



# 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

21 October–8 November 2019

Item 4 of the provisional agenda

### Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

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

### Reservations

1. Please clarify whether the scope of the withdrawal of its reservation to article 9 of the Convention, transmitted on 18 February 2014, also extends to articles 2 (f) and (g), 16 and 29 (1). If not, please provide updated information on the efforts undertaken by the State party to review all remaining reservations to the Convention, with a view to withdrawing them ([CEDAW/C/IRQ/CO/4-6](#), para. 16).

### Legislative framework

2. Please provide an update to the Committee on the ongoing work of the Supreme Judicial Council to review discriminatory provisions of national legislation ([CEDAW/C/IRQ/7](#), paras. 83, 84 and 86).<sup>1</sup> Please also provide specific timelines for the revision of provisions of the Penal Code, the Code of Criminal Procedure and the Personal Status Act as part of efforts to bring legislation into line with the Convention, as had previously been recommended by the Committee ([A/55/38](#), part two, chap. IV, para. 181, and [CEDAW/C/IRQ/CO/4-6](#), para. 18 (a) and (c)). The provisions of those laws currently violate provisions of the Convention, as they allow: (a) the punishment of a wife by her husband; (b) crimes committed in the name of so-called “honour”; (c) polygamy; (d) child and/or forced marriage; (e) discrimination against women in marriage; (f) discrimination against women in cases of adultery; (g) the provision of a dowry; (h) the requirement for women to have a male guardian in order to enter into marriage; (i) a limitation of three months for filing a complaint about rape; and (j) the imposition on divorced women of a waiting period before remarriage; and contain provisions under which charges against a male rape offender are dropped if he marries

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\* Adopted by the pre-sessional working group on 15 March 2019.

<sup>1</sup> Unless otherwise indicated, paragraph numbers refer to the seventh periodic report of the State party.



his victim and which allow for the possibility of men unilaterally divorcing their spouses. Please also provide the timeline for the revision of Act No. 15 (2008) in the Kurdistan region, which addresses polygamy, the adoption of the draft law on the protection of diversity and the prohibition of discrimination and the adoption of the draft law on the protection of the rights of religious and ethnic minority groups.

### **Access to justice**

3. Please inform the Committee about measures taken to guarantee the rights of women and girls to legal aid, thorough and independent investigations and transparent and fair trials, including women and girls of foreign nationality, who face conviction under the State party's Counter-Terrorism Act. Please also inform the Committee about the number of cases that have been investigated, the number of perpetrators prosecuted, convicted and sentenced under that Act and the number of convicted women and girls who have been repatriated. Under paragraphs 30 and 31 of its report, the State party indicates that the Council of State promulgated Act Nos. 70 and 71 in 2017 with a view to ensuring the independence of the administrative judiciary from the executive and respect for the law. Please provide information on measures taken under those Acts to ensure that the judiciary adopts a gender-sensitive approach (CEDAW/C/IRQ/CO/4-6, para. 10 (b)) and on the impact of the capacity-building efforts undertaken by the Inspector General, with the objective of eliminating financial and administrative corruption (para. 20), in line with the Committee's previous concluding observations (CEDAW/C/IRQ/CO/4-6, para. 10 (c)).

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

4. In line with the Committee's general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, please provide data, disaggregated by age, ethnicity, religion, disability and residence in a rural or urban area, on the participation of women in peace processes, reconstruction efforts and post-conflict reconciliation efforts, including through the National Reconciliation Committee. Please clarify the roles of the Department of Women's Empowerment and civil society organizations in the Iraq Cross Sector Task Force on Security Council Resolution 1325 (2000), as well as on their planned roles in the implementation of the second national action plan for the implementation of Security Council resolution 1325 (2000), which covers the period 2019–2023, and inform the Committee with regard to: (a) the representation of civil society in the National Reconciliation Committee; (b) measures taken to prevent the reoccurrence of conflict; (c) the human, technical and financial resources allocated for the national action plan for the period 2019–2023; and (d) the baselines and indicators for measuring its impact. Please also inform the Committee about steps taken to guarantee that a gender perspective is at the heart of the national security strategy, including through consultations with women's organizations regarding the development and implementation of the strategy, in line with the Committee's previous concluding observations (CEDAW/C/IRQ/CO/4-6, para. 10 (a)), and to coordinate initiatives between the framework and that of the national action plan.

