



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

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**Committee on the Elimination of Discrimination  
against Women**

**Seventy-fourth session**

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Item 4 of the provisional agenda

**Consideration of reports submitted by States parties under  
article 18 of the Convention**

**List of issues and questions in relation to the seventh  
periodic report of Iraq**

**Addendum**

**Replies of Iraq to the list of issues\*\***

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\*\* The present document is being issued without formal editing.



**Introduction**

1. The Republic of Iraq hereby presents its response to the list of issues contained in document [CEDAW/C/IRQ/Q/7](#) of the Committee on the Elimination of All Forms of Discrimination against Women. Iraq will provide more details during the interactive dialogue to discuss its seventh periodic report.

**Reservations**

2. Act No. 33 (2011) on the lifting of reservations applies to the reservation to article 9 of the Convention and does not extend to the remaining reservations. The assessment of the conventions with a view to possibly lifting reservations is ongoing. The State party will take decisions on the matter as it deems opportune and when the appropriate conditions have been created.

**Legislative framework**

3. In 2017, the Supreme Judicial Council established a commission of retired judges to review aspects of legislation (criminal, criminal procedure, evidence, personal status, counter-terrorism, youth welfare, civil and civil procedure) with a view to making it more compatible with the State party's international obligations. That commission recommended a series of draft amendments. One provides for the deletion of paragraph 1, article 41, of the Criminal Code, on the right of the husbands to punish their spouses; that right would be struck from the statutes under the amendment. Under article 398 of the Code, a person accused of rape may, by lawfully marrying the victim, obtain a stay of proceedings and the discontinuation of any investigation or other procedures or have a judgment quashed. Under the proposed draft amendment to the Code and in line with human rights principles, legal marriage of the perpetrator to the victim would no longer constitute a reason for quashing a judgment or discontinuing an investigation or other procedures. As part of its work plan, the Department of Women's Empowerment intends to follow up legislative amendments by holding awareness-raising workshops, in cooperation with international organizations, to discuss the discriminatory character of certain legislation.

4. Offences for which perpetrators assert defence of honour as a mitigating circumstance are addressed in the general provisions under the section on legal excuse and legally extenuating circumstances. Such circumstances may apply to any offence; their application is not confined to any one specific offence. Under the law, the courts have discretion to decide whether such extenuating circumstances apply based on the facts of each case. In the Kurdistan Region, the provisions have been amended and such circumstances do not entail a reduction in penalties.

5. As for article 409 of the Code, the Iraqi courts have always dealt firmly with the perpetrators of such crimes at the investigation and evidence-gathering stage, at trial and when sentencing the offender to an appropriate penalty. The courts regularly convict men who allege motives of honour for murdering their wives and sentence them accordingly.

6. The right to practise polygamy is circumscribed under Iraqi law. Where there is a risk that spouses will not all be treated fairly, assessment of the circumstances is at the discretion of the personal status courts. A person who is incapable of being a good spouse and does not have the financial wherewithal to support more than one spouse may not take a second wife. A series of conditions applying to polygamy, including the need for adequate financial means and legitimate interest, such the wife's illness or childlessness, is set forth in the Personal Status Code (No. 188) of 1959 (art. 3, para. 4). Where those conditions are not met in a marriage, the man is liable to imprisonment for a term not exceeding one year, a fine or both.

7. With regard to forced and child marriages, marriage requires the consent of both parties. Marriage may only be contracted with the consent of the spouses and no-one may force either man or woman to marry. As with all contracts, a marriage contract is valid only when consensual. A marriage contract resulting from coercion is deemed null and void. The legal and sharia requirements that must be met by the contracting parties are set forth in article 5 of the Act. They include the full capacity of the betrothed (man and woman) to enter directly into a marriage contract.

8. On the subject of child marriage, the Act (art. 7, para. 1) provides that full legal capacity to contract marriage requires that the person be of sound mind and have reached the age of majority (18 years). It follows that adult women of sound mind may marry whomever they wish and that adult men of sound mind may marry women of their choice who consent thereto. There should be no objection from any party. Under the Act, no distinction is made in such cases between men and women and the latter do not require a male guardian to enter into marriage, but rather make their own choice.

9. With a view to curbing the incidence of marriages contracted outside court, Amendment No. 21 was enacted on 20 February 1978 and incorporated into the Act under article 8. It provides that the courts may, in exceptional circumstances, permit persons of 15 years of age who have obtained the consent of their legal guardians to marry.

10. No distinction is made under Iraqi law between husband and wife with regard to the offence of adultery. Under article 377 of the Criminal Code, the penalty in either case for that offence is a prison term. Under article 378, a suit for adultery may be filed against a spouse and measures taken in that regard only on the basis of a complaint by one spouse against the other.

11. On the subject of dowries, under sharia law, the wife has certain rights that the husband is obligated to fulfil. Some, such as the payment of a dowry and maintenance, are financial in nature while others, such as fairness and kindness, are of an ethical nature. The dowry, which is an integral part of the marriage contract, is a financial benefit that the wife is entitled to receive from her husband at the outset of their married life. It is a gift she receives as his wife and life companion, a token of the respect in which he holds her and a symbol of his desire to marry her and his esteem for her as a person.

12. With regard to the three-month time limit, no time limits for laying a charge of rape, which is classed as a common crime, are contained in either the Criminal Code or the Code of Criminal Procedure. Such crimes are not subject to a statute of limitations. The wording in article 8 of the Code of Criminal Procedure with regard to time limits refers to the fact that, where the law stipulates that charges must be laid in order for legal proceedings to start, no action may be taken against the perpetrator until such charges have been laid. The charges are considered to have been dropped if, within three months of their submission, the complainant fails, without due cause, to take any further steps. In such cases, the judge dismisses the charges and closes the case. There is no relation between the time limit mentioned in article 8 and the offences of rape and sexual assault. They are common crimes for which there is no statute of limitations, even where the victim does not pursue the matter and no charges are laid. The offender (accused) may be prosecuted for such crimes, which are violations of ordinary law.

13. The offences to which the time limit set forth in article 8 of the Code, referred to above, applies are listed under article 3. They may be the subject of criminal proceedings only if the victim or his or her representative lays charges. Often paragraph A (iii) of article 3 is misconstrued. It provides that criminal proceedings may be launched only on the basis of charges laid by the aggrieved party or his or her

legal representative with regard to the following offences: theft, unlawful seizure,<sup>1</sup> breach of trust, fraud or acquisition of items by these means, if the aggrieved party is a spouse or descendant of the perpetrator and these items were not seized legally or administratively or legally transferred to another person. The term in question here does not refer to “rape” but rather to the “violent seizure” of valuables, official and unofficial documents, and other movable and immovable assets. Put simply, it refers to offences set forth in the Criminal Code and has nothing to do with the crimes of rape or sexual assault. It should be noted again that article 8 of the Code of Criminal Procedure does not limit the time in which complainants may lay charges in relation to the offences mentioned in article 3. Rather, it stipulates that, where a complainant fails to follow up, without due cause, on a complaint within three months of laying charges, the case shall be closed.

14. The aim of imposing a waiting period on divorced women before remarriage is to prevent mixed lineage or uncertainty about whether the divorced woman might be pregnant to the man from whom she has divorced. Under sharia and Iraqi law there are three types of waiting period, measured in menstrual cycles, months or according to the state of pregnancy. Women must comply with one of them, according to their circumstances upon divorce. The duration of the prescribed waiting period after divorce is three menstrual cycles (or skipped menstrual cycles) for women who are not pregnant, depending on their state of biological development. Under the Personal Status Code (art. 48, para. 1), the waiting period for divorce and annulment in the case of a consummated marriage shall be three menstrual cycles. The woman’s word as to when the waiting period is over shall be taken in good faith. The waiting period for a pregnant woman shall be the date of delivery, whether the child is born alive or stillborn. In other words, when a woman gives birth after her divorce, the waiting period comes to an end. Note that, if a woman’s divorced husband dies during the period in which divorce may be revoked, she shall inherit his estate.

