

---

CSSF Women, Peace and Security Helpdesk

# Gender Equality and Social Inclusion (GESI) Assessment for Kurdistan Region of Iraq

---

Submitted: 12/04/2023

Assignment Code: WPS031

Task researchers: Mervat Rishmawi and Eva Tabbasam

The Women Peace and Security Helpdesk, managed by Saferworld in partnership with Conciliation Resources, GAPS UK, University of Durham and Women's International Peace Centre (WIPC), was established in December 2021 to increase capability across the UK Government on WPS policy and programming in order to make its work on conflict and instability more effective. If you work for the UK Government and you would like to send a task request, please email us at [wpshelpdesk@saferworld.org.uk](mailto:wpshelpdesk@saferworld.org.uk). If you do not work for the UK Government but have an enquiry about the helpdesk or this report, please email us at [enquiries.wpshelpdesk@saferworld.org.uk](mailto:enquiries.wpshelpdesk@saferworld.org.uk)

Direct Audience: British Consulate General in Erbil

Suggested Internal Distribution: The Kurdistan Regional Government's (KRG) Office of the Coordinator for International Advocacy (OCIA)

Confidentiality Status: Confidential

 UK Government

  
UKaid  
from the British people

# Acronyms

CEDAW	UN International Convention on the Elimination of All Forms of Covenant Discrimination against Women
CSO	civil society organisation
DCVAW	Department of Combatting Violence Against Women and Families
GESI	gender equality and social inclusion
GBV	gender-based violence
HCWD	High Council for Women and Development
IDP	internally displaced person
INGO	international non-governmental organisation
KRG	Kurdistan Regional Government
KRI	Kurdistan Region of Iraq
NAP	National Action Plan
NGO	non-governmental organisation
OCIA	KRG Office of the Coordinator for International Advocacy
OHCHR	UN Office of the High Commissioner for Human Rights
RHRAP	Regional Human Rights Acton Plan
UNAMI	UN Assistance Mission for Iraq
UNFPA	UN Population Fund
UNICEF	UN Children's Fund
UNITAD	UN Investigative Team to Promote Accountability for Crimes Committed by
Da'esh/ISIL	
UPR	Universal Periodic Review
WPS	women, peace and security
WPS NAP	Women, Peace and Security National Action Plan

# Contents

Background on Iraq and KRI .....	6
Ratification of international treaties, instruments and conventions .....	6
Context .....	8
Adolescent girls and forced child marriage .....	11
Sexual abuse and other forms of gender-based violence .....	12
Shrinking space for women’s rights defenders .....	14
Internal displacement and refugees .....	15
The missing and disappeared .....	16
Capacity of departments within governments .....	16
Recommendations for the KRG Office of the Coordinator for International Advocacy (OCIA) ...	18
Important proposed areas included under various goals of the RHRAP to ensure gender equality, with a focus on women’s human rights .....	19
Specific goal on women’s rights in the Regional Human Rights Action Plan .....	21
Outline for workshops .....	22
Workshop 1: Sunday 12 March 2023 .....	22
Workshop 2: Tuesday 14 March 2023 .....	23

# Introduction

This report provides a gender equality and social inclusion (GESI) analysis, in order to advance gender equality and women, peace and security (WPS) as they pertain to recommendations contained in the Regional Human Rights Action Plan (RHRAP) for the Kurdistan Region of Iraq (KRI), for the period of 2021 to 2025. The Foreign, Commonwealth and Development Office (FCDO) and the Kurdistan Regional Government's Office of the Coordinator for International Advocacy (OCIA) both have shared priority areas of gender equality and WPS. The UK Government officially prioritises Iraq as a focus country under its 5<sup>th</sup> National Action Plan on Women, Peace and Security (2023–27), as well as under the Preventing Sexual Violence in Conflict Initiative (PSVI). The Kurdistan Regional Government (KRG) is also committed to implementation of Iraq's international human rights obligations, including those obligations according to the UN International Convention on the Elimination of All Forms of Covenant Discrimination against Women (CEDAW), as is stated in the first paragraph of the RHRAP.

To inform the GESI analysis, a combination of desk-based research, key informant interviews and two closed workshops informed the analyses and provided recommendations for action (see Annex 3 for the programme of the workshops):

- Eight (8) interviews were held with OCIA, the High Council for Women and Development, key civil society organisations and women rights activists, as well as some UN agencies, but not UN Women. Some of these interviews included multiple participants.
- Two workshops on 'Mainstreaming Gender in the RHRAP', were held in Erbil with multiple stakeholders on 12 and 14 March 2023. They were each attended by approximately 17 persons, including several persons who were interviewed in addition to other important stakeholders.

The information included in this report should be read in parallel with the first two annexes included. The first annex highlights the elements under various goals in the RHRAP ('the Plan') that specifically reference the rights of women and girls. The second annex includes the exact text of the goal included in the Plan that is relevant to women's rights.

The Plan was developed after discussing and receiving recommendations for the third round of the Universal Periodic Review (UPR) for Iraq, which was held on 11 November 2019.<sup>1</sup> The OCIA developed the Regional Human Rights Plan for the KRI, a parallel plan to the National Plan for the country, which contains a total of 389 recommendations. The RHRAP contains specific sections on women and girls' rights and gender equality, while also acknowledging the need to consider the impacts of intersectionality, that is, race, ethnicity, religion and disability etc. The RHRAP states that it was prepared with the participation of the 'legislative, executive and judicial authorities, along with active partners such as UNAMI, in addition to civil society organisations concerned with human rights and the Independent Commission for Human Rights'.<sup>2</sup>

During interviews conducted for this analysis, the High Council for Women and Development (HCWD) stated that it was asked to provide data and attend meetings to inform the development of the Plan. The United Nations Assistance Mission for Iraq (UNAMI) also indicated during the interviews that it had helped OCIA in drafting parts of the Plan on selected issues – but the specifics were unclear. Overall, however, it was not possible to ascertain through the interviews the extent of this consultation nor to achieve clarity on the specifics from OCIA. The Plan is now in its second year of implementation, while the OCIA is in the process of reporting on the first year of implementation. The interviews indicated that OCIA had recently carried out several meetings with diplomatic missions, UN agencies and other specialised bodies, to discuss possible financial and technical assistance to support implementation of various elements of the Plan.

---

<sup>1</sup> UN Office of the High Commissioner for Human Rights (OHCHR) (2019), 'Report of the Working Group on the Universal Periodic Review – Iraq', 20 December, A/HRC/43/14 (<https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F43%2F14&Language=E&DeviceType=Desktop&LangRequested=False>)

<sup>2</sup> Office of the Coordinator for International Advocacy (OCIA) (2021), 'The Regional Human Rights Plan in KRI (202–2025)', p 6.

## Background on Iraq and KRI

The Kurdistan Region of Iraq (KRI) is an autonomous region in Iraq comprising four Kurdish-majority governorates: Erbil, Sulaymaniyah, Duhok and Halabja. The city of Erbil is the capital. It borders Iran, Syria and Turkey.<sup>3</sup> The Kurdistan Regional Government (KRG) is recognised as the official government of the territories that were administered by it, in accordance with the Constitution. KRG is composed of the Kurdistan National Assembly, the Kurdistan Council of Ministers and the regional judicial authority in the Kurdistan Region. Legislation enacted in the Kurdistan Region and decisions made by the Kurdistan Regional Government, including court rulings, are considered valid.<sup>4</sup>

A demarcation line that separated the KRG-administered areas from the rest of Iraq was established in accordance with Article 140 of the Constitution of Iraq. The line cuts through KRI, separating more than 40 per cent of the territory that had been predominately Kurdish. This area also includes significant numbers of Arabs, Turkmens and Christians.<sup>5</sup> This has created areas in the provinces of Diyala, Kirkuk, Ninewa and Saladin that continue to be disputed between the KRG and the Iraqi Federal Government.<sup>6</sup> It effectively means that the civil affairs and documents of the residents are not administered in one jurisdiction alone, but may be administered in both. This has an impact on the rights of women and on efforts by civil society organisations (CSOs) that work on women's rights, as it complicates access to the documentation and services that are often required to address gender equality concerns.

