is another women's organization working for women's rights in Iraq. Its programs are focused on protection and awareness-raising on VAWG and the empowerment of vulnerable women and girls socially and economically to actively engage in various areas of public life, including business, political participation and decision-making status.<sup>243</sup> In Iraq, there are few civil society organizations working for LGBTI rights, such as Rasan and IraQueer, but they often face obstacles to protect LGBTI people from discrimination and harassment. Additionally, the Iraqi Women's Journalist Forum, a non-governmental women's association is very active in advocacy and mobilizing public opinion on women's rights, combating violence against women, violations of human rights, underage marriage and women's participation in policy-making processes.

Moreover, following the launch of Iraq's National Action Plan in February 2014, the Iraqi NAP 1325 Initiative was created as a network of women's organizations and CSOs that include 31 organizations across Iraq with the aim to contribute to the building and sustainability of peace and security in Iraq by implementing the UNSCR 1325. In the Kurdistan Region, one of the main initiatives is a network of women leaders from various political parties called “Women Peace Group,” established in 2010, which includes around 20 women from different political parties in

the region. Despite this advancement, civil society in Iraq is in its infancy, and is highly dependent on donors for its development. Discontinuities in donor commitment to Iraqi CSOs and women's organizations could be damaging to the health of CSOs or public confidence in the sector. Additionally, CSOs and women's organizations are facing violence, attacks and harassment in running their programs and they need targeted legal protection by the federal state to continue their operations.



Photo Credit: Tommy Trenchard/Oxfam

## CONCLUSIONS AND RECOMMENDATIONS

Based on the analysis above, this report puts forward conclusions and recommendations for gender-responsive programming interventions along the development continuum. The conclusions are based on the main findings of the gender profile focused on the analyses of inequalities and needs of women and girls in post-conflict Iraq.

### Recommendations to support women's political and peace-building participation in decision-making processes

- Elevate the Directorate of Women's Empowerment to a Ministry of Women's Affairs with an independent budget and a clear mandate developed in consultation with women's NGOs. Its functions should include monitoring other state entities and vetting proposed laws and constitutional amendments for possible violations of women's and girls' rights.
- Amend the Political Parties Law to ensure representation of women in political parties' leadership. As such, it is important to set a quota of at least 25 percent to increase the number of women in executive positions within the political parties, including women in negotiations on political and security issues.

- Develop clearer procedures and timeframes, and allocate the necessary budget, to involve women and their organizations in peace negotiations, resolutions and reconciliations at every stage of the INAP 1325.
- Support the work of INAP 1325 and the inclusion of civil society organizations for the review and implementation of INAP 1325.
- Support and empower independent women to be represented in decision-making positions in political processes.
- Support leadership apprenticeships for women and girls (on self-confidence, negotiation, communications, influencing, consensus building and technical expertise) to enable them to access and participate in political and peace-building decision-making processes.
- Provide resources for training of potential women candidates across party lines in the skills necessary to engage in political campaigning and interact effectively with the media.
- Support and promote awareness-raising campaigns to combat negative stereotypes, emphasize the legitimate role of women in decision-making processes at all levels, and encourage women's participation in decision-making.
- Create "safe spaces" to enhance linkages between women leaders and activists within and across state and society (women's movements, professional associations, faith-based organizations, community-based organizations, etc.).
- Support the creation of women's networks in formal politics at federal level and online platforms for discussion and information-sharing on politics and justice.