#### **Ending early marriage of girls**

15. Under the Domestic Violence Act (Kurdistan Region) No. 8 of 2011 (art. 2, para. 3), the early marriage of girls is classified as a domestic crime. Domestic violence is defined therein as any act or words, or the threat thereof, carried out on the basis of gender within the family (whereby the term “family” is understood as the married couple and includes relatives to the fourth degree and other persons who have become legal members thereof) and occasioning bodily, sexual or psychological harm or infringing on the rights and freedom of the person. With specific regard to forced marriage in the Region, the Supreme Council for Women’s Affairs unveiled a plan (the Kummbi Plan) in 2016 aimed at changing attitudes and thereby reducing the incidence of child and early marriage in the Region. The first three-year phase of the plan was launched in early 2017. Under Act No. 3 of 2015, the provisions of article 409 of the federal Criminal Code are no longer in force. That article stipulates a reduced penalty for anyone who kills his wife or a close female relative upon surprising them in the act of adultery or in bed with a lover. Under Regional Act No. 15 of 2008, polygamy is prohibited, except in certain rare cases specified in the Act.

16. With regard to access to justice, it is worth noting the following:

17. Many non-Iraqi women have been tried for terrorism-related offences. Some have completed their sentences and been released and repatriated. Among them are a number of young girls and women with children, most of them Muslim civilians of various nationalities, although some have Iraqi citizenship. None have disabilities.

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<sup>1</sup> *Translator’s note:* the term for “rape” may also refer to “unlawful seizure”.

18. The Supreme Judicial Council has adopted measures to guarantee the rights of women and girls to legal aid, thorough and independent investigations and transparent and fair trials. Those guarantees extend to the rights of women and girls prosecuted under the Counter-Terrorism Act, such as their right, regardless of their nationality, to appoint counsel to defend them during the investigation, trial and subsequent stages or, where they are unable to appoint their own counsel, to be assigned a court-appointed lawyer, and their right to appeal against rulings of the court of enquiry and criminal court by the various avenues of appeal established under the law.

19. In Iraq, men and women, including foreign nationals, are equal before the law. That applies to women and girls who are foreign nationals charged under the Counter-Terrorism Act. Measures are in place to guarantee their rights to legal aid, thorough investigations and transparent and fair trials. The law applies to all without distinction on the basis of race, nationality or religion. Everyone has the right to seek compensation for material and moral damage inflicted and the punishment of the perpetrator.

### **Women and peace and security**

20. The Committee for Peaceful Community Coexistence, which comes under the National Reconciliation Committee/Office of the Prime Minister, held numerous workshops, seminars and meetings between 2012 and 2018 with a view to enhancing the participation of women in the process of restoring security and stability in regions affected by terrorism and ensuring the participation of women in security and peace efforts through committees on dialogue, reconciliation, negotiation and mediation. The workshops were held throughout areas affected by terrorism or formerly under the control of Islamic State in Iraq and the Levant (ISIL) as part of a process to advance national reconciliation and peaceful coexistence, conducted under the supervision of international organizations and specialized agencies of the United Nations. In addition, the women's affairs office of the National Reconciliation Committee has contributed to numerous workshops and meetings on the implementation of Security Council resolution 1325 (2000), including on the empowerment of women and their participation in the national reconciliation process and on enabling women to occupy senior positions. The workshops were directed at multiple sectors and conducted in different regions across the country. The national committee for the implementation of Security Council Resolution 1325 (2000) continues to carry out its plans.

### **Conflict-related sexual violence**

21. The Supreme Judicial Council has taken a range of steps to fully address crimes of conflict-related sexual violence and has reopened all courts in the liberated areas of the country. That includes the courts of enquiry, whose judges have launched legal proceedings to investigate crimes of sexual violence.

22. Gender equality is a key priority in the National Development Plan (2018–2022) for implementing the 2030 Sustainable Development Goals. Goal 5 addresses the empowerment of women and girls, which requires the elimination of discrimination and violence, including harmful practices, against them. The goal includes the target of ensuring access to sexual and reproductive health care. Women's reproductive rights, the recognition of their work, access by them to productive resources and their equal involvement with men in public political and economic life are addressed in the country's laws and Constitution (arts. 14, 16 and 20). The Goals and how to achieve them are discussed in the chapter on human and social development of the National Development Plan, in the section on women.

23. Two specialist teams, the Human Development Team and the Population and Development Team, which are attached to the National Committee for Sustainable

Development, are working to incorporate Goal 5, on achieving gender equality and empowering all women and girls, in to the country's annual development plans, make the issue of women's empowerment an integral part of the human and social development pillar and include in it the issues of women's education and health, their economic empowerment and their contribution to society.

24. Pillars of the national action plan include: the participation and increased representation of women in negotiations, community peace activities and committees for reconciliation and peaceful coexistence; the establishment of mechanisms to ensure the fair and proportional representation and participation of women in all positions of power and decision-making; the involvement of women in the design, definition and management of humanitarian activities in times of armed conflict and in post-conflict situations; the involvement of women in decision-making in conflict-resolution negotiations, agreements and peacekeeping initiatives; the involvement of women from societies that have undergone armed conflict in the process of conflict resolution and prevention with a view to achieving sustainable peace.

25. The involvement of women who have returned home in rebuilding their regions; the involvement and encouragement of and support for displaced women in camp management and a focus on matters affecting women.

26. The launch of programmes for the economic and social empowerment of women and monitoring of their implementation; and ensuring the fair and proportional representation and full participation of women in all reconciliation committees and peacebuilding negotiations.

27. The Government factors women's empowerment in to its poverty reduction strategy, which is being updated, and will do so under any new plan. Gender units in ministries and non-ministerial bodies are working to mainstream gender issues in their institutional policies.

28. Alongside their growing presence in public life, whether in political activism, social movements or in the economy, women are also taking their place in the ranks of the salaried workforce. That is a concrete result of their having received an education and a true expression of efforts to empower women in Iraq. National development plans, sector-based strategies and policies adopted by the Government and fleshed out by the Ministry of Planning embody what is enshrined in the Constitution of 2005 with regard to equal access by men and women to education, employment opportunities and health care, to which all have a right without discrimination, while focusing on vulnerable groups such as widows, divorcées and orphans. The Department of Women's Social Protection of the Ministry of Labour and Social Affairs has been active in that area through its poverty reduction strategy.

#### **National machinery for the advancement of women**

29. The High Standing Committee of the National Strategy for the Advancement of Iraqi Women (2014–2018), which was adopted by the Council of Ministers, has been established with Ms. Aminah Baghdad as secretary. Its membership is made up of representatives of relevant bodies and civil society organizations, and public figures. The committee has no budget and the technical resources available to it are provided by the Department of Women's Empowerment, along with secretarial support and regular sector-specific reports. It coordinates its work with other stakeholders pursuing gender equality.

30. The objectives for the empowerment of women contained in the chapter on human development in the National Development Plan have been aligned with the Sustainable Development Goals and targets concerning women, specifically Goals 5 and 16. Objectives II (empowering women economically), III (empowering women

in terms of health care), IV (empowering women in the areas affected by terrorism) and V (increased participation of women in the private sector) are consistent with Goal 5, aimed at achieving gender equality, and all its targets. They are equally compatible with targets 1, 2 and 3 of Goal 16 (Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels).

31. The Department of Women's Empowerment is coordinating and following up with other entities working on women's matters with a view to consolidating efforts on behalf of Iraqi women and bringing pertinent issues to the attention of the Higher Committee for the Advancement of Iraqi Women and the Higher Committee for the Advancement of Rural Women. It is hoped that recommendations will be made in the best interests of women, given that the committees and the matters addressed by Security Council resolution No. 1325 (2000) fall within the Department's administrative jurisdiction. That is particularly the case with regard to the committees and follow-up on the implementation of their recommendations, the taking of the necessary action and the provision of the required technical and logistical support. The Department is coordinating with international organizations and donors to ensure that funding is available for activities built into national plans concerning women, such as those for implementing the joint statement on sexual violence and the economic empowerment of women.