The United Nations Assistance Mission for Iraq (UNAMI) is a Special Political Mission, established in 2003 by United Nations Security Council (UNSC) Resolution 1500 at the request of the Government of the Republic of Iraq.<sup>7</sup> UNAMI's mandate is to advise and assist the government and people of Iraq. The United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL (UNITAD) was established in 2017 as an independent and impartial accountability mechanism mandated by UNSC to support domestic efforts to hold Islamic State of Iraq and the Levant (ISIL)<sup>8</sup>, also known as Islamic State of Iraq and Syria (ISIS), accountable. It was to do this by collecting, preserving and storing evidence of acts that might amount to war crimes, crimes against humanity and genocide committed in Iraq. The UN Office of the High Commissioner for Human Rights (OHCHR) works closely with both UNAMI and UNITAD. Other UN agencies also operational in Iraq include UN Women, the UN Population Fund (UNFPA) and the UN Children's Fund (UNICEF).<sup>9</sup> These have offices in Baghdad to work with the Federal Government, and in Erbil to work with the KRG.

## Ratification of international treaties, instruments and conventions

Iraq has ratified eight major international human rights instruments: the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); the International Covenant on Civil and Political Rights (ICCPR); the International Convention for the Protection of All Persons from Enforced Disappearance (CED); the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); the International Convention on the Elimination of All Forms of Racial Discrimination (CERD); the International Covenant on Economic, Social and Cultural Rights (ICESCR); the Convention on the Rights of the Child (CRC); and the Convention

<sup>3</sup> For more information, see: Loft P (2022), 'Iraq in 2022: Forming a government', Research Briefing, House of Commons Library, 2 November, Number 9605.

<sup>4</sup> OHCHR (2019), 'Iraq Common Core Document', HRI/CORE/IRQ/2019, 20 December, submitted by the Republic of Iraq ([https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=HRI%252FCORE%252FIRQ%252F2019&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=HRI%252FCORE%252FIRQ%252F2019&Lang=en))

<sup>5</sup> Kurdistan Region Presidency – Article 140 (<https://presidency.gov.krd/krp/english/display.aspx?sm=pt1+ZmXUE8Y=>)

<sup>6</sup> RUDAW (2019), 'Territories remain disputed, Article 140 can be implemented: Iraqi federal court', 30 July ([www.rudaw.net/english/kurdistan/300720192](http://www.rudaw.net/english/kurdistan/300720192))

<sup>7</sup> United Nations, [Political and Peacebuilding Affairs – UNAMI](https://dppa.un.org/en/mission/unami#:~:text=The%2520United%2520Nations%2520Assistance%2520Mission,G%25C3%25ADslad%25C3%25B3tir%252C%2520who%2520also%2520leads%2520on) (<https://dppa.un.org/en/mission/unami#:~:text=The%2520United%2520Nations%2520Assistance%2520Mission,G%25C3%25ADslad%25C3%25B3tir%252C%2520who%2520also%2520leads%2520on>)

<sup>8</sup> ISIL is a terrorist organisation seeking to establish a global Islamic caliphate. For more information about ISIL, see EUAA, 'Country Guidance: Syria' (<https://euaa.europa.eu/country-guidance-syria/14-islamic-state-iraq-and-levant-isil>)

<sup>9</sup> For information about UNAMI and UNITAD, see United Nations, 'The United Nations in Iraq' (<https://iraq.un.org/en/about/about-the-un>)

on the Rights of Persons with Disabilities (CRPD). Iraq has entered reservations to Articles 2 (f and g) and 16 of CEDAW.<sup>10</sup> These relate to the core of states' obligations under CEDAW (Article 2), and equality in marriage and upon its dissolution (Article 16). The CEDAW Committee considers reservations to these provisions to be contrary to the content and purpose of CEDAW and therefore must be removed. Iraq has also not ratified the Optional Protocol to CEDAW allowing for individual complaint.<sup>11</sup>

---

<sup>10</sup> Article 2(f) relates to taking appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against women. Article 2(g) relates to repealing all national penal provisions that constitute discrimination against women. Article 16 relates to eliminating discrimination against women in all matters concerning marriage and family relations.

<sup>11</sup> For detailed information, see: OHCHR, '[Countries & Territories: Iraq](http://www.ohchr.org/en/countries/iraq)' ([www.ohchr.org/en/countries/iraq](http://www.ohchr.org/en/countries/iraq))

# Key findings from the Gender Equality and Social Inclusion Analysis

## Context

Iraq is a country emerging from three decades of recurring cycles of armed conflict and violence, as well as a range of crises and emergencies. The humanitarian situation in Iraq has improved, with the number of people requiring humanitarian assistance down from 11 million people in 2017 to 2.5 million in 2022. The UN is shifting its response from humanitarian only to a development-focused approach.<sup>12</sup>

Iraq currently ranks 146<sup>th</sup> out of 189 countries on the Gender Inequality Index and 154<sup>th</sup> out of 156 countries on the Global Gender Gap Index.<sup>13</sup> In the KRI, 11.8 per cent of families are headed by women. Generally, 9.2 per cent of women in Iraq engage in paid work. This percentage rises to 14 per cent in the KRI. On average, 9.4 per cent of women have their own or jointly owned assets. This figure is 11.5 per cent in the KRI, while it falls to 9 per cent in the rest of the country. The size of the family is generally larger in rural areas than that in urban areas. The size of families is generally smaller in the KRI.<sup>14</sup> It should be noted that women generally, despite their engagement in paid work or access to assets, continue to bear the primary burden of domestic responsibilities, due to social attitudes that impose stereotypes of the role of women and girls.

There has been progress in Iraq in general, and in KRI in particular, in term of adopting and implementing laws, strategies and plans that aim to improve people's lives and ensure better protection of human rights, including in relation to gender equality.

The following are examples that illustrate the progress achieved in the KRI before an attack by ISIL in 2014. Until this point, the KRG had made various improvements on gender equality at the legal and institutional levels. In 2009, the election law was amended to introduce a minimum quota of female parliamentarians to 25 per cent. In 2007, the Directorate of Combatting Violence against Women (DCVAW) was founded under the Ministry of Interior, responding to gender-based violence (GBV). In 2010, the High Council of Women Affairs, now the High Council for Women and Development (HCWD), was established. It has the mandate of developing and overseeing the implementation of the Women, Peace and Security National Action Plan (NAP) of KRI. In 2011, the law against Domestic Violence (No.8) was adopted by the KRI, which holds perpetrators accountable for their actions, specifically domestic violence within the family. In 2013, the KRI ratified the National Strategy to Combat Violence Against Women, which sets out actions related to survivors of violence.<sup>15</sup>

However, this progress was interrupted in June/July 2014, when ISIL captured, took control and began to operate with impunity over large areas of Iraq, particularly northern Iraq. It committed grave abuses of international human rights law, international criminal law and international

<sup>12</sup> UN Office for the Coordination of Humanitarian Affairs (OCHA) (2023), 'Iraq Humanitarian Transition Overview 2023', 27 February (<https://reliefweb.int/report/iraq/iraq-humanitarian-transition-overview-2023-february-2023#:~:text=Five%2520years%2520after%2520the%2520conclusion,to%25202.5%2520million%2520in%25202022>)

<sup>13</sup> UN Women, [Global Database on Violence against Women](https://evaw-global-database.unwomen.org/en/countries/asia/iraq) (<https://evaw-global-database.unwomen.org/en/countries/asia/iraq>). The [Gender Inequality Index](https://hdr.undp.org/data-center/thematic-composite-indices/gender-inequality-index#/indicies/GII) (<https://hdr.undp.org/data-center/thematic-composite-indices/gender-inequality-index#/indicies/GII>) is for 189 countries, prepared by the UN Development Programme (UNDP) as part of the Human Development Index. [The Global Gender Gap Index](http://www.weforum.org/reports/global-gender-gap-report-2022/digest/) ([www.weforum.org/reports/global-gender-gap-report-2022/digest/](http://www.weforum.org/reports/global-gender-gap-report-2022/digest/)) is for 156 countries prepared by World Economic Forum.