5. Please inform the Committee about steps taken to ensure that conflict-related sexual violence is comprehensively addressed in any ongoing and future transitional justice processes, in a manner encompassing the full range of judicial and non-judicial measures, including prosecution initiatives, truth-seeking and reparations programmes and institutional reform, or an appropriate combination thereof, as well as comprehensive national consultations. Please also provide information on consultations held with women's organizations regarding the elaboration and development of the reconstruction and development framework for the period 2018–2027 and the allocation of funds in 2015 for the reconstruction of areas affected

by terrorist operations. Please inform the Committee about the alignment of its development framework with Sustainable Development Goal 5 and provide data, disaggregated by age, sex, ethnicity, religion, disability and residence in a rural or urban area, on the beneficiaries of reconstruction funds.

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

6. Please provide information on the mandate of, as well as the human, technical and financial resources allocated to, the Department of Women's Empowerment, the Higher Committee for the Advancement of Women, the Higher Committee for the Advancement of Rural Women and the gender units at the ministerial level and clarify how their work is coordinated in order to avoid fragmentation of efforts for the promotion of gender equality. Please also provide information on the overall monitoring of the implementation of the Convention, including the oversight mechanism, and on the baselines and targets of the current and revised national strategy for the advancement of women in the State party the resources allocated to the implementation of those strategies, including from the international community, and the results achieved within the framework of the current strategy. Please inform the Committee about measures taken to align the national development plan for the period 2018–2022 with Sustainable Development Goals 5 and 16 and about advancements made with regard to the adoption of the Kurdistan region strategy for the advancement of women ([CEDAW/C/IRQ/CO/4-6](#), para. 20 (a)).

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

7. Please inform the Committee about the measures taken to strengthen the mandate of the High Commission for Human Rights by bringing it into full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), including with regard to the independence of its commissioners and to the representation of women in the High Commission ([CEDAW/C/IRQ/CO/4-6](#), para. 22). Only three women are currently represented out of a quota of five women. Moreover, the State party indicates in paragraph 36 of its report that the hotlines of the human rights section of the Department of the Legal Advisor receive complaints and allegations of human rights abuses, including violations of women's human rights. Please provide data, disaggregated by age, sex, ethnicity, religion, disability and residence in a rural or urban area, as well as information on the nature and outcome of the complaints received by the human rights section and the High Commission and how the collection of data and the referral and treatment of such complaints is coordinated.

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

8. In its previous concluding observations, the Committee expressed concern about the sectarian and religious divisions within the State party, which exacerbated deep-rooted patriarchal attitudes and stereotypes in respect of women's roles and responsibilities in the family and in society ([CEDAW/C/IRQ/CO/4-6](#), para. 25). Please inform the Committee about efforts to adopt a comprehensive strategy to raise awareness about, and eliminate, such stereotypes and harmful practices ([CEDAW/C/IRQ/CO/4-6](#), para. 26 (a)), in particular crimes committed in the name of so-called "honour", child marriage, temporary marriage, marriage contracted to resolve a dispute, polygamy, the provision of a dowry, the imposition on divorced women of a waiting period before remarriage and the possibility of men unilaterally divorcing their spouses. Please also provide information on steps taken to counter stereotypical attitudes towards girls and women, including in the Kurdistan region, such as the revision of textbooks, media programmes, awareness-raising and educational campaigns that address religious and community leaders, parents and

teachers, as well as capacity-building programmes for law enforcement officials, including police officers, judges, lawyers and prosecutors. Please also inform the Committee about measures taken to eliminate multiple and intersecting forms of discrimination on the basis of ethnicity, nationality, religion, age, disability or other characteristics.