## Recommendations to improve women's access to employment and education

- Update labor laws to combat discrimination against women in all types of work and throughout their working lives, and to reinforce monitoring and sanctions to bridge gaps between labor laws and practices.
- Promote employment creation for women and the enhancement of existing livelihoods, devoting adequate resources for women's economic empowerment, including through cash for work and simplified access to credit mechanisms without the necessity of male consent.
- Develop a strong and gender-balanced private sector in Iraq by removing legal barriers to women entering the private workforce, providing maternity leave and basic gender-friendly services, including safe transport, childcare and sex-disaggregated sanitation facilities.
- Create an enabling legal environment for informal (and agricultural) women workers, extending workers' rights and entitlements, and recognizing rights to secure housing and land tenure and access to public space, raw materials, natural resources, transport and basic infrastructure and services.
- Reduce barriers to women's entrepreneurship through policies that support equal access to finance, prohibit discrimination based on sex or marital status, encourage credit registries and credit bureaus and increase women's financial education.
- Increase women's access to quality primary and post-primary education, and increase enrolment of girls in early childhood education.
- Gather data and undertake research to better understand the impact that family laws and resulting gender stereotypes have on women's ability to make decisions and fully engage in the economy and society, and develop strategies and programs to help women's economic empowerment.

## Recommendations to address violence against women and girls (VAWG)

- Adopt the Anti-Domestic Violence Law at federal level to protect women against violence. Set out penalties for the crime of domestic violence, establish concrete duties of the police in responding to domestic violence and the different types of evidence, ensure protection orders for survivors and the establishment and functioning of shelters.
- Amend Article 398 of the Iraqi Penal Code, according to which a defendant is excused in cases of rape and sexual assault if he marries his victim, and remove all provisions that provide honor killings with lenient penalties (Article 409).
- Ensure funding support, legal and police protection for local women's associations to run shelters for VAWG and Conflict-related Sexual Violence (CRSV) survivors, and ensure their ability to openly and safely operate and expand their services.
- Provide adequate health emergency treatments with rehabilitative measures and skilled health professionals aware of domestic violence, its factors, possible treatment and preventive measures, as well as VAWG referral pathways and Post Exposure Preventive (PEP) treatment kits.
- Simplify procedures for involving women in security and police forces, and guarantee the employment of more policewomen to address cases of VAWG reported at police stations, and generate more detailed procedures for training and monitoring the military and police on measures to prevent VAWG.
- Support civil society organizations to raise awareness on any form of VAWG, CRSV, early, child and forced marriages, female genital mutilation and human trafficking, with programs, mass media campaigns and public awareness initiatives to sensitize civil society and provide knowledge about existing services.

## Recommendations to support maternal and child health

- Provide universal access to comprehensive and quality emergency obstetric and neonatal care to reduce maternal mortality, and fostering the use of evidence-based interventions for life-threatening complications, improving referral systems, and optimizing the use of critical prenatal and post-partum care.
- Ensure skilled attendance at birth, with emergency backup, to guarantee safe motherhood and the health of newborns as most perinatal deaths occur during delivery or in the 48 hours after birth.
- Support basic free maternal healthcare services throughout the country, especially in rural areas that lack public health services and where access is also affected by deteriorating infrastructure, as well as directly provide and support the government to deliver quality maternal and child health services.
- Promote sexual and reproductive rights with public health awareness programs for women and girls to access contraceptive and family planning methods, and funds to have skilled and gender-aware personnel.

## Recommendations to support women's access to justice

- Support efforts to increase legal awareness, pro-bono legal advice to file lawsuits independent of marital status, physical access to courts for women and girls, and simplified or special procedures and specialized fast-track courts and dispute resolution bodies to deal with urgent cases, such as VAWG, rape and human trafficking.

- Provide training for magistrates, judges and the police on human rights, gender-based violence, VAWG and CRSV, and apply special procedures to deal with women, youth and children (such as hearing camera, etc.) so that they can feel safe and protected.
- Raise women’s awareness on access to justice and human rights, and promote programs, strategies and campaigns to reduce social pressure, family condemnation and punishment when VAWG survivors seek refuge with law enforcement bodies.
- Strengthen the ability of the informal justice system to provide justice and legal protection under the rule of law and in line with international norms and standards for women’s rights violations.