<sup>14</sup> UNFPA (2021), 'Presentation – Iraq Women Integrated Social and Health (IWISH) 2' (<https://iraq.unfpa.org/en/news/ministry-planning-unfpa-launch-results-second-iraq-women-integrated-social-and-health-survey>)

<sup>15</sup> SEED Foundation, 'Working to achieve Gender Equality in Kurdistan' ([www.seedkurdistan.org/working-to-achieve-gender-equality-in-kurdistan/](http://www.seedkurdistan.org/working-to-achieve-gender-equality-in-kurdistan/))



humanitarian law. Acts that were committed may amount to war crimes, crimes against humanity and genocide. Populations under ISIL control witnessed many targeted abuses, including executions, torture, amputations, ethno-sectarian attacks, rape and sexual slavery imposed on women and girls. The Yazidi community was particularly targeted.<sup>16</sup>

Recently, further evidence started to be collected concerning the crimes committed by ISIL against other communities. In its report to the Security Council in May 2023, UNITAD reported it had produced:

*“preliminary case assessment reports on crimes committed against the Sunni population in Anbar, crimes against the lesbian, gay, bisexual, transgender and queer community and on the destruction of cultural heritage. Existing case assessment reports have been enhanced with additional evidence and legal analysis. This led, inter alia, to a significant update of the 2021 report on crimes committed against the Yazidi community in Sinjar with new facts, additional evidence and analysis; the enhancement of the initial case assessment report on crimes committed by Da’esh/ISIL against the Christian community in Iraq, focused on crimes committed in the towns of Hamdaniyah and Bartalah; and the report on the development and use of chemical and biological weapons by Da’esh/ISIL in Iraq”.*<sup>17</sup>

In April 2014, prior to the ISIL attacks, the Iraqi Federal Government adopted its first Women Peace and Security (WPS) Strategy and National Action Plan (NAP), making it the first country in the region to adopt a NAP. The first WPS NAP was based on six pillars: participation, protection and prevention, promoting the resolution, mobilisation of resources, monitoring and evaluation. According to the report of the Government of Iraq to the CEDAW Committee in 2018, civil society organisations participated in the preparation and development of the strategy and the plan. The most prominent of these was the Alliance for the Implementation of the National Plan for Resolution 1325 (2000).<sup>18</sup> The first strategy and plan covered the period 2014 to 2018. A Cross-Sector Taskforce (CSTF) was established to manage and support this process and the implementation of the NAP.<sup>19</sup>

However, after the attacks by ISIL in June/July 2014, the then-Ministry of State for Women’s Affairs in the Federal Government, in consultation with civil society organisations, developed a contingency (emergency) plan. This was adopted in May 2015. The emergency plan focused on three main pillars: participation, protection and prevention, with the general aim of supporting displaced people and monitoring cases of women abducted and abused by ISIL. The contingency plan provided for the creation of an operations room to monitor implementation. However, two months after the adoption of the plan, the Ministry of State for Women’s Affairs, which was responsible for the implementation of the plan, was disestablished. In January 2016, after a period of delay, the Prime Minister’s Office directed that the operations room be restarted to allow relevant ministries to monitor implementation of the plan.<sup>20</sup>

After the expiration of the first WPS NAP in 2018, Iraq decided to develop its second Iraq WPS NAP to address the issues and needs of women and girls in the post-conflict period.<sup>21</sup> This, however, was repeatedly delayed due to political instability and changes in government and parliament. In 2020, with the technical, operational and financial support of UN Women, the Council of Ministers Secretariat adopted the second WPS NAP, which was launched in December

<sup>16</sup> OHCHR (2014), ‘UN report details “staggering array” of human rights abuses in northern Iraq’, 2 October ([www.ohchr.org/en/press-releases/2014/10/un-report-details-staggering-array-human-rights-abuses-northern-iraq](http://www.ohchr.org/en/press-releases/2014/10/un-report-details-staggering-array-human-rights-abuses-northern-iraq)); see also reports by the UN Investigative Team to Promote Accountability for Crimes Committed by Da’esh/ISIL (UNITAD) (<https://www.unitad.un.org/>)

<sup>17</sup> UNITAD (2023), ‘Tenth report of the Special Adviser and Head of the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da’esh/ISIL in Iraq and the Levant’, S/2023/367, 22 May, para. 5 (<https://iraq.un.org/en/235398-tenth-report-special-adviser-and-head-united-nations-investigative-team-promote>)

<sup>18</sup> CEDAW Committee (2018), ‘Seventh periodic report submitted by Iraq’, CEDAW/C/IRQ/7, 17 August, para 64 ([https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%252FC%252FIRQ%252F7&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%252FC%252FIRQ%252F7&Lang=en))

<sup>19</sup> UN Women – Iraq (2020), ‘Project Brief: Women, Peace and Security in the Arab States – Phase II’ (<https://iraq.unwomen.org/en/digital-library/publications/2020/12/project-brief--wps#view>)

<sup>20</sup> CEDAW Committee (2018), ‘Seventh periodic report submitted by Iraq’, CEDAW/C/IRQ/7, 17 August, para 66 ([https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%252FC%252FIRQ%252F7&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%252FC%252FIRQ%252F7&Lang=en))

<sup>21</sup> UN Women – Iraq (2020), ‘Project Brief: Women, Peace and Security in the Arab States – Phase II’ (<https://iraq.unwomen.org/en/digital-library/publications/2020/12/project-brief--wps#view>)

2020. In October 2022, on the 22<sup>nd</sup> anniversary of Security Council Resolution 1325, ministerial and localised sectoral plans were developed and launched in partnership with UN Women and the Iraqi Department of Women Empowerment at the General Secretariat of the Council of Ministers of the Federal Government.<sup>22</sup>

Before that, a separate WPS NAP was also developed for Kurdistan Region of Iraq. This was launched on 30 November 2021 (for the period 2021–24) by the High Council for Women and Development of KRI, sponsored by the Federal Government, Ministry of Interior, and in partnership with UN Women.<sup>23</sup> Prior to the launch, the HCWD organised a workshop in Erbil with civil society organisations from KRI that worked on WPS and gender equality. The aim was to present the 1325 NAP for 2021–24 and discuss the role of the KRI 1325 Board, which is formed of government bodies and CSOs. The 1325 Board oversees the implementation of the NAP, the implementation process of the plan, and the coordination mechanism between the HCWD and CSOs, including priorities for implementation.<sup>24</sup> The KRI NAP focuses on three pillars: participation, protection and prevention. For the third pillar on prevention, the goal is: ‘Strengthening prevention measures before, during and after conflict and promoting an environment free from gender-based violence’. According to the NAP, the indicators for achieving this goal are: the ‘percentage increase in the number of women beneficiaries of prevention programs and services, whether official/ governmental or nongovernmental’; and the ‘number of legislative, executive and procedural amendments by the government relevant to the protection of women in conflict’.<sup>25</sup>

During the interviews, various stakeholders working on WPS in KRI expressed that implementation of the KRI plan was difficult, given that there was no budget dedicated to the plan. The exception was for the pillar of protection, where the High Council for Women and Development had allocated a specified budget; however, implementation had still not begun. In relation to the participation pillar, information obtained from some interviews and workshop discussions indicated that the HCWD was placing emphasis on ensuring the inclusion of women in political and public life and decision-making, including through engagement with political parties. It was also working closely with the private sector to ensure the participation of women in the economy – for example, through public–private initiatives (PPI). The HCWD stated at the workshop that they had recently signed a five-year empowerment plan with the German Corporation for International Cooperation (GIZ) and the World Bank to include and support women in the private sector.

The HCWD hold the mandate for various issues relating to women’s rights or the needs of women and girls that are reflected in the Regional Human Rights Action Plan (RHRAP) in terms of important objectives. Despite this, HCWD was not consulted by OCIA as part of the developing of the Plan. This is causing continued frustration and an overall concern that there will be duplication of effort instead of coordination between those involved. It is important that the RHRAP is linked to the WPS NAP, especially considering that both plans partly deal with similar issues. Several interviewees also indicated that, generally, government bodies and departments were working in silos and not coordinating adequately.

The above shows that while the KRG has taken several positive steps towards implementing its commitments relating to gender equality and women and girls’ rights, progress is slow. There is also an increasing backlash against these efforts (this is explored in more detail later in this report, under the section ‘Shrinking space for women’s rights defenders’). Our findings suggest that there are a number of reasons for this slow progress. Traditional gender roles and patriarchal attitudes remain deeply ingrained in many parts of Kurdish society. Meanwhile, weak legislation or lack of implementation of legal frameworks, along with inadequate training of judges, prosecutors, DCVAW staff and of the departmental gender units that exist in several KRG ministries (see below under the section ‘Capacity of departments within government’) also lead to poor advancement. Further, limited access to education and significant barriers to women’s economic empowerment,

<sup>22</sup> UN Women – Iraq (2022), ‘UN Women commemorates the 22<sup>nd</sup> Anniversary of UNSCR 1325 and launches the ministerial and localized sectoral plans for the Iraq National Action Plan (INAP) in partnership with the Department of Women Empowerment’, 31 October (<https://iraq.unwomen.org/en/stories/press-release/2022/10/the-22nd-anniversary-of-unscr-1325>)

<sup>23</sup> UN Women (2021), ‘Launch of 1325 National Action Plan for Kurdistan in Erbil’, 30 November (<https://iraq.unwomen.org/en/news-and-events/stories/2021/12/launch-of-1325-national-action-plan-for-kurdistan-in-erbil>)

<sup>24</sup> UN Women – Iraq (2021), ‘The HCWA discusses Kurdistan Region’s plan to implement Resolution 1325’, 4 November (<https://iraq.unwomen.org/en/news-and-events/stories/2021/11/hcwa-discusses-resolution1325>)

lack of resources and skills, as well as absence of coordination between those working on gender equality and women and girls' rights, also hinder progress.