#### **National human rights institution**

32. An update on developments with regard to the High Commission for Human Rights will be presented during the interactive dialogue.

33. The human rights section hotline in the Ministry of Defence is run by a female officer. Complaints concerning human rights abuses may be submitted through a mobile telephone number, by email or regular post, or in person. Since 1 January 2018, 218 complaints have been received and processed. None of them concerned violations of women's rights, except in the case of Yazidi women abducted by ISIL terrorists. Those complaints were submitted by religious endowments.

#### **Discriminatory stereotypes and harmful practices**

34. Iraq has striven to make equality a reality, to address any discriminatory aspects of its legislation, procedures and policies, and to counter stereotypes that have no basis in law. For women to take up senior positions and carry out their role and responsibilities in society, they must be able to exercise their right to education, which is the key to all other rights. The Department of Public and National Education and Study Abroad issued a circular on 11 May 2017 on guaranteeing girls' human rights and empowering them through awareness-raising and by working with civil society organizations and the media. Procedures for the enrolment of girls in primary school were simplified in schools near their homes in order to facilitate their admission in the 2016/2017 school year intake. It has also been made easier for displaced women to return to their homes in liberated areas and for girls to sit external examinations in accordance with the regulations. Accelerated education schools targeting girls in the 15–18 age group and schools for adolescents aged from 10 to 18 years have been opened. Schools have also been opened under the "Your right to education" programme for girls aged 10 to 18 years who have not progressed from primary school or who have dropped out of school.

35. Between 2017 and 2019, the Ministry of Education organized numerous special education programmes, attended by hundreds of participants and in line with human rights standards and the principles of positive education, with a view to eliminating stereotypes among teachers.

36. Women without a breadwinner, irrespective of their nationality or religion, receive care. The Ministry of Labour has gone to exceptional lengths to provide social assistance cover to 1,529 Yazidi women in displacement camps, 169 Sunni women in the locality of 'Alam, 337 other Sunni survivors and 188 Shabak women. Priority is given in such cases to the displaced.

37. The Iraqi criminal courts are responsible for prosecuting the perpetrators of such crimes, from the investigation and evidence-gathering stage through to trial and sentencing to an appropriate penalty. The conditions for contracting marriage are enshrined in the Personal Status Code. If any condition is breached, the marriage is deemed null and void. Among those conditions, it is stipulated that a marriage contract is perpetual in nature and not subject to time limits of any kind. Where a man tells a woman that he is marrying her, for example, for one year, such a marriage is invalid. Personal status courts in Iraq do not ratify temporary marriage contracts.

### **Marriage contracts as a means of settling disputes**

38. Article 9 of the Act stipulates:

(1) No relatives or third party may force any person, male or female, to marry without consent. Forced marriages shall be considered null and void, if the marriage was not consummated. No relatives or third party may prevent the marriage of individuals who are entitled to marry under the provisions of this Act. (2) Anyone violating the provisions of paragraph 1 of this article shall be punishable with imprisonment for a maximum of three years and/or a fine, where the offender is a first-degree relative. In the case of other offenders, the penalty shall be a term of imprisonment of not less than three years and not exceeding 10 years. (3) A sharia court or personal status court may instruct the investigative authorities to prosecute persons who violate the provisions of paragraph 1 of this article. Such persons may be detained to ensure their appearance before those authorities. Anyone who is forced to marry or prevented from marrying may approach the investigative authorities directly in that regard.

39. The Act, therefore, puts an end to the contracting of marriage as a means of settling disputes by stipulating that violation of this article by forcing any person, male or female, to marry without their consent shall be punishable by imprisonment. Such marriages are considered void under the Act and persons who have been forced into marriage or prevented from marrying may take legal action against the perpetrators of such offences.

40. While men may unilaterally divorce their spouses, the wife may also seek to have the marriage contract annulled under the Act (art. 6) if the husband fails to fulfil its conditions. In other words, where conditions stipulated by the wife in the contract are not fulfilled after marriage is contracted, she is entitled to seek its annulment. When contracting marriage, she may require of her husband that she be empowered to seek divorce. She may thus, if she so wishes, repudiate her husband in the event of a dispute between them. Under articles 40 and 41 of the Act, she may also take legal action to seek a separation. Grounds on which only the wife may request separation are set forth in article 43. A married couple may also file for an amicable separation by mutual agreement.

41. The Government of the Kurdistan Region has launched a sound plan to boost the numbers of girls receiving an education by encouraging them to enrol in school and their families not to prevent them from doing so. The regional Government has taken major steps to implement the plan, including through a literacy programme. Under that programme, schools for orphans and literacy and accelerated learning centres have been opened for older pupils, many of them women, who for whatever

reason had previously been unable to go to school. The number of private schools in the Kurdistan Region has increased. The 14 State universities and dozens of modern private universities are attended by female and male students in equal numbers. The majority of department heads and university rectors are women. In the 2016/2017 academic year, 73 department heads were women, as were 10 rectors, 2,972 lecturers, 7,714 staff members and 68,099 students.

42. Steps have been taken to counter stereotypical attitudes towards girls and women, including in the Kurdistan Region, such as through the updating of school textbooks, media programmes, awareness-raising and educational campaigns directed at religious and community leaders, parents and teachers, as well as capacity-building programmes for law enforcement officials, including police officers, judges, lawyers and public prosecutors. These approaches focus on gender equality. Training courses have been developed for teachers to instil in them a culture of gender equality in education.

#### 43. Education in the Kurdistan Region

Academic year	Number of students			Number of teachers		
	Boys	Girls	Percentage of girls	Male	Female	Percentage of females
2013/2014	791 773	881 987	52.69	51 572	68 064	56.89
2014/2015	789 723	863 663	52.24	51 224	71 146	58.14
2015/2016	815 692	890 817	52.20	53 540	72 572	57.55
2016/2017	835 216	903 305	51.96	54 389	73 434	57.45
2017/2018	838 433	903 329	51.86	54 110	74 311	57.87
2018/2019	861 172	922 648	51.72	54 087	73 769	57.70

#### Gender-based violence against women

44. The Ministry of Labour and Social Affairs is working hard to address the physical and psychological consequences of violence against women and girls and to help them to reintegrate into the community. Other institutions are also making considerable efforts to provide services in this area.

45. The issues of early and forced marriage are addressed in the Personal Status Code (art. 9, para. 1), which stipulates that:

(1) No relatives or third party may force any person, male or female, to marry without consent. Forced marriages shall be considered null and void, if the marriage was not consummated. No relatives or third party may prevent the marriage of individuals who are entitled to marry under the provisions of this Act. (2) Anyone violating the provisions of paragraph 1 of this article shall be punishable with imprisonment for a maximum of three years and/or a fine, where the offender is a first-degree relative. In the case of other offenders, the penalty shall be a term of imprisonment of not less than three years and not exceeding 10 years.

46. On 23 September 2016, Iraq and the Special Representative of the Secretary-General on Sexual Violence in Conflict signed the joint statement on the prevention of conflicted-related sexual violence. Areas covered in the statement include: legislative reform to ensure that the perpetrators of sexual violence are held to account; the provision of services to survivors of sexual violence and assistance to ensure their return home; the provision of health and psychological services and treatment; the reintegration of survivors of sexual violence into their local

communities; their empowerment as community leaders; efforts to ensure the participation of religious leaders, clan elders, civil society organizations and community activists in national reconciliation efforts in conflict areas; and awareness-raising of the risks associated with sexual violence, the need to put an end to it and the potential consequences of allowing it to become more widespread across society.