## Recommendations to support women’s participation in ICT, media and CSOs

- Ensure protection for female journalists, activists and political party candidates to avoid any act of violence and intimidation, and institute specific policies and sanctions to address harassment, including cyber bullying.
- Enhance the use of ICT training as a tool in education to overcome the gender digital divide in the use of new technologies, and to provide women and girls with equal access to information, resources and economic opportunities with specific funding, programs and strategies.
- Create “safe spaces” to enhance links between journalists and activists within and across states and society to safely and freely debate on gender issues and human rights.
- Support, protect and provide funding for women’s organizations to advance the gender equality and women’s empowerment agenda in Iraq.

# ANNEX 1

## Iraq is a signatory to the following International Human Rights Treaties:

- Universal Declaration of Human Rights adopted and proclaimed by General Assembly resolution 217 A (III) of 10 December 1948, came into force in 1976.
- Convention on the Prevention and Punishment of the Crime of Genocide, acceded 1959.
- International Covenant on Economic Social and Cultural Rights, signed 1969, ratified by Law 193 of 1970, published in the Official Gazette, issue 1926 of 7 October 1970, came into force on 3 January 1976. Iraq has not signed the first optional protocol giving the right to individual petition to the Human Rights Committee.
- Iraq has not signed the second optional protocol aimed at the elimination of the death penalty.
- International Convention on the Elimination of All Forms of Racial Discrimination, signed 1969, ratified 1970, came into force on 12 February 1970.
- International Covenant on Civil and Political Rights (ICCPR), adopted in 1966 by the UN General Assembly, came into force in 1976 and ratified by Iraq in 1971.
- International Convention on the Elimination of All Forms of Discrimination against Women, acceded 1986, came into force on 12 September 1986.
- Convention on the Rights of the Child, acceded 1994, came into force on 15 July 1994.
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified by Law No. 30 of 2008 (العربية), published in the Official Gazette, issue 4129 of 13 July 2009.
- Convention for the Protection of All Persons from Enforced Disappearance (Arabic).
- It is noteworthy that Iraq did not support the United Nations declaration on sexual orientation and gender identity in the General Assembly in 2008 and supported an opposing statement sponsored by Syria.

## Other Instruments:

- Iraq approved the Cairo Declaration of Human Rights in Islam at the Organization of the Islamic Conference in 1990. The Cairo Declaration is a guiding document that does not require ratification.
- Article 3 (a). "In the event of the use of force and in case of armed conflict, it is not possible to kill non-belligerents such as old men, women and children."
- Article 5 (a) "The family is the foundation of society, and marriage is the basis of its formation. Men and women have the right to marriage, and no restrictions stemming from race, color or nationality shall prevent them from enjoying this right."
- Iraq approved the original Arab Charter for Human Rights in 1994 and revised version prepared by the Arab League at its May 2004 Summit in Tunisia, but it did not ratify it. This came into force on 16 March 2008.

## National laws relevant to gender justice:

### **Iraq**

- Personal Status Law of 1959 with amendments.
- Penal Code of 1969 with amendments.
- Anti-Prostitution Law of 1988 with amendments.
- Constitution of 2005.
- Nationality Law of 2006.
- Law on Combating Trafficking in Humans of 2012.
- Labor Law of 2015.

### **Iraqi Kurdistan Region (KRI)**

Kurdistan Parliament has enacted:

- Personal Status Law of 2008.
- Law to Combat Domestic Violence of 2011.

The laws of Iraq are applicable in KRI, but the Kurdistan Parliament can enact its own laws or amend the laws of Iraq as they apply in KRI.

- Iraq Penal Code of 1969 as amended is applied in KRI.
- Iraq Labor Law of 1987 is applied in KRI.
- Iraq Labor Law of 2015 has not been adopted in KRI.

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UN Women is the UN organization dedicated to gender equality and the empowerment of women. A global champion for women and girls, UN Women was established to accelerate progress on meeting their needs worldwide. For more information, please visit [www.unwomen.org](http://www.unwomen.org).

## OXFAM

Oxfam is an international confederation of 19 organizations networked together in more than 90 countries, as part of a global movement for change, to build a future free from the injustice of poverty. Please write to any of the agencies for further information, or visit [www.oxfam.org](http://www.oxfam.org).