In this section, we highlight several gender equality and social inclusion concerns that were highlighted in our data collection. This is not a comprehensive overview of all GESI concerns within the KRI, but represents the issues that arose from our literature review, consultations with stakeholders and two workshops as key priorities in the implementation of the RHRAP.

## Adolescent girls and forced child marriage

Forced child marriage is a major problem in Iraq, affecting both sexes, but mainly girls below the age of 18. It is a significant issue in the KRI. The results of a 2022 population survey showed that the percentage of women who were married before reaching 18 years of age in all of Iraq was 25.5 per cent, and those married even before 15 was 5.2 per cent. In the KRI, the average age of women married for the first time is 21.2 and there is not reliable data for marriages of people under 18.<sup>26</sup> In June 2022, UNFPA organised a two-day national conference to address the issue, help raise awareness of the harmful practice, and to discuss the necessary measures needed to prevent and reduce forced early marriage.<sup>27</sup> A report by UNAMI and OHCHR indicates that:

*the amended Law on Personal Affairs No.188/1959 sets the minimum age of marriage at 18 years but allows for the marriage of children between the ages of 15 and 18 if approval of their legal guardians is obtained. The Kurdistan Regional Government (KRG) raised the minimum age to 16.<sup>28</sup>*

A significant challenge that remains is that although the law imposes penalties on a person who marries a child, it does not impose penalties on parents for forcing their daughters to marry or for those who officiate such marriage in violation of the law. Families usually arrange these marriages through marriage contracts outside the legal system; however, they are not considered legal until they are registered by a court.

Literature and discussions during the workshops indicate that forced child marriage is believed to be one of the negative coping mechanisms imposed by parents because of extreme poverty.<sup>29</sup> There has been a rise in child marriages precipitated by the deteriorating economic situation, especially because of the COVID-19 pandemic. Child marriage is particularly prevalent among displaced communities, in addition to other forms of sexual and gender-based violence. In some rural areas, girls are prevented by their families from attending school, while the role of mother and caregiver is encouraged over participating in the formal workforce.<sup>30</sup>

Interviews with a non-governmental organisation (NGO) that works with Yazidis and other ethno-religious minorities in Iraq also noted that child marriage is common among the Yazidi community. However, they cited a few examples of such cases that were more to do with a recent phenomenon of eloping, which seems to be widely accepted in the community, as well as early school dropouts. This latter issue has also led to early drinking and smoking. Child marriage is officiated by Yazidi religious leaders, although this is not legal.

Other than poor economic status, reasons for early marriage, cited throughout the various methods of data collection, included tradition of the community, imitation of others, conflicts between families that are resolved through marriage, as well as religion and stigma. Forced marriage has significant impacts for girls, including limiting their education and career opportunities, increasing the risk of domestic violence and sexual assault, and contributing to poor health outcomes in case of early pregnancy.

There have been calls for amendments of the law to impose penalties on parents for forcing their children into marriage, as well as removing the exception of parental approval for marriage under

<sup>26</sup> UNFPA – Iraq (2022), '7.1 Marital conditions of women', [Iraqi Women Integrated Social and Health Survey \(IWISH2\)](https://iraq.unfpa.org/en/resources/iraqi-women-integrated-social-and-health-survey-iwish2), p 9 (<https://iraq.unfpa.org/en/resources/iraqi-women-integrated-social-and-health-survey-iwish2>)

<sup>27</sup> RUDAW (2022), 'Increase in early marriages in Iraq, Kurdistan Region: UNFPA representative', June ([www.rudaw.net/english/middleeast/iraq/120620221#:~:text=The%2520National%2520Conference%2520to%2520Address,Iraq%2520and%2520the%2520Kurdistan%2520Region.](http://www.rudaw.net/english/middleeast/iraq/120620221#:~:text=The%2520National%2520Conference%2520to%2520Address,Iraq%2520and%2520the%2520Kurdistan%2520Region.))

<sup>28</sup> UNAMI and OHCHR (2021), 'The Right to Education in Iraq – Part Two: Obstacles to Girls' Education after ISIL', January, at footnote 44 (<https://reliefweb.int/report/iraq/right-education-iraq-part-two-obstacles-girls-education-after-isil-enar>)

<sup>29</sup> Ibid.

<sup>30</sup> Ibid.

the age of 18. However, there is still no movement on this and KRI have not responded to these calls for amendments.

In addition to forced child marriage, adolescent girls face several other challenges, as previously mentioned, limited access to formal education systems, increased experiences of sexual and gender-based violence and rigid gender roles and patriarchal attitudes. There is a need to build the skills of those working on the frontlines in health and education who are interacting with adolescent girls and their parents to ensure intervention at early stages and to raise awareness. Public healthcare services have deteriorated and there is a need for basic provision, or improved access to such services, to allow for full health and wellness checks – as recommended by frontline organisations as being crucial for adolescent girls. It is also important to train healthcare providers, and to monitor healthcare services, to ensure quality and needs-based provision of services.

Innovative solutions were discussed at the workshops, including on how capturing data and using technology and analytics could be tools for understanding the real scale of the problem and allowing for early intervention. UNFPA has been working on fighting child marriage by utilising Civil Registration and Vital Statistics (CRVS), which has been successful in countries such as Pakistan and Bangladesh. CRVS records life events, such as births, deaths, marriages and divorces. Through mandatory registration of marriage, including information on the age of women at marriage, civil registration can help enforcement efforts that protect girls from underage marriage.<sup>31</sup> Furthermore, the need for cross-sectoral partnerships and coordination was also stressed in the workshops to address early marriage holistically, especially as several groups from the government, civil society and UN agencies work on the issue.

## Sexual abuse and other forms of gender-based violence

An important ongoing concern that was highlighted through data collection for this GESI analysis is an increase in sexual abuse and other forms of gender-based violence in recent years. In the first two months of 2022, 11 women were killed in KRI; 45 women were killed in 2021, up from 25 the previous year.<sup>32</sup> Data attributed to UNICEF indicates that gender-based violence rose 125 per cent to reach a staggering figure of more than 22,000 cases between 2020 and 2021.<sup>33</sup> A sharp increase was witnessed during the pandemic and resulting lockdown, as the incidence rate of domestic violence almost doubled as a result of COVID-19. There has been an alarming increase in all forms of GBV, such as sexual harassment of women, online violence, high rates of rape of women and girls by relatives, and a rise of underage forced marriage due to school suspensions.<sup>34</sup> It is reported that 50 women were killed in Sulaymaniyah alone in the first half of 2022.<sup>35</sup> Reasons for this sharp increase are believed to include that government authorities at various levels do not make adequate efforts to combat such cases. Often, officials in relevant authorities consider these to be domestic problems, in which they hesitate to interfere. There are also clear challenges related to dealing with these cases through the judicial system, including inadequate training of justice professionals, including judges, and the fact that cases may take several years to be heard in the courts. There is a culture of blaming the victim/survivor and excusing or even praising the perpetrator in the media and public opinion.<sup>36</sup>

ISIL directly and systematically targeted Iraq's various diverse ethnic and religious communities, subjecting them to a range of human rights abuses. This targeting included attacks against Christians, Yazidis, Turkman, Shabak and Kurds. Women and girls of all ages and across all

<sup>31</sup> UNFPA (2021), 'Fighting child marriage in Pakistan with Civil Registration and Vital Statistics', 19 November (<https://pakistan.unfpa.org/video/fighting-child-marriage-pakistan-civil-registration-and-vital-statistics>)

<sup>32</sup> The Arab Weekly (2022), 'Worrisome increase of "Honour" crimes in Iraqi Kurdistan', 21 March (<https://thearabweekly.com/worrisome-increase-honour-crimes-iraqi-kurdistan>)

<sup>33</sup> Ibid. Some of the increase in the numbers may be attributed to improved documenting of such cases, which may partially be attributed to greater awareness. However, the literature indicates that there is a definite rise in such crimes in Kurdistan in recent years, including in the shadow of the COVID-19 pandemic.