47. Recruitment of women to law enforcement bodies, such as the community police and family protection police, has increased, as have their numbers at the Women's Training Institute of the Ministry of the Interior. Furthermore, there is a women's security section in the National Security Service and gender units in ministries responsible for security, all of which are working to mainstream gender in the security apparatus. A police unit has been formed under the Department of Family and Child Protection and the principles of protection against domestic violence have been included in the grade five secondary school family education syllabus. Training courses have been organized for recruits to the family protection police and human rights and domestic violence have been included in the curriculum of the police academy.

48. The draft act on protection against domestic violence provides for the establishment of shelters for survivors of violence and, when it becomes law, they will be made available. Similarly, the creation of shelters for victims of human trafficking is provided for under the Human Trafficking Act and some measures in that regard have been taken. The Ministry of Labour and Social Affairs is studying the possibility of opening shelters for women exposed to violence prior to enactment of the bill. A number of training workshops have been held inside and outside Iraq for staff of ministries involved in handling the issue of female survivors of violence (ministries of the Interior, Defence, Health, and Labour and Social Affairs).

49. Over previous sessions of parliament, the Council of Representatives has sent 57 bills, including the bill on protection against domestic violence, back to the Council of Ministers for review by the drafting bodies. The legal department of the Office of the Secretariat of the Council of Ministers returned this particular bill to both the Department of Women's Empowerment and the Department of Social Protection of the Ministry of Labour and Social Affairs for a second review and resubmission to the Council of Representatives for enactment. In 2019, the Department of Women's Empowerment held a discussion workshop with the Supreme Judicial Council after the latter had expressed opposition to the bill on account of its incompatibility with other national legislation. Stakeholders still have time to submit their observations on the bill.

50. Regulation No. 7 of 2017, under which shelters for victims of human trafficking are regulated, includes provision for the establishment of one or more such shelters in Baghdad under the Department of Social Protection, in the Ministry of Labour and Social Affairs, and the creation of similar shelters by the Minister of Labour in governorates that are not organized in a region and that have jurisdiction over the matters set forth in the Human Trafficking Act (No. 28) of 2012. The shelters admit victims from the following categories: male and female children and adult males and females. Of the cases involving women, more than 25 relate to sexual violence; some raise ethical questions and others concern adult women engaged in illegal work activities in coffee shops and massage parlours.

51. In the Kurdistan Region, all forms of domestic violence are addressed under Act No. 8, with a view, in particular, to protecting women and children, who are the most common victims of such violence. The regional Ministry of Labour and Social Affairs is responsible for providing shelters, as well as assistance by the social welfare network, for victims of domestic violence. In 2014, the Ministry issued Instruction No. 2 concerning the establishment of a shelter for women exposed to violence and threats. Special shelters were thus set up in the Region's three governorates. They

admit cases by order of the special court to combat domestic violence. The Ministry of the Interior is charged with protecting such women and specific courses on legal, psychosocial and management matters have been made available to staff.

52. The Directorate for Combating Violence against Women, in conjunction with United Nations agencies and civil society organizations, has set up 23 mobile units to channel assistance in such cases more efficiently and raise awareness among displaced people and refugees throughout the Kurdistan Region of the services available. Of the more than 1,500 cases reported every year, some are dealt with directly, while others are brought before the courts to be handled in accordance with the law.

53. As part of those joint efforts, the mobile units have conducted workshops and outreach sessions for more than 12,000 people in the camps, touching on, among other things, the Domestic Violence Act (Kurdistan Region), the Communications Devices Misuse Prevention Act (Kurdistan Region) (No. 6) of 2008 and how domestic violence arises, sharing tips on approaches to resolving domestic issues and the impact such issues have on the family and children, and providing them with legal and psychological services.

54. The following matters are being addressed: the liberation of missing women who have been victims of ISIL residing in territories previously occupied by ISIL; compensation and rehabilitation of women who have been victims of gender-based violence at the hands of ISIL, and their children; and protection of women who have been victims of rape and children born as a result of rape from stigma, discrimination and abandonment.

55. A centre has been set up to investigate crimes of genocide. Its staff of legal, psychological and social experts assist Yazidi women who survived the ISIL regime. More than 2,000 women, of whom over 1,000 aged 18 years and above, have received assistance in the form of transport to hospital, specialist treatment and psychological support. At the same time, 2,036 cases of sexual assault against Yazidi women and girls, 1,052 of them aged 18 years and above and 984 below that age, have been registered with the authorities in Dahuk. The psychosocial treatment unit of the Dahuk Help Centre, the staff of which was trained by the Commission for International Justice and Accountability, has provided more than 1,278 people with psychosocial assistance and legal aid. The Commission signed an agreement with the Government of the Kurdistan Region on assistance with investigations, evidence-gathering and the documentation of crimes. To that end, the ISIL crimes investigation unit was established. It has done admirable work, especially in compiling hundreds of legal case files regarding the enslavement of Kurdish girls, women and children of the Yazidi and other communities.

56. Health services available to displaced women include family planning. In the Kurdistan Region, 28 private health centres now offer such services. The number of hospitals specializing in gynaecology and obstetrics has increased. As of 2016, there were 13 hospitals in Kurdistan, as well as many private women's hospitals operated in conjunction with the Government. A programme for monitoring newly born babies and a health education programme intended to reduce the incidence of female genital mutilation were launched in 2010. The latter programme has had a demonstrably positive impact. Women victims of violence can seek assistance at 12 specialized health centres.

57. Investigative bodies have taken the measures necessary to encourage women to report incidents of violence and rape. With a view to facilitating the process of reporting such incidents to the authorities, reports and complaints may be lodged with the judicial investigation bureaus attached to courts of enquiry, offices of the Directorate for Family and Child Protection and any police station in the country.

58. The investigative authorities operating in the courts of enquiry take a range of measures to combat impunity among the perpetrators of so-called honour crimes and incidents of rape, torture and murder against women politicians, journalists, teachers, doctors and any other women subjected to any type of assault. They include: taking statements from complainants (victims) or from family members acting as plaintiffs on their behalf and from witnesses to the incident; issuing arrest warrants for the offenders and taking them into custody; conducting investigations; inspecting the scene of the crime; and gathering evidence with a view to obtaining a conviction. Once the investigation and evidence-gathering stage is complete, the offenders are brought before a special (criminal) court in order to be sentenced appropriately.

#### **Trafficking and exploitation of prostitution**

59. Iraq has ratified the international conventions on preventing and prosecuting trafficking in women and children. Act No. 28 (2012), which criminalizes human trafficking, covers all aspects of the issue, including penalties, the perpetrators of trafficking, detecting instances of trafficking and protecting the victims. The Act defines human trafficking as recruiting, transporting, sheltering or housing persons with a view to their sale, or exploitation for terrorist operations, or armed conflict, or prostitution, or sexual exploitation, or forced labour, or subjugation, or forced labour, or slavery, or forced begging, or the trade in body parts, or medical experiments. Anti-human-trafficking mechanisms under the laws and instructions in force are being promoted, and the need for their implementation is being emphasized. These include Act No. 8 (1988), which makes procurement punishable by seven years imprisonment, and Decision No. 234 of the dissolved Revolutionary Command Council, dated 30 October 2001, which makes procurement punishable by execution. Forced begging is criminalized in articles 390 and 392 of the Criminal Code and is treated like the crime of human trafficking when premeditated. By virtue of Act No. 28 (2012), article 5(b), the penalty for anyone who commits human trafficking shall be imprisonment for no more than 15 years and a fine of no more than 10 million dinars.

60. The Ministry of Labour and its agencies are working to implement the Human Trafficking Act. The human trafficking shelter has been adapted in cooperation with civil society organizations, and Government institutions are following up the services provided to victims of human trafficking, including shelter, medical services, education and rehabilitation. Instructions have been issued to promote implementation of Act No. 28.

