

Update on women, peace and security in Iraq March 5th 2020

The Informal Experts Group of the Security Council on Women, Peace and Security reviewed the situation in Iraq in April 2016 ([S/2016/683](#)), October 2016 ([S/2016/1104](#)), June 2017 ([S/2017/624](#)), and March 2018 ([S/2018/475](#)). This update summarizes relevant developments since then.

Developments in the Security Council

The last two resolutions extending **UNAMI's mandate** for a year -resolution 2421 in 2018 and 2470 in 2019- have included the same provision mandating the mission to “approach gender mainstreaming as a crosscutting issue throughout its mandate and to advise and assist the Government of Iraq in ensuring the participation, involvement, and representation of women at all levels” as well as “the requirement to meet the needs of all Iraqis, including women” when discussing post-conflict stabilization efforts, reconstruction, recovery, and reconciliation. Resolution 2490 renewing the mandate of **UNITAD** recalls the abuses committed by ISIL against women and condemns the commission by ISIL of rape, sexual slavery, other forms of sexual violence, and the sale into or otherwise forced marriage. **UNITAD's terms of reference**, transmitted to the Security Council by a letter of the Secretary-General, note that the Special Adviser shall have a proven record of ensuring gender equality and that members of the investigative team must have expertise on sexual and gender-based crimes and violence, women's rights, and trafficking of persons and be appointed with due consideration to gender balance. In addition, the Investigative Team “shall assist in referring vulnerable victims (...) in particular women and victims of conflict-related sexual violence, who come forward to the Investigative Team, to relevant bodies so that they are provided with appropriate support” and “take appropriate measures to respect the privacy, interests, and personal circumstances of victims in light of their age, sex, sexual orientation, gender, and health, and taking into account the nature of the crime, in particular where it involves sexual violence, gender violence, or violence against children.”

None of the narrative summaries, annual reports, or listings of the 1267/1989/2253 **sanctions** committee of the Security Council with regards to Iraq refer to sexual violence or other gender issues in 2018 or 2019. The monitoring team was mandated by the Security Council in 2017 to explore the issue of human trafficking and sexual violence perpetrated by ISIL and Al-Qaeda, but their reports barely have information on this issue, except to conclude that it is unclear whether ISIL ever gained significant funds from trafficking and sexual exploitation. In addition, their reports over the last two years have paid some attention to the issue of women affiliated with terrorist groups, from the increased role of women in raising and transferring funds for ISIL, to the situation and level of radicalization of women, including thousands of Iraqis, in the Al-Hol camp in Syria.

In addition, the Security Council was briefed by **three Iraqi women** representing civil society in the last two years: [Hana Edwar](#) at a debate on protection of civilians, [Nadia Murad](#) at a debate on conflict-related sexual violence, and [Suzan Aref](#) at a meeting on the situation in Iraq. As one of the few countries in the region with a national action plan on 1325, Iraq was also discussed at an Arria Formula meeting on national action plans in the Middle East and North Africa in early 2019 ([S/2019/136](#)). Finally, the Security Council visited Iraq in June 2019 and met with civil society actors, including women's organizations.

Women's participation in politics

In **2018**, there were **parliamentary elections** in Iraq and in the Kurdistan Region. There were more than 2,000 female candidates in the national elections, a record number in Iraq, but many incidents of vandalism and harassment were reported, and some candidates withdrew following threats and intimidation. In line with the quota required by the constitution, women gained 25.5 percent of seats in parliament. The resulting government did not have a single woman in the **cabinet** until a woman was appointed as Minister of Education late last year in response to public protests demanding reforms. Only 3 of the 20 **parliamentary committee chairs** that have been appointed are women, and only one of the nine members of the **Independent High Electoral Commission** is a woman, who was appointed as the new Chief Executive Officer in December 2019. Only 14 percent of the Commission's staff are women, and its working group on gender does not have a dedicated budget or staff. To register ahead of the elections, voters had to go to registration centers twice to obtain biometric voter cards and given insecurity and childcare responsibilities this may have been harder for women. In the elections in the **Kurdistan Region of Iraq**, 31 percent of the candidates for parliamentary seats were women. By law, at least 30 percent of seats are allocated to women. The regional government has three women ministers. In 2018, UNAMI established a **Women's Advisory Group** to promote women's meaningful representation in leadership, decision-making, and peacebuilding. For example, this group has proposed to the parliamentary committee working on constitutional review the inclusion of a constitutional article that would guarantee women's representation at all levels of governance and independent institutions through a quota, and not just in the Council of Representatives. They have also warned that religiously conservative parties, well-represented on the Constitutional Review Committee, may use the current appetite for constitutional reform to push for language that undermines women's rights.