<sup>34</sup> Gender Action for Peace and Security (GAPS) (2021), 'Now and the Future: Gender Equality, Peace and Security in a COVID-19 World, Iraq' (<https://gaps-uk.org/wp-content/uploads/2021/01/Now-and-the-Future-Gender-Equality-Peace-and-Security-in-a-COVID-19-World-Iraq.pdf>)

<sup>35</sup> Käser I, Mahmoud H (2022), 'Pockets of Feminism, Art and Activism in Iraqi Kurdistan', LSE Blog, 30 July (<https://blogs.lse.ac.uk/mec/2022/07/30/pockets-of-feminism-art-and-activism-in-iraqi-kurdistan/>)

<sup>36</sup> Ibid.

segments of society were subjected to heinous crimes and abuses.<sup>37</sup> Yazidi women and girls were particularly subjected to crimes under international law including rape, sexual slavery, forced pregnancy, trafficking and torture.<sup>38</sup> Many Yazidis were killed during the 2014 attack and thousands were captured. Men and women were systematically separated, with girls and young women often further separated from the rest and forced into sexual slavery. Yazidi girls were forced to marry ISIL fighters. Generally, cases of sexual violence continue to be underreported, often due to stigma.<sup>39</sup>

One interviewee from an organisation working with women and children in the Yazidi community indicated that there was a continued disagreement on best responses when it came to children born to Yazidi mothers who were subjected to rape by ISIL members. This related to, for example, whether the children should be registered as Sunni Arabs or Yazidis.<sup>40</sup> This relates to a ruling by the Yazidi Supreme Spiritual Council, which was issued late April 2019, allowing the return of Yazidi women and girl survivors of sexual violence and their children born following rape by ISIL members, and their acceptance by the community. However, the ruling does not consider these children to be Yazidis, because – according to the religious leaders – children of Yazidi victims born from a Muslim father (the ISIL member) cannot be accepted as Yazidis. Only a child born of two Yazidi parents is considered a Yazidi. The women continue to be considered as Yazidis who have been subjected to rape and atrocities.<sup>41</sup> Another important aspect is that as these children so far are not officially registered, they do not have equal access to services – including education. They continue to face additional challenges and resentments in the community.

In the aftermath of the conflict with ISIL, many women are also still at risk of femicide for the perceived 'dishonour' they bring to their families and communities.<sup>42</sup> However, Kurdish officials regularly condemn such killings. Even though the law in the KRI does not allow for 'honour' killing as a mitigation factor, the problem remains in implementation and awareness raising.<sup>43</sup>

When it comes to implementation of the law, interviews with frontline workers highlighted that often judges are under pressure by tribes they belong to not to prosecute these cases. Otherwise they are pressured not to impose a serious punishment on perpetrators, especially if the perpetrator is from that tribe. Other concerns included that there was generally a lack of human rights-based training for judges and law enforcement officers, coupled with the absence of a survivor-centred approach in the justice system – which is a major impediment to ensuring access to justice for women. It was also noted in the interviews that while the law imposes six conditions that a man must fulfil before polygamy is allowed, in practice judges do not implement that law strictly. Consultations with CSOs through interviews and at the workshops highlighted a highly visible increase in cases of domestic violence and honour killings. They also noted the challenges women's rights defenders face when dealing with these cases, supporting survivors or speaking publicly about such issues. Despite the progressive legislation that has passed, its implementation is proving to be a hindrance to any real progress.

Civil society and women's rights organisations (WROs) also cited challenges with the judiciary, specifically that it does not support victims to be able to take their cases to court. This is especially the case when the perpetrator is someone who holds power and influence. Since the passing of

<sup>37</sup> For examples of such attacks, see OHCHR and UNAMI (2014), 'Report on the Protection of Civilians in Armed Conflict in Iraq: 6 July–10 September 2014', 2 October

<sup>38</sup> UNAMI and OHCHR (2021), 'The Right to Education in Iraq – Part Two: Obstacles to Girls' Education after ISIL', 24 January (<https://reliefweb.int/report/iraq/right-education-iraq-part-two-obstacles-girls-education-after-isil-enar>)

<sup>39</sup> OHCHR (2019), 'Summary of Stakeholders' submissions on Iraq – Report of the Office of the United Nations High Commissioner for Human Rights', A/HRC/WG.6/34/IRQ/3, 19 August ([www.ohchr.org/en/hr-bodies/upr/iq-index](http://www.ohchr.org/en/hr-bodies/upr/iq-index)); OHCHR (2019), 'Compilation of UN Information – Report of the Office of the United Nations High Commissioner for Human Rights', A/HRC/WG.6/34/IRQ/2, 30 August ([www.ohchr.org/en/hr-bodies/upr/iq-index](http://www.ohchr.org/en/hr-bodies/upr/iq-index))

<sup>40</sup> This debate relates to whether a child should always be registered according to his/her father's ethnicity or religion, regardless of the circumstances. Therefore, according to this, children of Yazidi mothers born as a result of rape by ISIL members, who are largely Sunni Arabs, must be registered as Sunni Arabs. If, however, it is accepted that children can follow the ethnicity of the mother, these children may be registered as Yazidis.

<sup>41</sup> The Guardian (2019), 'Yazidi leaders to allow Isis rape survivors to return with children', 27 April ([www.theguardian.com/world/2019/apr/27/yazidi-leaders-to-allow-isis-survivors-to-return-with-children](http://www.theguardian.com/world/2019/apr/27/yazidi-leaders-to-allow-isis-survivors-to-return-with-children))

<sup>42</sup> Information from UPR 34: CSO information and compilation of UN information.

<sup>43</sup> Article 409 of the Iraq Penal Code allows for mitigation for 'honour' killing, resulting in reduced sentences. This article is suspended in KRI. However, the problem remains due to lack of strict implementation and in societal norms. See UNAMI and OHCHR (2021), 'Human Rights and Freedom of Expression: Trials in the Kurdistan Region of Iraq', 15 December ([www.ohchr.org/en/documents/country-reports/human-rights-and-freedom-expression-trials-kurdistan-region-iraq](http://www.ohchr.org/en/documents/country-reports/human-rights-and-freedom-expression-trials-kurdistan-region-iraq))

the Act of Combatting Domestic Violence in the Kurdistan Region, CSOs and WROs have been working on expanding the scope of the law to ensure it protects against all forms of violence, within and outside the household. They are also working to ensure there is an effective mechanism associated with the law, one supported by the KRG with a dedicated budget and resources. However, information collected indicates that during the second reading of the bill, there were alarming reservations from conservative parts of parliament towards the existing law. Therefore, to avoid the existing law being called into question or revisited, the amendment was quashed. WROs responding to and working with survivors have also observed challenges with the Department of Combatting Violence Against Women and Families (DCVAW) and Ministry of Labour and Social Affairs (MOSL) in terms of them having limited resources to respond to or address the needs of survivors. Various people at the workshops stressed the need to improve the skills of caseworkers and judges in dealing with domestic violence cases. There is also a lack of understanding of the law, which results in justice not being served for survivors.

Interviews also indicated that there was disagreement between CSOs and governmental bodies over the best way to run shelters in the KRI. There are currently three shelters run by the government, one in each major governorate, while SEED, an NGO, runs a shelter for survivors of trafficking. Women's rights organisations wanted to be further involved in delivering these services or wanted to be able to run their own shelters. Nevertheless, they are currently not allowed to do so. Several CSOs also run a hotline, while there are reports of some unregistered shelters.

One of the important challenges indicated in the interviews and workshops was the lack of support provided to women after they leave the shelters, which re-exposes them to gender-based violence. Most of those involved expressed the need for skills strengthening of staff who work at the shelters, as well as the importance of providing adequate and increased provision of equipment to shelters. Coordination was also raised as an important priority among groups working on GBV. This was in addition to ensuring that there are sufficient referral pathways and clear humanitarian sector plans for responding to GBV alongside HCWD and other relevant departments, such as DCVAW, at all levels. In addition, the research highlighted the need for exit strategies and training for women who leave the shelters, in order to equip these women with life skills.

## Shrinking space for women's rights defenders

In addition to the increase in gender-based violence and femicide connected with the concept of 'honour', there is an alarming increase in threats and attacks against women's rights defenders based on their work. While this is not new, threats and attacks are increasing.<sup>44</sup> Several people interviewed, especially women's rights defenders, highlighted how they were experiencing increased threats to their safety and security. This relates to their defence of women's rights in the community and online, including for using CEDAW as a framework for their work. In recent cases, young activists who were pursuing their work online, were killed by members of their family in the name of 'honour'. Tribal leaders, extremist Islamists and conservatives within society have also threatened women human rights defenders for their work and opinions, accusing them of corrupting the 'honour' of society. This needs to be considered in the context of more cases of individuals being brought to trial for criticising the authorities, whereby legal provisions are used, criminalising 'defamation' or 'spreading of misinformation', and accusing them of endangering public peace and stability.<sup>45</sup>

Women's rights defenders, therefore, feel that their freedom of expression is under increased threat because of their work. They think the KRG is not providing adequate support to them and their work, resulting in continued attacks without adequate prosecution.