61. Committees of investigation have been established to examine instances of human trafficking in the two halves of Baghdad, namely Karkh and Rusafah, and in more than 13 branches across Iraq. These have the task of investigating crimes of human trafficking and deploying teams to collect information and data in coordination with other security agencies, monitor violations and arrest perpetrators. Civilian social workers employed by the Ministry of Interior (Department for Countering Human Trafficking) build up case studies, analyse the psychosocial condition of victims and submit reports, in coordination with the judiciary, while maintaining confidentiality of sources and protection of witnesses, and refer cases to courts and judges specialized in human trafficking.

62. Experts are appointed as social workers at shelters for the rehabilitation of victims of human trafficking. Fifteen social workers from the Ministry of the Interior have been assigned to the Baghdad shelter in order to examine and prepare a database of cases involving human trafficking.

63. The Parliament of the Kurdistan Region has adopted Act No. 6 (2018) enacting the Human Trafficking Act (Act No. 28 (2012)) in Kurdistan. In 2016, subcommittees

on human trafficking were established in the governorates of the Kurdistan Region. A branch to investigate human trafficking was also created. An electronic visa system is being used, and the activities of foreign workers in the region are monitored in order to prevent human trafficking offences. Legal teams are assigned by the Ministry of Interior, acting in coordination with the Ministry of Health, to specialist centres that carry out tissue typing tests for human organ transplant operations. These teams are tasked under the law with checking that the forms and documentation of donors and recipients comply with legal requirements and instructions. Cases involving foreign workers are monitored in collaboration with the Department of Residence Affairs and the International Organization for Migration (IOM), and legal support for Arab and foreign victims is provided.

64. Regulation No. 7 (2017) regulates shelters for victims of human trafficking in accordance with article 11, paragraph 8 of Act No. 28 (2012).

65. Educational outreach programmes have been organized in order to inform people about Act No. 28 (2012) and warn of the dangers of human trafficking. For that purpose, conferences and seminars have been held, and lectures have been delivered at universities, colleges and schools at every level. Civil society organizations have been engaged with; awareness-raising posters have been produced; radio and television interviews have been given; informational billboards have been put up in public places, including points of entry and airports, to warn of human trafficking; training courses have been created; and workers have been brought on board.

66. Iraq cooperates with the international community to exchange expertise and skills, including on the Arab Convention on Combating the Trafficking of Persons, the Arab Convention on Human Organ Transplantation, the Arab Convention to Prevent Human Cloning and the Arab Protocol on Combating the Trafficking of Persons.

67. A joint programme has been established through cooperation between the Ministry of the Interior and IOM in order to train anti-human-trafficking officials. As part of the programme, more than 25 workshops and courses have been organized, helping to enable trainers to tackle human trafficking offences. A programme has been developed in cooperation with the European Union to arrange workshops on international laws and conventions against human trafficking.

68. The anti-trafficking act distinguishes clearly between human trafficking offences and other offences to ensure that victims do not suffer from unfair application of the law. They are victims who are in need of assistance. First of all, there is legal assistance in the course of investigation. They also receive other services offered by the Ministry of Labour and Social Affairs and the Ministry of Health in accordance with the law.

69. Under Act No. 28, if an act of exploitation for prostitution or the sex trade includes the elements of the offence of human trafficking, the victims of the act are considered to be victims of human trafficking. They are therefore not criminally responsible and are not deemed to have consented, as they were coerced. Prostitution as a standalone offence is criminalized, and willingly taking it as a profession is punishable under the Prevention of Prostitution Act.

70. A committee on human trafficking was established in 2018. It is chaired by the Minister of the Interior, and its members comprise representatives of the Department of Women's Empowerment and the competent agencies. It puts in place plans to combat and prevent human trafficking; formulates recommendations on human trafficking; tracks their implementation; drafts and submits reports on human trafficking in accordance with the relevant international conventions; cooperates and

coordinates with a view to helping victims of human trafficking; exchanges information and expertise with neighbouring States and international organizations; proposes appropriate procedures to help victims of human trafficking; protects witnesses and victims; conducts awareness-raising campaigns to warn of the dangers of human trafficking, in cooperation with civil society organizations, academic and religious institutions and research institutes; publishes an annual report on cases of human trafficking and the Government's efforts to combat it; and works towards Iraq's accession to international conventions on combating human trafficking.

71. As regards penalties imposed on women who work in prostitution, article 4 of the Prevention of Prostitution Act provides that anyone proved to have engaged in prostitution shall be punished by being sent to a reform institution equipped for housing and rehabilitating women for a period of no less than three months and no more than two years. By virtue of Order No. 7, section 1(3), a moratorium has been placed on the death penalty whenever it is the sole penalty stipulated for imposition on the perpetrator of a crime. The court may replace the death penalty with another, less severe penalty.

72. At its session of 10 February 2019, the Supreme Judicial Council discussed the need to distinguish between human trafficking and cases pertaining to the Prevention of Prostitution Act. Under the Human Trafficking Act, persons against whom the offence was committed are deemed to be a victim, are not criminally responsible, and are not deemed to have consented because they were coerced. Prostitution, on the other hand, is a standalone offence, and willingly practising it and choosing it as a remunerated profession is punishable under the Prevention of Prostitution Act.

#### **Actions taken by the High Committee to Combat Human Trafficking in eastern Kurdistan Region**

73. Subcommittees on combating human trafficking have been established in the governorates of Irbil, Sulaymaniyah and Dahuk. Instructions have been issued regarding the work of the subcommittees in the governorates, and a special branch has been established in order to investigate human trafficking. Officials have been designated within each branch to investigate in the governorates of Irbil, Sulaymaniyah and Dahuk, and to follow up cases involving foreign nationals and address those cases in coordination with those States' consulates in Irbil. Many labourers' agencies have been referred to the trafficking courts for violations and on suspicion of trafficking foreign workers. Thousands of foreign citizens of both genders have been interviewed after contacting the subcommittees owing to having faced problems. Thousands of their files have been transmitted with a view to arranging their repatriation. A memorandum of understanding has been concluded with the United States Agency for International Development (USAID) to open a shelter where trafficked women can stay until their cases have been resolved.

#### **Participation in political and public life**

74. Iraqi women are employed in United Nations offices based in Iraq, and there is no Government restriction on women working in the international arena. On 3 March 2015, the Prime Minister issued a directive to ministries requiring them to nominate a proportion of women to leadership positions at director-general level and above.

75. As part of the Government's reform package, a ministerial reshuffle committee was formed to select technocrats as ministers. The committee had a membership of 13 experts, including two women. The following data indicate the situation concerning women's political empowerment and the right to hold public office:

76. Women account for no less than 25 per cent of members of the Council of Representatives. As of 2017, there were 86 women judges and 4 women ambassadors.

Women accounted for 117 of the 1,804 directors-general, or 6.5 per cent. The total number of women in the Ministry of the Interior was 10,049.

77. In the Kurdistan Region, women are represented in important positions, including that of head of the secretariat of the Parliament of the Kurdistan Region at the current session. Women have been appointed to the judiciary: there are 31 women judges, 49 women public prosecutors, 94 investigating judicial officials and 289 assistant investigating judicial officials. More than 880 women work at the regional police department as officers, members or civil servants.

78. Article 11 (1) (a) of the Political Parties Act No. 36 (2015) provides for women to be represented in a party's founding committee and general committee. It stipulates that an application to found a political party shall be made in writing, signed by a party representative and submitted in writing to the Department of Political Parties and Organizations for registration, accompanied by list of not less than seven names of the founding committee and a list of not less than 2,000 names of members across the country, with due attention paid to women's representation. The Independent High Electoral Commission seeks to foster awareness of the need for women's participation in all areas.

79. Laws pertaining to women's participation in elections and political and political-party activity are being revived in order to contribute effectively to the positive development of a gender dimension and eradicate gender stereotypes so that women can take their natural place in all areas.