### **Gender-based violence against women**

9. Please inform the Committee about the final timeline for the adoption of the bill on protection from domestic violence and about measures taken: (a) to criminalize all forms of violence against women, including marital rape and violence linked to so-called “honour”, kidnapping and female genital mutilation, in line with the Committee’s general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19; (b) to ensure that cases of violence against women, including in the Kurdistan region, are under no circumstances referred to alternative dispute resolution procedures, in line with the Committee’s general recommendation No. 33 (2015) on women’s access to justice; (c) to investigate, prosecute and adequately punish members of Islamic State in Iraq and the Levant (ISIL) for rape and other crimes of sexual violence, whether in an Iraqi or Kurdish regional court; (d) to liberate, in collaboration with the Kurdistan region, missing women who have been victims of ISIL residing in territories previously occupied by ISIL; (e) to compensate and rehabilitate women who have been victims of gender-based violence at the hands of ISIL, and their children; and (f) to protect women who have been victims of rape and children born as a result of rape from stigma, discrimination and abandonment. Please provide an update to the Committee on the results achieved through the previous national strategy to combat violence against women, which covered the period 2013–2017, as well as on the technical, financial and human resources allocated to the implementation of the current national strategy for the period 2018–2030. Please also inform the Committee about measures taken: (a) to build police capacity with regard to the prevention of gender-based violence and the investigation of allegations of gender-based violence in a gender-sensitive manner; (b) to discontinue unnecessary genital examinations, or “virginity testing”, in criminal investigations; (c) to establish shelters for women who are victims of violence throughout the State party; (d) to grant human, technical and financial support to shelters, run by civil society organizations, for survivors of gender-based violence; (e) to respond to the reported appeal by civil society organizations for a directive regulating their role in respect of such shelters. Please further provide information on measures taken to protect women who are survivors of domestic violence and women fleeing crimes in the name of so-called “honour” and to provide them with medical and psychological support, counselling, legal assistance and rehabilitation services ([CEDAW/C/IRQ/CO/4-6](#), para. 29 (c)).

10. In paragraph 33 of its report, the State party indicates that the Department of Family and Child Protection receives complaints and reports from abused women around the clock. Please provide data on those cases, disaggregated by age, sex, ethnicity, religion, disability and residence in a rural or urban area, and information on the nature and outcome of the complaints and inform the Committee about the referral mechanisms in place for cases of gender-based violence against women. Please also inform the Committee about measures that have been taken to encourage women to report incidents of violence and rape, including revoking the mandatory reporting obligation placed on service providers and promoting a survivor-centred approach in referrals to, and the provision of, victim support services (art. 48 of the Code of Criminal Procedure).

11. Please provide information on measures taken by the State party to combat impunity for crimes committed in the name of so-called “honour”, including rape,

torture and murder, against women politicians, journalists, teachers, doctors, human rights defenders, women returnees in the aftermath of the conflict with ISIL, lesbian, bisexual and transgender women and intersex persons for challenging traditional gender stereotypes on the role of women in the family and in society and measures taken to comply with its due diligence obligation to prevent, investigate, prosecute and punish such crimes, and to ensure that sentences are commensurate with the gravity of the offences committed.

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

12. Please provide information on the scope and extent of trafficking in persons and the forced prostitution of women and girls in the State party, taking into account the system of trafficking that was organized by ISIL, as well as on penalties imposed on women in prostitution, and indicate whether any of those women have been sentenced to death. Please also provide information on the status of the annual plan of the department responsible for combating trafficking in persons (para. 179), as well as on its baselines and targets. Please further indicate the penalties imposed on the 17 persons who were convicted of committing offences under the Human Trafficking Act in 2016 (para. 174) and whether there are any ongoing investigations to examine allegations of the complicity of law enforcement officers in trafficking cases. Please also provide information on measures taken: (a) to adopt legislation on trafficking in persons applicable in the Kurdistan region; (b) to fill gaps in the identification and referral of victims of trafficking; (c) to initiate ex officio prosecutions for cases of trafficking; (d) to remove the requirement for victims to obtain a court order in order to gain access to shelters; and (e) to grant temporary residence permits to victims of trafficking who are unable or unwilling to cooperate with prosecution authorities.