Women's rights organisations interviewed to inform this GESI analysis were alarmed by the shrinking space for civil society, activists and the visibility of women. They mentioned specifically the backlash they faced online when speaking out, and personal targeted attacks against them. Interviewees cited that there was an "attack on gender as a concept", and that organisations working on gender equality were facing reprisals. There are clear attempts to question the concept of 'gender', in the name of maintaining society's traditions. Gender may be considered to be a 'western ideology' or only to do with LGBTQI+ (lesbian, gay, bisexual, transgender, queer/questioning and intersex) rights. There have been serious risks and threats made against

<sup>44</sup> For background information and cases of attacks against women human rights defenders, see Gulf Centre for Human Rights (GCHR) (2016), 'Iraq: Iraqi Kurdistan: New GCHR report says women human rights defenders challenging violence', 1 June ([www.gc4hr.org/new-gchr-report-says-women-human-rights-defenders-challenging-violence/](http://www.gc4hr.org/new-gchr-report-says-women-human-rights-defenders-challenging-violence/))

<sup>45</sup> See UNAMI and OHCHR (2021), 'Human Rights and Freedom of Expression: Trials in the Kurdistan Region of Iraq', 15 December ([www.ohchr.org/en/documents/country-reports/human-rights-and-freedom-expression-trials-kurdistan-region-iraq](http://www.ohchr.org/en/documents/country-reports/human-rights-and-freedom-expression-trials-kurdistan-region-iraq))

NGOs generally, including WROs and those carrying out work on gender mainstreaming, with no support or solidarity expressed from the government. This makes the work difficult. Furthermore, the Directorate for NGOs in Erbil has made it difficult for NGOs to receive or renew permits to allow them to operate, which is particularly challenging when permits must be renewed annually.

## Internal displacement and refugees

In Iraq in 2017, approximately 5.4 million people were internally displaced due to conflict and 1.2 million children had no access to education.<sup>46</sup> Internal displacement affects women and girls differently and disproportionately as a result of the prevailing socially constructed gender norms. Internally displaced women and girls:

*have reportedly experienced increased gender-based violence; rape; child, early and forced marriage; economic and financial abuse; and negative coping mechanisms (including survival sex), as a result of extreme poverty.*<sup>47</sup>

Internally displaced women and girls also have limited access to education. Gender-specific protection risks within internally displaced persons (IDPs) camps were deemed to be problematic by many displaced parents and therefore are significant impediments to girls' access to education.<sup>48</sup>

Areas that have been freed from ISIL have different family structures from the rest of the country. In Ninewa, 79 per cent of the families are stable, 20 per cent have been returned from internal displacement or refuge, and 1 per cent are displaced. In Anbar, 37 per cent of the families are stable, 57 per cent have been returned from internal displacement or refuge, and 6 per cent are displaced.<sup>49</sup>

Armed groups continue to obstruct internally displaced people from accessing their rights and services. Camps still exist: there are many in the KRI with the bulk in Dohuk, but there is pressure to consolidate these camps. This has rendered thousands of internally displaced women, men and children homeless or in secondary displacement, and without access to housing and essential services such as healthcare and education. At the end of 2022, more than 1 million people remained displaced, while 26 camps remained open in the KRI.<sup>50</sup> Before 2014, an estimated 360,000 Yazidis remained displaced, unable to return to their places of origin. They continued to live in dozens of camps for IDPs or in host communities located throughout the KRI.<sup>51</sup>

Iraq hosts more than 290,000 refugees and asylum seekers, mostly Kurdish Syrians (over 260,000) and residing in KRI. They have limited immediate return prospects. 65 per cent of the Syrian refugees in Iraq live in urban areas, while the rest reside in 9 refugee camps and one transit facility. Some of the internally displaced people face significant barriers to return or to effective local integration. As the main reasons for not wanting to return, IDPs report insecurity, lack of livelihood opportunities and financial resources, as well as damaged housing in areas of origin. One problem that IDPs face is that leaving their homes without documentation has rendered them stateless. The UN High Commissioner for Refugees (UNHCR) and partners provide legal assistance to individuals to secure civil documentation. Registration of refugees and access to civil documentation for IDPs are critical protection interventions, as they mitigate against the risk of detention/deprivation of movement, refoulement of refugees, and enabling access to public and humanitarian services.<sup>52</sup> Missing civil documentation impedes people's ability to access public

<sup>46</sup> UNAMI and OHCHR (2021), 'The Right to Education in Iraq – Part Two: Obstacles to Girls' Education after ISIL', 24 January (<https://reliefweb.int/report/iraq/right-education-iraq-part-two-obstacles-girls-education-after-isil-enar>)

<sup>47</sup> Ibid.

<sup>48</sup> Ibid.

<sup>49</sup> UNFPA (2021), 'Presentation – Iraq Women Integrated Social and Health (IWISH) 2' (<https://iraq.unfpa.org/en/news/ministry-planning-unfpa-launch-results-second-iraq-women-integrated-social-and-health-survey>)

<sup>50</sup> Amnesty International, *Annual Report 2021-2022*, Iraq.

<sup>51</sup> OHCHR (2019), 'Summary of Stakeholders' submissions on Iraq – Report of the Office of the United Nations High Commissioner for Human Rights', A/HRC/WG.6/34/IRQ/3, 19 August ([www.ohchr.org/en/hr-bodies/upr/iq-index](http://www.ohchr.org/en/hr-bodies/upr/iq-index)); OHCHR (2019), 'Compilation of UN Information – Report of the Office of the United Nations High Commissioner for Human Rights', A/HRC/WG.6/34/IRQ/2, 30 August ([www.ohchr.org/en/hr-bodies/upr/iq-index](http://www.ohchr.org/en/hr-bodies/upr/iq-index))

<sup>52</sup> The principle of non-refoulement forms an essential protection under international law. It prohibits states from transferring or removing individuals from their jurisdiction or effective control when there are substantial

services such as education, healthcare and social security benefits. It can lead to restricted freedom of movement, increased risk of arrest and detention, exclusion from restitution and/or reconstruction programmes, and an inability to participate in the public affairs of the country. Barriers to accessing civil documentation include the high cost of obtaining/renewing documents and complex procedures. Most individuals without documentation are women (68 per cent).<sup>53</sup>

Generally, displaced women and girls face many challenges, including in IDP camps in KRI: they live in an environment they do not know; where working and earning a living is difficult; often in tents in isolation; and where they may be subject to sexual harassment and violence. Their hopes and dreams for an active and creative future are crushed.<sup>54</sup> Most of the issues highlighted in this report present significant challenges for internally displaced and refugee women and girls. In light of this, during the workshops conducted for this analysis, an intersectional lens was adopted to intentionally consider the specific challenges faced by displaced women and girls.

## The missing and disappeared

Families and relatives of missing persons live with the permanent anguish of not knowing their fate and whereabouts. Additionally, they must confront a highly complex institutional framework, such as reporting to no less than seven institutions for every complaint and claim. The legal situation of disappeared persons, including suspected members of ISIL, and that of their relatives, is not regularised in fields such as social welfare, family law and property rights. Access to these rights can only take place after the person is declared disappeared or presumed dead.<sup>55</sup> Iraq also lacks a centralised and interconnected register to enable reliable identification of missing and disappeared people. Nor is there effective access to information by all institutions in charge of searching for the missing and disappeared and investigating alleged cases.<sup>56</sup> This hinders families of the missing and disappeared from accessing information about their loved ones and accessing rights due to them.

The problem of enforced disappearances remains prevalent. Thousands of Yazidi men and women remain missing. Hundreds of individuals who were from or lived in areas that were under ISIL control continue to be disappeared.

Finally, it should be noted that there are allegations of reprisals against families, relatives and representatives of the missing and disappeared, as well as people involved in the processes of search and investigation.<sup>57</sup>

## Capacity of departments within governments

The High Council for Women and Development (HCWD) holds the general mandate for ensuring women and girls' rights.<sup>58</sup> It is generally responsible for securing women's rights in laws according to relevant international treaties and conventions; adopting measures to prevent the violation of women rights; and for furthering the participation of women in decision-making processes, among others. It oversees the implementation of the KRI WPS NAP and is responsible for the gender units that exist within the KRG's ministries and departments.<sup>59</sup>

Civil society organisations (CSOs), such as Emma Organization, work with governmental departments to mainstream gender across the ministries, strengthening the skills of the gender

---

grounds for believing that the person would be at risk of irreparable harm upon return, including persecution, torture, ill-treatment or other serious human rights violations.