80. The Independent High Electoral Commission endeavours to ensure that women are represented in founding committees and that at least two of the seven members of a party's founding committee and general are women. The same is true of a party's organizational structure. Numerous political parties have been founded and led by women politicians; indeed, those parties were among the first to be licensed by the Commission.

81. The provision that women should account for a quota of not less than 25 per cent of members of the Council of Representatives ensures that they can make an effective contribution to political life. The quota applies to the executive and to senior Government positions at the level of undersecretary and at special grades.

82. The law positively recognizes the right of women to participate in political life. Yazidi, Sabian and Christian women have been represented in the Council of Representatives and in the governorates. Women's participation in working life, enjoyment of equal opportunities in education and occupation of senior positions is guaranteed by laws, regulations and instructions.

83. As regards women's participation in the judiciary, ever since the judicial branch was reformed on 18 September 2003 by Order No. 53 and separated from the executive, it has taken upon itself the task of increasing female representation among its ranks. After a hiatus, women are now being accepted into the judiciary and the public prosecution. The Supreme Judicial Council continues to support women's entry to the judicial service without conditions. The judicial branch accepts women and imposes no restriction or condition to their entry to the judicial service, other than the condition of legal qualification.

84. The Parliament of the Kurdistan Region has adopted Act No. 2 (2009), the fourth law amending the Parliament of the Kurdistan Region Electoral Act No. 1 (1992). Article 4 stipulates conditions for women to be nominated for political bodies. It specifies that women shall account for no less than 30 per cent of the total number, that their names should be ordered in such a manner as to ensure women's participation, and that no less than three of the candidates on the list should be women. Article 7 of Act No. 4 (2009) on elections for governorate, district and local councils

in the Kurdistan region, provides that candidate lists shall be organized in such a manner as to ensure no less than 30 per cent of candidates are women. Act No. 7 (2009) on the judicial institution in the Kurdistan Region of Iraq provides that women are eligible to be judges or public prosecutors.

85. The most significant positions of authority that have been assumed by women in the region are as follows: speaker of the Parliament of the Kurdistan Region, secretary of the Parliament of the Kurdistan Region and deputy speaker of the Parliament of the Kurdistan Region at its previous session.

### **Women in the judiciary**

86. In the Kurdistan Region, 49 women have been appointed as public prosecutors, 30 as appeals judges, 94 as investigating judicial officials at the regional level and 289 as assistant investigating judicial officials. There are more than 150 civil society organizations focusing on women's issues in the Kurdistan Region.

There are 882 women officers, members and civil servants.

87. Women are effective members of ministries and civilian organizations, where they make a fine contribution to the decision-making process. They have assumed several high-level positions, including that of top official in a ministry. In the context of Security Council resolution [1325 \(2000\)](#), the proportion of women participating in activities and the taking of important decisions has been increased.

88. Significant emphasis has been placed on recruiting women officers and commissioners all municipalities, sections and precincts. For instance, a woman serves as colonel in Karmiyan municipality, and women serve as office chiefs at the rank of captain. Women account for 55 per cent of the civil service and 28 per cent of the military service.

### **Nationality and citizenship**

89. The Ministry of the Interior has taken measures consistent with Act No. 32 (2015) on passports, which does not discriminate in any way with regard to the issuance of passports. That point is confirmed in Act No. 2 (2011) on passport regulations, article 4 of which provides that persons are eligible to apply for a passport if they are Iraqi nationals, irrespective of their gender. The guardian's approval is required only for applicants who are under 18. The Act does not make women's right to apply for a passport or to travel conditional on the approval of a guardian or male relative, except in two cases. One is that if a divorced woman or a widow wishes to travel with her children, she should provide an authorization from the Family Court. The other is that, in the case of the hajj, the host State requires there to be a male relative; but that provision has nothing to do with Iraq. By issuing thousands of passports, the Ministry of the Interior has shown its own determination, and that of the Iraqi Government as a whole, to eliminate all forms of gender discrimination when enforcing laws and directives.

90. After the change of political system in Iraq in 2003, the 2005 Constitution enshrined the principle of equality between men and women in accordance with international instruments in numerous areas. These include equality between men and women as regards passing on their nationality to their children; paragraph 2 states that whoever was born to an Iraqi father or mother shall be deemed Iraqi, and that that principle shall be regulated by law. The Iraqi Nationality Act No. 26 (2006) enshrines the principle of equality between men and women by allowing women to pass on their nationality to their children without submitting a special request. Nor does it contain any condition or restriction imposing the mother's nationality on her children. Article 3(a) provides that anyone born to an Iraqi father or mother shall be

deemed Iraqi, meaning that an Iraqi woman can hand down her Iraqi nationality to her children, and that her nationality is the source of theirs.

91. Council of Ministers Decision No. 146 (2017) enacts the national policy for the protection of children formulated by the Ministry of Labour and Social Affairs, with a special focus on protecting children in areas of displacement and liberated areas. The policy can now be put into action and enjoys international support.

### **Education**

92. Human rights concepts have been incorporated into educational curricula in Arabic and English. A culture of human rights is being propagated at all levels, including concepts that help to build peace and social justice, protect fundamental rights and freedoms, and reject violence. Those curricula also incorporate the Universal Declaration of Human Rights and the Iraqi Constitution. The country's educational satellite channel is also being used for that purpose. The curricula have mainstreamed gender and are reviewed on an annual basis. Iraqi universities have applied the education plan to human rights by incorporating human rights concepts into their teaching programmes and better preparing their human resources and educational environment. An educational guide on human rights and citizenship has been compiled for an intended audience of educational institutions, pupils, civil society organizations and other interested parties.

93. In cooperation with the United Nations Children's Fund (UNICEF), the Ministry of Education has implemented a national positive education strategy in order to foster a spirit of tolerance, peaceful coexistence, belonging and citizenship among pupils. The Ministry of Justice has been holding training sessions to raise awareness of human rights principles and concepts and of the national and international mechanisms to promote and protect human rights. It has prepared a pamphlet concerning the Government's efforts in the area of human rights since 2003. The High Commission for Human Rights and the independent commission for human rights in the Kurdistan Region are working to consolidate and develop the values of the culture of human rights. They endeavour to strengthen respect for human rights by convening workshops, conferences and training programmes, and by disseminating publications.

94. For women to take up senior positions and carry out their role and responsibilities in society, they must be able to exercise their right to education, which is the key to all other rights. The Directorate for Public and National Education and Study Abroad therefore issued a circular on 11 May 2017 on guaranteeing girls' human rights and empowering them through awareness-raising and by working with civil society organizations and the media. Procedures for the enrolment of girls in primary school were simplified in schools near their homes in order to facilitate their admission in the 2016/2017 school year intake. It has also been made easier for displaced women to return to their homes in liberated areas and for girls to sit external examinations in accordance with the regulations. Accelerated education schools targeting girls in the 15–18 age group and schools for adolescents aged from 10 to 18 years have been opened. Schools have also been opened under the "Your right to education" programme for girls aged 10 to 18 years who have not progressed from primary school or who have dropped out of school.

95. Much has been accomplished under the National Strategy for Education and Higher Education (2012–2022), a project aimed at increasing the proportion of females at all levels of general education to 50 per cent. Females make up the majority in kindergartens of all kinds. Females account for 69 per cent of primary school pupils, 58 per cent of secondary school students, 47 per cent of students in vocational education establishments and 45 per cent per cent in institutes of higher learning. Women now account for 65 per cent of teaching staff and 53 per cent of counsellors.

96. The Government programme for the academic year 2019/2020 includes plans to build 3,000 schools and 110 billion dinars has been allocated for the construction of new schools in 2019. The Ministry of Education, in cooperation with UNICEF, has prepared materials on positive education. Curricula components include Qur'anic studies, basic education, social studies and a subject dealing with the personal role of women in Islam.