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

13. Please provide information on the impact of Cabinet decision No. 99 (2015), in particular with regard to the percentage of women who occupy senior positions in ministries, the Council of Ministers, the Presidency Council, the judiciary and parliament, including women with disabilities, Iraqi women of African descent and Yazidi, Turkmen, Christian and Shabak women. Please also provide information on the measures taken to develop the capacity of women in leadership positions, especially women belonging to the most vulnerable groups. Please further inform the Committee about measures taken to ensure that political parties allocate funds to promote the political leadership of women and to support women who stand for election (CEDAW/C/IRQ/4-6, para. 35 (b)) and whether the State party has considered increasing the current quota for the representation of women, which is currently set at 25 per cent, with a view to reaching substantive equality within a specific time frame. Please indicate the reason for the de facto absence of women in the Independent High Electoral Commission.

### **Nationality and citizenship**

14. Please inform the Committee about the current status and content of the draft amendment to the Nationality Act and measures taken to lift regulations stipulating that a guardian must be appointed for women and girls seeking to obtain identification documentation (CEDAW/C/IRQ/CO/4-6, para. 18 (e)), including young and unmarried women, divorced women, widows wishing to travel with their children and women who are survivors of sexual violence perpetrated by ISIL and children born as a result of those crimes.

**Education**

15. Please provide information on measures taken to promote human rights education in schools, with a focus on the Convention and the empowerment of women and girls, and address the root causes of school dropout among girls, including general insecurity in the State party, attacks on schools, the burden of household chores and care responsibilities, child and/or forced marriage and involvement in income-generating activities as a consequence of poverty. Please also provide a timeline for the elimination of depictions in educational curricula of women as mothers, sisters, virtuous child-raisers and men's partners in building society, which reproduce traditional gender stereotypes regarding the role of women in the family and in society (paras. 206 and 208). Please also provide data, disaggregated by age, sex, ethnicity, religion, disability and residence in a rural or urban area, on literacy rates and inform the Committee about: (a) resources allocated for the construction of new schools; (b) reconstruction efforts for destroyed schools; (c) the training of teachers; and (d) achievements under the national strategy for education and higher education for the period 2012–2022 with regard to increasing the literacy rates among women and girls.

**Employment**

16. Please inform the Committee about measures, including temporary special measures, taken to guarantee access for women to economic opportunities and employment in the public and private sectors in particular for young women, women with disabilities, Iraqi women of African descent and Yazidi, Turkmen, Christian and Shabak women (CEDAW/C/IRQ/4-6, para. 41 (c)). Please also inform the Committee about the number of cases of sexual harassment investigated since the adoption of the Labour Act in 2015 and the numbers of prosecutions and convictions, as well as about the sentences that have been handed down to perpetrators. Please provide information on measures taken to protect the labour rights of women working in the informal sector, including those involved in agricultural and domestic work (CEDAW/C/IRQ/CO/4-6, para. 41 (d)) and women migrant workers.

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

17. In the annex to its periodic report, the State party provides information on the adoption in 2014 of the Social Protection Act. Please elaborate on the social protection measures provided to women under that law and indicate the conditions under which women may obtain access to them. Please also provide data, disaggregated by age, ethnicity, religion, disability and residence in a rural or urban area, on access for women to the services granted under the Social Protection Act and inform the Committee about measures taken to mainstream the empowerment of women, in line with the poverty reduction strategy for the period 2018–2022. Please further provide information on the number, age, ethnicity, religion, disability and residence in a rural or urban area of women who: (a) head micro-, small- or medium-sized enterprises; (b) own land; (c) benefit from the Emergency Social Stabilization and Resilience Project for Iraq, and the nature of the support provided to them through the project; (d) received loans under the poverty reduction strategy for the period 2010–2014; (e) receive loans for small and medium-sized projects from the State-owned Rasheed Bank; and (f) receive general credit services.

**Health**

18. Please provide data, disaggregated by age, ethnicity, religion, disability and residence in a rural or urban area, on access for women to clean water, sanitation, electricity, high-quality medical care and psychological support in sufficiently well-



equipped medical centres. Please also inform the Committee about the affordability of modern forms of contraception and emergency contraception, provide the data resulting from the study on abortion conducted by the Ministry of Health and provide information on access for women to post-abortion care and steps taken to decriminalize abortion and to legalize abortion in cases of threat to the pregnant women's physical or mental health, rape, incest or severe fetal impairment.