<sup>53</sup> UN High Commissioner for Refugees (UNHCR) (2022), 'Fact Sheet – Iraq', December (<https://reporting.unhcr.org/document/3933>)

<sup>54</sup> UNFPA (2021), 'In Her Own Words: Stories of adolescent girls living in humanitarian settings in the Arab Region', October (<https://arabstates.unfpa.org/en/publications/her-words>)

<sup>55</sup> OHCHR (2022) 'Enforced Disappearance in Iraq: UN committee concludes country visit, calls for urgent legislative reform and attention to victims', 24 November, para 27 ([www.ohchr.org/en/press-releases/2022/11/enforced-disappearance-iraq-un-committee-concludes-country-visit-calls](http://www.ohchr.org/en/press-releases/2022/11/enforced-disappearance-iraq-un-committee-concludes-country-visit-calls))

<sup>56</sup> Ibid.

<sup>57</sup> Ibid.

<sup>58</sup> The High Council for Women and Development was established according to [Bylaw No \(14\) of 2022: Bylaw of the High Council for Women and Development in Kurdistan Region – Iraq](https://gov.krd/english/government/entities/hcwa/publications/by-law-of-the-council/) (<https://gov.krd/english/government/entities/hcwa/publications/by-law-of-the-council/>)

<sup>59</sup> Iraq's central Ministry of Women's Affairs was abolished in 2015. It was replaced in 2017 by the Directorate of Women's Empowerment, which was officially created by the General Secretariat of the Council of Ministers. Among other things, it is responsible for coordination with gender units in government institutions and women's offices in governorates. In KRI, this task is carried out by the High Council for Women and Development.



units and supporting them with their annual planning. These units do not exist in all ministries. Ministries that have gender units include Higher Education and Scientific Research, Social Affairs, Justice, Peshmerga, Awqaf, and Culture and Youth. The HCWD has cited challenges with a knowledge gap on gender and WPS among the focal points within the gender units and the lack of strategy or guidance to include gender across the government. Some CSOs expressed concern that in ministries, where gender equality is especially relevant, women may be employed in senior positions; yet there is still an absence of equal opportunities and gender mainstreaming in the ministries' work. Therefore, it seems this is more of a tokenistic than a meaningful attempt to ensure women's participation.

Interviews and discussions in the workshops emphasised that there is a real need to build the skills of those working on gender within ministries, as there is a lack of understanding of gender-equality concepts, the impacts of gender mainstreaming and the fact that gender is not synonymous with women. Some departments or ministries need more support than others, such as the Ministry of Justice, which is said to be 'gender blind'. This has an impact on the implementation of existing legislation and cases that are brought to the courts. There is a reported reluctance by judges and staff to undertake gender training along with a poor understanding of the need to ensure a gendered perspective in their work. Challenges cited when working on training with government departments and ministries include the lack of resources or budgets dedicated to gender, as well as the high turnover of skilled staff – leading to a loss of institutional memory and capacity on gender mainstreaming. Generally, there is said to be a real lack of political will.

# Recommendations

The following selected recommendations have been developed based on the literature review, the interviews and, importantly, the outcome of the workshop discussions. This is especially as the programme of the workshops was designed specifically to lead to recommendations (see Annex 3).

## Recommendations for the KRG Office of the Coordinator for International Advocacy (OCIA)

1. Standardise meaningful consultations and engagement with civil society and women and girls, including to support oversight of implementation, monitoring and evaluation of RHRAP.
2. Ensure the inclusion of specific, measurable, achievable, relevant and time-bound (SMART) indicators and goals, and concrete means of verification. Support baseline data collection, including through a robust data development and implementation plan and analysis of results, to ensure evidence-based policy development and planning.
3. Ensure that all data collected is disaggregated by sex and other intersecting factors, such as ethnicity, religion, age, socio-economic status, refugee or displacement status, etc.
4. Support focal points responsible for the implementation of the RHRAP within their ministries or departments. Provide them with training and capacity strengthening on gender mainstreaming, as well as on the content of the RHRAP and the WPS NAP to ensure better linkages between both plans.
5. Ensure that efforts are not duplicated between the RHRAP and areas of work by other ministries and departments (including DCVAW, HCWAD), especially in relation to issues covered by WPS NAP and other relevant strategies and NAPs. Have a clear delivery plan that identifies all relevant lead ministries and departments and is fully integrated into the policies and programmes of those different departments and ministries.
6. Support efforts to pool resources and funding for implementation of the RHRAP, which can support the delivery of the plan through the relevant responsible departments and ministries.
7. Ensure training on gender sensitivity and women and girls' rights as compulsory for all government and ministry staff. This should be done in close collaboration and coordination with the HCWD.
8. Develop guidance notes in consultation with civil society and other key stakeholders on the objectives of the RHRAP. Publish these to ensure well-informed implementation of the outcomes of the Plan.
9. Develop a clearly mandated and resourced working group that is across government ministries and entities, responsible for overseeing implementation of the RHRAP, and meets quarterly.
10. Create a high-level steering board for the RHRAP, as an accountability mechanism. This should include senior officials, experts from civil society and academia to monitor progress in implementation of the RHRAP. Ensure that the steering board is clearly mandated and resourced, and that it meets regularly and has indicators for success, as well as a space for learning that can improve programmes, policies and implementation.

# Annex 1

## Important proposed areas included under various goals of the RHRAP to ensure gender equality, with a focus on women's human rights

The KRI Human Rights Plan includes several references to activities by government agencies, in addition to goals and activities that relate specifically to women's rights. These are included under the various 27 thematic parts of the Plan. The text below provides a selected example of these references, extracted directly from the Plan, with slight editing and amendments, as an illustration of the clear interest of KRI to mainstream gender in its Regional Human Rights Action Plan. In addition to these, there is a specific part in the Plan on Women's Rights, which is included separately in Annex 2.

- Ratifying the Optional Protocol to CEDAW, and approving withdrawing reservations to CEDAW, in order to abolish all discriminatory laws and practices and to ensure equality in all matters relating to family and marital relations; and abolishing the legal provisions that exempt the punishment of perpetrators or rapists who marry their victims.
- Revoking Articles 377 and 380 of the Penal Code (which discriminate against women); suspending the provisions of Article 398 of the Penal Code (concerning the marriage of a rapist with his victim); reviewing and amending the articles in the Penal Code and the Code of Criminal Procedures, which discriminate against women and promote a culture of gender-based violence; specifically changing the law that allows honour to be used as a legal defence for femicide; and adopting laws to prevent and eliminate the traditional practices which are harmful to women and girls, especially early marriages, forced marriages and female genital mutilation.
- Amending legislation to guarantee equal rights for women and men in acquiring, transferring, retaining and changing nationality.
- Amending the Labour Law to ensure the rights of working women.
- Ensuring equal representation of women, including through passing legislation requiring political parties to have at least 25 per cent of their candidates in elections being women.
- Increasing training of law enforcement officials on gender issues such as violence against women.
- Supporting women/children survivors of ISIL/ISIS attacks by developing ad hoc programs for their social rehabilitation and reintegration.
- Intensifying anti-discriminatory efforts for the benefit of disabled, refugee, displaced and rural women and girls.
- Intensifying efforts to combat trafficking in women and girls, conducting immediate and transparent investigations and enforcing legal penalties against perpetrators.
- Taking more steps to promote full and feasible participation of women in the national reconciliation process.
- Eliminating discrimination against women and girls with disabilities, including through participation of persons with disabilities, particularly women, in the process of decision-making on issues related to their rights; ensuring that all women and girls with disabilities have access to high-quality health services, including those for sexual and reproductive health; and securing jobs for women with physical, social and mental disabilities.
- Legalising abortion in cases of rape, incest and if pregnancy is life-threatening to the mother in terms of health and potential foetal deformity, and ensuring access of women to safe abortion and post-abortion services by trained medical staff.
- Providing protection and humanitarian relief to displaced people due to internal conflicts, especially women and children.

- Collecting data on all kinds of gender-based violence against women, disaggregated by age, location, disability and victim–perpetrator relation.
- Eliminating violence against children and root causes for exploiting children for prostitution and trafficking combined with improving the operational side of this aspect.
- Providing psychological support for child survivors of sexual abuse, ensuring their physical and mental recovery and reintegration.
- Combating child recruitment and involvement in armed conflicts and ensuring legal prosecution of any involved parties.
- Liberating ISIS-captured children and reuniting them with their families.