97. The Ministry of Education offers the various education authorities teacher training programmes on curricula and sessions on how to provide guidance, education counselling and psychological support. Between 2017 and 2019, thousands of teachers attended the sessions, thereby building teacher competencies and promoting the right to education. The Ministry worked with numerous organizations to stage those workshops.

98. The table below indicates literacy levels among persons aged 10 years and above, disaggregated by sex.

<i>Setting</i>	<i>Illiterate males</i>	<i>Males able to read and write</i>	<i>Illiterate females</i>	<i>Females able to read and write</i>	<i>Total illiterate</i>	<i>Total able to read and write</i>
Urban	7.9	92.1	17.7	82.3	12.8	87.2
Rural	12.1	87.9	29.5	70.5	20.7	79.3
Total	9.0	91.0	20.7	79.3	14.8	85.2

99. In the academic year 2016/2017 there were 14 State universities and dozens of modern private universities in the Kurdistan Region. A total of 73 department heads were women, as were 10 rectors, 2,972 lecturers, 7,714 staff members and 68,099 students. The number of private schools for girls rose from 357 in 2012 to 636 in 2016.

### **Employment**

100. Some 4,500 transactions have been conducted in Baghdad and the governorates under the rural women's development project, in cooperation with the Agricultural Cooperative Bank, to disburse 5 million dinar loans for income-generating projects. A department for social protection of women has been created within the social protection agency of the Ministry of Labour and Social Affairs (59). The Act on social protection (60) provides for special protection for women who have lost a breadwinner. Some 503,292 [thousand] beneficiaries received more than 101,565 [billion] dinars in the second round of disbursements for 2017. Some 54,502 [thousand] displaced women have received more than 13,777 [billion] dinars. Some 5 per cent of residential units built by the Ministry of Construction and Housing have been set aside for women and widows; they are sold at half price with the balance spread out over instalments for 25 years.

### **Social benefits and the economic empowerment of women**

101. Women who have lost their breadwinner did not have the same access to Internet services as men when social assistance coverage was opened in April 2016. Their share of coverage was only 5 per cent. There will be a new enrolment period for women this year to achieve a balance between men and women social protection beneficiaries. Coverage will be opened for 100,000 women who have lost their breadwinners. The Ministry has worked in coordination with a number of international and local organizations on supplementary income programmes that include training women in income-generating skills and giving them training tools for income-generating small enterprises in the home. Numerous women social

researchers have been trained in psychological support and stress-relief programmes. Reception and counselling centres have been opened to help relieve stress and increase self-confidence.

102. In the Kurdistan Region, major economic reform steps have been taken in three parts: strengthening employment in the markets, the retirement system and expanding unemployment insurance, and developing the social welfare network to assist poor and low-income families based on the poverty line.

103. A special committee has been established within the Ministry of Labour and Social Affairs to issue new directives for implementing the social welfare coverage programme to assist families of modest means or limited income near the poverty line. That is approximately 95,000 families, most of them headed by women.

104. Rural women's development is one of the most important priorities in the national strategy for the development of women in the Kurdistan Region for the 2016–2026 period, in keeping with the strategic goals of the sustainable development strategy 2030. There is also the project for the social and economic empowerment of rural women from 2014. It targeted the countryside of that region's governorates with a view to increasing the capacities of women in the areas of health, reproductive health and education, and also training them in life skills.

105. Agricultural land contracts are being concluded with women at a rate of 20–30 per cent. Some 18,000 women beneficiaries received such loans, as well as girls from the villages. Some 200 women received training in raising bees, livestock, cattle and domesticated birds, and the production of agricultural foodstuffs such as honey, jam and raisins. That group of productive women is still active in those areas. The Ministry of Agriculture, in conjunction with the United Nations Industrial Development Organization (UNIDO), has worked continuously to develop food agriculture in the region based on hand-raised products by holding educational courses on that type of agriculture. It also offers training in the use of advanced agricultural equipment used in agricultural production. The Ministry, in collaboration with relevant organizations, also finances commercial projects among women farmers.

106. According to statistics compiled in 2016–2017, the numbers of women who benefited from the social welfare network's projects to support broken families were as follows: 20,863 in Erbil, 14,120 in Dahuk and 20,049 in Sulaymaniyah. That is an overall total of 55,032 women in the region's three governorates. The female demographic groups that have benefited from that project include the following: widows, divorcees, women who have lost their husbands, orphan girls, women with disabilities, women without breadwinners, women students and elderly women. Some 1,198 women have taken loans from this fund. The projects that they have implemented include the following: trade, industry, services, agriculture and tourism.

## **Health**

107. Ministry of Health teams across the country make field visits to displaced person camps to provide health and other essential services, conduct health campaigns and administer X-ray scans, accompanied by a mobile radiological unit, laboratory and pharmacy. They carry out vaccination campaigns, offer reproductive health services, and conduct tests, treatment and follow-up for tuberculosis patients. They also provide exams by clinical pathologists and laboratory tests to detect HIV infection and sexually transmitted diseases, as well as services to prevent and manage non-contagious illnesses.

108. The Ministry of Health has produced a plan for health services in all regions of Iraq. It is based on four key objectives: provision of services to guarantee safety and

basic human needs; provision of psychosocial support; provision of non-specialized psychological services; and provision of specialized psychological services. The plan focuses on ways and means of providing mental health and psychosocial support services in humanitarian emergencies, and promoting recovery and rehabilitation for people with mental disorders and psychosocial problems, regardless of whether such problems existed previously or occurred as the result of an emergency. The Ministry has also prepared a plan for the safe return and sustainable health of displaced persons.

109. Act No. 38 of 2013 on persons with disabilities and special needs provides for women and men with disabilities without discrimination. The proportion of leadership posts at the Commission for Persons with Disabilities is 1 in 7, or 14 per cent. Women working at the Commission make up 46 per cent of the total workforce.

110. There are psychosocial support centres in public hospitals to treat trauma and offer services to victims of trauma, and community centres for psychological rehabilitation. Doctors and researchers are trained in clinical signs and how to deal with victims of domestic and sexual violence. There are specialists to provide psychiatric services in the safehouse for victims of domestic violence run by the Ministry of Labour and Social Affairs. There are four psychosocial support centres, as well as psychological support centres, at locations in Baghdad and the governorates.

111. Family planning and birth spacing services are offered at the major health centres and hospitals with maternity wards. Contraception is provided on the list of basic medications. Analysis of data from a study of abortion in the annual report of the Ministry of Health for 2017 showed that the percentage of mothers who checked into hospital for abortions was 16.1 per cent.

112. The Act on therapeutic early termination of pregnancy has been updated and submitted to the Women's Advisory Group for approval. Guidelines for the mechanical evacuation of the uterus and therapeutic termination of pregnancy require written approval for mechanical evacuation of the uterus and therapeutic termination of pregnancy from a medical committee at a Government hospital only, composed of two obstetric gynaecologists and an internist, plus any other specialist deemed appropriate to take part in the decision.

113. With regard to ending unjustified genital examinations, or virginity testing in criminal investigations, all cases involving sexual assaults and tests for external violence are referred to the Department of Forensic Medicine by written request from the investigating or judicial authority. Two officials from the aforementioned agencies are present. Medical tests are conducted as requested and as required by the case. After the examination, the woman is remanded to a second official. A centre on violence has been established at the Department. It facilitates procedures such as these tests. It offers psychological support and psychological and medical follow-up following an assault. That includes provision of emergency contraception. The Department of Health and Vital Statistics at the Ministry of Health provides monthly statistics on cases of suspected violence, or domestic violence. Doctors at the biological testing division take part in periodic awareness lectures for Ministry of Health staff, with the agreement of the division of psychological health, on the topic of the hymen and sexual assault.