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

19. Please provide data, disaggregated by age, ethnicity, religion, disability and residence in a rural or urban area, on poverty among widows and households headed by women, as well as on the services provided to widows pursuant to Act No. 81 (2017) and the letter of 10 July 2013 from the Cabinet secretariat to all government institutions. Please also provide information and data on the income-generating activities and grants provided to widows and women heads of household.

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

20. Please inform the Committee about the extent to which the Refugee Act, the Ministry of Migration and Displacement Act, Cabinet decision No. 304 (2017) and the national policy for the management of displaced persons, adopted in 2014, address the specific needs of returnee and internally displaced women and girls (CEDAW/C/IRQ/CO/4-6, para. 13). Please also inform the Committee about specific measures taken to address the particular vulnerability of refugee, returnee and internally displaced women and girls to domestic violence, sexual exploitation, harassment, harmful traditional practices, including child and/or forced marriage, and trafficking, as well as the reported involvement of camp guards in sexual exploitation. Please provide data, disaggregated by age, ethnicity, religion, disability and residence in a rural or urban area, on the services and rehabilitation centres available to refugee, returnee and internally displaced women, as well as to women who have been directly or indirectly involved with ISIL, throughout the State party. Please include information on the services planned under the community rehabilitation plan (para. 44) and on the human, technical and financial resources allocated to the implementation of the plan.

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

21. Please provide information on: (a) the number of cases brought before the courts related to abduction, torture, deprivation of food, child and/or forced marriage, sexual slavery, rape and other forms of targeted gender-based violence perpetrated against Yazidi, Turkmen, Christian and Shabak women; (b) the nature of those violations; (c) the investigations opened in that regard; (d) the sanctions applied in response; (e) the remedies provided to victims; (f) the participation of victims in court proceedings; (g) witness protection measures taken in line with Act No. 58 (2017); and (h) the medical, psychosocial and rehabilitation services provided to victims. Please also provide information on the reported establishment of a judicial investigation board for crimes against the Yazidis, its composition and mandate, the participation of Yazidi groups in its activities and the progress made towards filing a case before the International Criminal Court related to the violations suffered by Yazidi women. Please also inform the Committee about the number of abducted Yazidi women who have been released pursuant to Council of Representatives decision No. 27 (2016).

#### **Women in detention**

22. Please provide data, disaggregated by age, ethnicity, nationality, religion, disability and residence in a rural or urban area, on women and girls in detention,

including those in detention pursuant to the Counter-Terrorism Act. Please also inform the Committee about observations and recommendations made by the High Commission for Human Rights following visits to prisons, correctional facilities, remand centres and other such places, in line with its mandate to identify violations of the rights of women in detention, including arbitrary detention, torture and sexual violence (para. 120), and about actions taken to implement those recommendations.

**Marriage and family relations**

23. The Committee draws the State party's attention to joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2014) on harmful practices, which defines child and forced marriage as any marriage where at least one of the parties is under 18 years of age. It invites the State party to provide information on measures taken: (a) to eradicate the practices of child and/or forced marriage, which are mostly celebrated in informal settings; (b) to raise awareness of the harmful effects on women and girls of child and/or forced marriage, particularly with a view to preventing any legislative measures that lower the current age of marriage any further; (c) to eradicate temporary marriages and marriages contracted to resolve a dispute; and (d) to ensure the registration of all marriages ([CEDAW/C/IRQ/CO/4-6](#), para. 53 (d)). Please also inform the Committee about the number of marriages contracted outside court that have been investigated, as well as on the number of perpetrators prosecuted, convicted and sentenced for such offences. Please further provide information on the implementation of provisions of the Civil Code with regard to a mother's guardianship of her children, as well as the provisions of the Personal Status Act with regard to inheritance, and inform the Committee about steps taken to address the conflicts between statutory law, customary law and Islamic law in relation to marriage, divorce, inheritance and access to land.

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