# Annex 2

## Specific goal on women's rights in the Regional Human Rights Action Plan

### **'PART XVII: Women Rights**

Goal: Elimination of all forms of discrimination against women according to Iraq's international obligation.

Concerns about women's rights, gender equality and elimination violence against women is still an international focus. In this regard, Iraq has received several recommendations and notes from the committees in the United Nations and the Arab League, and as follows:

- *Conducting legislative amendments to ensure justice, support sexual abuse survivors and hold the perpetrators accountable, including criminalising sexual enslavement and human trafficking for sexual exploitation purposes as separate crimes from abduction and detention.*
- *Adopting national empowerment policy for rural women and improving their economic and social roles.*
- *Ensuring the involvement of disabled women and children in developing legislations and programs in relation to the risks of climate change and environmental disasters.*
- *Developing strategy to prevent discrimination, stigmatization and marginalization of displaced women and children who are affiliated with ISIS and women and children returnees and reintegrating them in society.*
- *Enforcing gender balance in employment and assignment for minister and high positions.*
- *Ensuring women's involvement from all religious, racial and sectorial backgrounds in processes of international peace, transitional justice and national reconciliation.*
- *Adopting inclusive strategy to eliminate discriminatory stereotyping and harmful practices against women such as underage and temporary marriages.*
- *Adopting Beijing Declaration and Action Plan to enforce true gender equality.*
- *Developing inclusive policy to rehabilitate women/girls who were forcibly married, enslaved, raped and physically and sexually abused by ISIS fighters, such as providing medical, social and psychological support to integrate them in society, and shelters and homes for the victims with providing such shelters and homes with the necessary requirements.*
- *Enforcing national polices to prevent domestic violence and protecting the victims.*
- *Improving the enforcement of the laws of preventing and eventual eliminating female genital mutilation practices.*
- *Improving efforts to prevent and combat all forms of discrimination and violence against women by the inclusive enforcement of the Convention on the Elimination of All Forms of Discrimination against Women and to take more measures to eliminate harmful practices such as female genital mutilation, underage marriage and coercive marriage of children.*
- *Combating discrimination against disabled, rural, refugee, displaced and minority-affiliated women and children and taking effective measures in this regard.*
- *Creating jobs for disabled persons in the open labor market and providing them with access to soft loans for private businesses, technical and vocational training and education (TVTE), incentives for employers to hire disabled persons.'*

# Annex 3

## Outline for workshops

### Workshop 1: Sunday 12 March 2023

Session	Lead
<p><b>Welcome and introductions:</b>  <b>- Introductions from Rosy Cave (BCG) and Dr Dindar Zebari, OCIA (25 minutes)</b></p> <ul style="list-style-type: none"> <li>- <i>Introductions from Participants (15 minutes)</i></li> <li>- <i>Introductions on the purpose and structure of workshops (10 minutes)</i></li> <li>- <i>Presentation of the GESI analysis for the Kurdistan Region of Iraq (20 minutes)</i></li> <li>- <i>Q&amp;A (10 minutes)</i></li> </ul>	<p><b>Rosy Cave</b>, Consul General Erbil, British Consulate General and <b>Dr Dindar Zebari</b>, KRG Coordinator for International Advocacy</p> <p><b>Mervat Rishmawi</b>, Human Rights Consultant</p> <p><b>Eva Tabbasam</b>, Director, Gender Action for Peace and Security (GAPS)</p>
<p><b>Session 1: Gender Mainstreaming and Intersectionality: What it is? Why is it useful? (30 minutes)</b></p> <ul style="list-style-type: none"> <li>- <i>Difference between gender mainstreaming and women's rights</i></li> <li>- <i>Its impact on the work of the various sectors/ ministries</i></li> <li>- <i>Gender-sensitive budgeting</i></li> <li>- <i>Gender mainstreaming in planning</i></li> <li>- <i>Its impact on the Human Rights Plan</i></li> <li>- <i>Why is it important?</i></li> <li>- <i>How does that affect planning?</i></li> </ul> <p><b>Discussion and Q&amp;A</b></p>	<p><b>Mervat Rishmawi</b>, Human Rights Consultant</p>
<p><b>Session 2: Break-out groups to identify the challenges, barriers and tangible implementation recommendations for the 5 thematic areas in the Human Rights Action Plan</b></p> <p>Questions to consider in the breakout groups:</p> <ul style="list-style-type: none"> <li>- <i>What policy or programming does your organisation do on this thematic area?</i></li> <li>- <i>What are the challenges in this thematic area?</i></li> <li>- <i>Are there other relevant action plans or strategies on this thematic area that exist in KRI and which need to be taken into account?</i></li> <li>- <i>What are the opportunities on working on this thematic area?</i></li> <li>- <i>What are the priorities of work on this area in general?</i></li> </ul>	<p>All</p>

<p><b>Session 3: Break-out groups continue to identify the challenges, barriers and tangible implementation recommendations for the 5 thematic areas in the Regional Human Rights Plan</b></p> <p>Questions to consider in the breakout groups:</p> <ul style="list-style-type: none"> <li>- <i>You have discussed in the previous session the main needs and priorities as well as the challenges and opportunities. Now re-examine these priorities and identify 5–8 tangible recommendations for actions that need to be prioritised on your thematic area.</i></li> <li>- <i>Using the sheet provided to you separately, please identify if these priorities are already included in the Regional Human Rights Plan or you are suggesting that they need to be added.</i></li> <li>- <i>Identify the key stakeholders for effective implementation of the recommendations.</i></li> </ul>	
<p><b>Session 4: Plenary feedback from group facilitators. Report back from each of the working groups to be followed by brief discussion by all the participants of the workshop.</b></p>	Group facilitators

## Workshop 2: Tuesday 14 March 2023

Session	Lead
<p><b>Session 1: Welcome and introduction to Workshop 2:</b></p> <ul style="list-style-type: none"> <li>- <i>Purpose of Workshop 2</i></li> <li>- <i>Recap Workshop 1 (by trainers)</i></li> <li>- <i>Introduction to indicators</i></li> <li>- <i>Discussion/ Q&amp;A</i></li> </ul>	<p><b>Mervat Rishmawi,</b> Human Rights Consultant</p> <p><b>Eva Tabbasam,</b> Director, Gender Action for Peace and Security (GAPS)</p>

<p><b>Session 2: Break-out groups for the 5 thematic areas in the Regional Human Rights Plan:</b></p> <ul style="list-style-type: none"> <li>- <i>Discuss and propose indicators (both qualitative and quantitative) to measure progress in implementation of the planned actions that were the outcome of discussion in Workshop 1.</i></li> <li>- <i>Discuss and propose coordination mechanisms that may be needed between all implementing partners and the actors involved, including with actors responsible for other relevant plans or strategies (for example, the WPS NAP).</i></li> <li>- <i>Develop an outline and general planning for ensuring monitoring and evaluation using the indicators.</i></li> </ul> <p><b>Questions to consider in the breakout groups:</b></p> <ul style="list-style-type: none"> <li>- <i>In Workshop 1 you have identified 5–8 action areas that are needed. Can you now identify 2–3 indicators (quantitative and qualitative) that are needed to measure progress in implementation of actions in this area?</i></li> <li>- <i>Please identify who will do the monitoring of the implementation according to these indicators?</i></li> <li>- <i>How and when will the monitoring be done?</i></li> <li>- <i>Please identify if the actions that you have identified are also covered by another plan or strategy of KRG?</i></li> <li>- <i>Identify ways for coordination between all the implementing partners, including partners responsible according to other plans or strategies.</i></li> </ul>	All
<p><b>Session 3: Plenary feedback from group facilitators</b></p> <p><i>Report back from each of the working groups to be followed by brief discussion by all the participants of the workshop.</i></p>	All
<p><b>Session 4: Coordination and accountability</b></p> <ul style="list-style-type: none"> <li>- <i>Discuss in plenary ideas for ensuring continued gender mainstreaming in the implementation of the Human Rights Plan, including the possibility of establishing a sub-committee to oversee the overall implementation of the Human Rights Plan and ensure GESI.</i></li> </ul>	<p><b>Mervat Rishmawi,</b> Human Rights Consultant</p> <p><b>Eva Tabbasam,</b> Director, Gender Action for Peace and Security (GAPS)</p> <p>All</p>
<p><b>Summary, Reflections and Close</b></p>	