114. When the economic situation in the Kurdistan Region began to deteriorate, various types of health services were provided to displaced persons and refugees in the camps. That includes a mobile or permanent health centre in each camp, with a medical team that includes a physician's assistant to conduct exams and provide first aid. If a patient cannot be treated at a camp, he or she is transferred as required to the nearest hospital. In addition, child vaccination campaigns are conducted in accordance with the season and the ages of the children. Other health services are provided for pregnant women and newborns.

115. A number of campaigns have been conducted by specialists to raise awareness of breast cancer in women.

116. In addition to physical health, the Government of the Kurdistan Region has paid attention to psychological and social factors. On 22 August 2018, a shelter for orphans was inaugurated in the Hasan Sham camp for children who lost their parents to war.

117. A number of other women's health services are offered. The services most utilized by women are family-planning services. There are now 28 such health centres in the Kurdistan Region. There has been an increase in the number of hospitals specializing in gynaecology and obstetrics. In 2016, there were 13 hospitals in the Kurdistan Region, as well as several women's hospitals opened by the private sector in cooperation with the Government.

118. There is a programme to monitor newborn children, and a health education programme intended to reduce the incidence of female genital mutilation. That started in the year 2010, and has had a clear effects in reducing the incidence of female genital mutilation. There are 12 health centres that take in women victims of violence.

#### **Widows and households headed by women**

119. The Department of Women's Empowerment is implementing a programme on women's economic empowerment and social protection, with funding from the Canadian Government and cooperation from the World Bank. The programme aims to build the capacities of women breadwinners and help them enter the labour market. It offers a series of training programmes in cooperation with training centres at participating Government institutions, and grants women concessional loans to establish income-generating small enterprises.

#### **Refugee, returnee and internally displaced women**

120. The Cabinet approved a draft act on refugees with Decision 304 of 2017. It is currently undergoing legislative procedures.

#### **Yazidi, Turkmen, Christian and Shabak women**

121. A judicial body was formed to investigate terrorist crimes perpetrated against Yazidis in Ninawa governorate. The Judiciary wanted to document crimes committed against that group and put an end to impunity for the perpetrators. Measures have been taken to ensure that the necessary assistance is provided to women and girl victims liberated from the Islamic State in Iraq and the Levant (ISIL) terrorist gangs, and that the children who were held by that terrorist organization get the help that they need to recover physically and mentally and be reintegrated. Some 1,528 Yazidi women who were victims of violence by ISIL terrorist gangs were covered and exempted from restrictions by approval of the Minister under Act No. 11 of 2014 on social protection, in addition to some 88 women from the Shabak group who were rescued from the brutality of the ISIL terrorist gangs. The Department of Vocational Training is working to set up educational, professional and entrepreneurial training courses with a view to providing education in various professions. Those classes are available to all unemployed Iraqis without exception and without discrimination. The Department of Employment and Lending also creates work opportunities and grants loans without exception or discrimination, with a particular focus on liberated areas in order to encourage people to return to those areas. Clinical services are provided to survivors of sexual violence by the Ministry of Health and the Environment. Some 28 free legal clinics have been opened across Iraq. Mobile detachments have been formed in camps for refugees fleeing the ISIL terrorist gangs to protect refugees, prevent violence against them, and ensure that perpetrators do not enjoy impunity.

Each camp has a designated official to handle complaints from women victims of violence.

122. In 2016, the Kurdistan regional government sent 10 mobile teams to monitor the condition of women, follow-up on their rights, and open court records and complaints. In 2017, the number of mobile teams was increased to 14.

123. A family consultation division has been created in the Directorate for Combating Violence against Women in Dahuk. It consists of a group of legal, psychological and sociological specialists who provide services to Yazidi women rescued from the ISIL organization. More than 2,000 women have received assistance, including more than 1,000 women who are over 18 years old. They are transferred to hospitals, treated and given psychological counselling by specialists. The Directorate has introduced special courses and workshops to assist such women and help with their reintegration into society.

124. A number of courses and workshops are held annually in schools and universities in the Kurdistan Region. Over 27,000 persons have taken part in them. The courses are to raise the awareness of women about sexual violence and teach them how to protect themselves when they are subjected to or threatened with it. Over 6,000 books, pamphlets and flyers were printed on the subject of combating sexual violence against children, sexual harassment and sexual violence against women. The Directorate for Combating Violence against Women, in cooperation with the Ministry of Religious Endowments and religious scholars has convened more than 10 sessions with over 1,000 attendees to raise society's awareness of religious teachings in mosques and churches. A number of sessions were held with bus and taxi drivers for that purpose.

125. On 3 August 2014, ISIL terrorists attacked the Sinjar district, which is predominantly Yazidi. The city suffered major damage. Some 6,417 people were abducted, including 3,548 women. On 25 November 2014, the Kurdistan Presidency formed a commission to collect information and follow up on abduction cases. A budget was allocated for the liberation of abductees. Following their return, the Government made all the necessary preparations to provide them shelter and reintegrate them into society. It assumed full physical and moral responsibility for their liberation. On 25 September 2018, some 3,322 persons were liberated, including 1,156 women, 337 men, 956 girls and 873 boys. Some 3,095 persons have not yet been liberated, including 1,436 women and 1,659 men who remain under the control of ISIL. Under an agreement between the regional government and the German Government, 100 rescued women were sent to Germany for psychological treatment.

126. After the ISIL terrorist attack against several regions in Mosul governorate, particularly the Ninawa plains, displaced Yazidi Kurdish citizens saw their share of abductions and despicable acts. A large number of them were abducted. Between 3 April 2017 and 18 July 2017, there were 250 documented cases of Christians being abducted, including 82 women and 168 men. Some 174 persons have been liberated.

### **Women in detention**

127. The Iraqi Correctional Service receives female detainees from police stations around the clock to avoid them having to spend more than 24 hours in a detention centre. The admission process requires a warrant issued by the examining judge. The detainee's file is checked immediately. A signed certification of the information is made with the detainee's thumbprint. If external signs of violence or torture are found, the Public Prosecution Service is informed. The detainee is provided with basic requirements, including blankets, cleaning materials and a bed, in accordance with the rules. All valuables, such as gold jewellery, are retained in safe-keeping. Detainees

are brought before the court accompanied by a team from corrections guards until a judicial decision is handed down.

128. Female convicts are admitted under the above-described rules for female detainees. An inmate file is opened and special card issued. Inmates are housed on the basis of type of case and length of sentence. Inmates are offered training and qualification programmes. Full legal support is provided by the legal division to facilitate the processes of admission and release. Inmates can receive regular visits from their lawyers, except on holidays.

129. Men are separated from women in prisons, holding facilities and detention centres. The women's section must be under the responsibility of a special women's officer.

130. In accordance with the Bangkok Rules, female inmates are permitted to see their children, and guaranteed detention facilities within the geographic area. They are provided with a healthy environment, health care, and adequate meals for themselves and their children. The relatives of inmates are informed if they suffer any accident or chronic illness. They are permitted outside contact. There is a complaint box to guarantee inmates the right to complain in the event that they are subjected to violations. Women inmates with special needs are taken into consideration and provided with the facilities they require. There is coordination and cooperation with the competent authorities to ensure that released female inmates with no one to help them receive shelter. There is coordination with the Ministries of Education and Higher Education to provide all necessary educational materials during the period of confinement.

131. Death sentences handed down under the counter-terrorism act and other penal legislation are treated as judgments of first instance that must be reviewed by the Court of Cassation. Even prior to that, they are reviewed by the Public Prosecutor's office. Then they are subject to appeal. Even after a death sentence is upheld by the appeals process, the sentenced person may demand a retrial if there is a compelling reason. Persons under the age of 18 may not be sentenced to death. For pregnant women, a death sentence is either delayed or reduced.

132. Article 85/1 of the Iraqi Penal Code lists the death penalty as a primary penalty. It is applied to certain crimes that pose a major threat to the security and safety of society, including crimes of terrorism, which Iraq is committed to combating under international instruments.

### **Marriage and family relations**

133. We refer you to information contained in several of the previous paragraphs in this report.