Since October 2019, women have played a prominent role in **major protests** that have demanded substantial political, economic and social reforms, including a more balanced representation in politics and the economy. However, women's participation in recent and ongoing negotiations about government formation has been very limited. The security situation, which had improved in 2019, deteriorated significantly in the last few months as a result of the violent crackdown on the protests and military actions by the United States and Iran in Iraq. In February 2020, several feminist marches protested Muqtada Al-Sadr's call for gender segregation in the demonstrations, and in spite of the threats and harassment levelled at the women joining these marches. For women's rights activists, who have joined the protests against corruption, sectarianism and demanding equality and economic opportunity, their prominent role in the protests marks a new page in the history of women's grassroots mobilization in Iraq and has elevated the visibility of a new crop of women activists – mainly university students and young graduates. However, it remains to be seen whether this will translate into tangible and structural benefits for women in the form of political, legal, and institutional reform. Instead, there is a growing concern that neither the emerging women leaders nor women's rights demands will be adequately represented in discussions about the political future of Iraq. Already in 2018, **attacks against women participating in more localized protests** had escalated, and at least six prominent women from women organizing protests to women who were outspoken in social media- were assassinated between August and September, sparking an investigation from the Prime Minister.

Iraq, which was the first country in the region to have a **National Action Plan on Women, Peace and Security**, is yet to adopt its second national action plan. In early February, a national conference with civil society took place in Erbil to ensure broader consultations and to review the draft second national action plan. The current plan's national coordination structure is backed by follow-up teams in 23 different ministries. In a report on the implementation of the first national action plan, the government showed that in spite of the fight against Da'esh and the subsequent financial crisis, the plan had seen some results, from recommendations to amend discriminatory laws, to the distribution of social welfare stipends to hundreds of Yazidi survivors, to the number of female judges in Iraq increasing tenfold, or the launch of a new

national strategy to combat violence against women. Local governments in Iraq have also been involved in adopting and implementing this national plan in their localities.

Human rights and humanitarian issues, including sexual and gender-based violence

In late last year, the **GBV sub-cluster** reported that only 318,000 out of 739,000 targeted beneficiaries had been reached since the beginning of the year, owing to a **funding shortfall of more than 20 million**. The lack of funding had **resulted in the closure of vital services** for internally displaced persons, returnees and host communities, and a complete absence of gender-based violence programming in certain camps. Major gaps had been identified in Anbar, Baghdad, Diyala, Erbil and Sulaymaniyah Governorates. Serious gender-based violence incidents perpetrated by armed actors continue to be reported in both camps and informal settlements. UN partners operate 55 women safe centers within and outside refugee and IDP camps across the country and support the functioning of five government-run women's shelters. However, civil society organizations have expressed their concern about these shelters, as they require court orders and several forms of ID for access. According to the GBV IMS data, 98 percent of GBV survivors who reported incidents are women or girls. Domestic violence is the main context for reported incidents, followed by forced or child marriage. 25 percent of the affected population are female-headed households that reported missing documentation. **Nearly 1.3 million people are at risk of GBV.**

Out of the 6,417 **Yazidi abductees**, more than half (1199 women, 1041 girls, 951 boys, and 339 men) have been rescued or escaped since 2014 as at 16 February 2020. The number of missing or still in captivity stands at 2887 made up of 1308 females and 1579 males. A draft law awaiting adoption would recognize the suffering of Yazidi women and establish provisions for rehabilitation, reparations, reintegration, and a specialized court in Sinjar that would address the civil status claims of children born of women that were held in captivity by ISIL. The UN and civil society continue to emphasize that survivors from all ethnic groups should benefit from such legislation. Justice and accountability for sexual enslavement crimes against Yazidi women has been extremely limited, with **the first conviction in Iraq based on such crimes taking place only in early March 2020, with testimony from a survivor**. The Commission for Investigation and Gathering Evidence of the Kurdistan Regional Government has to date recorded more than 1,000 cases of conflict-related sexual violence predominantly against Yazidi women and girls. The new Global Fund for Survivors, launched by Nobel Prize Laureates Dr. Mukwege and Ms. Murad, to provide reparations to victims of wartime rape will implement its first pilot projects in Iraq. The crimes committed against Yazidi women is an important focus of UNITAD's investigations. More than half of **UNITAD's** staff and senior management are women. The mission has a dedicated unit to sexual and gender-based violence, specific standard operating procedures and best practices for engaging with victims of these crimes.

In March 2018, the **Special Representative of the Secretary-General on Sexual Violence in Conflict visited Iraq** and, with the government, launched an **implementation plan for the 2016 joint communiqué** on prevention of and response to conflict-related sexual violence. The plan supports legislative and policy reforms to: (a) strengthen protection from and response to crimes of sexual violence; (b) facilitate documentation for and the return and reintegration of internally displaced persons; (c) ensure accountability; (d) provide services, livelihood support and reparations for survivors and children born of rape; and (e) engage tribal and religious leaders in the prevention of sexual violence and in facilitating the return and reintegration of survivors. A further goal is to ensure the full consideration of sexual violence by the Iraqi Counter-Terrorism and National Security Advisory Commission, including by enhancing the role of women in counter-terrorism efforts. The government has since established an inter-ministerial task force to oversee the implementation of the plan. In November 2019, the Special Representative issued a Joint Statement with the Special Representative of the Secretary-General for Children and Armed Conflict, the Special Representative of the Secretary-General on Violence Against Children and the Special Rapporteur on the Protection and Promotion of Human Rights and Fundamental Freedoms while

Countering Terrorism, stating that survivors of sexual violence committed by terrorist groups must be treated as **victims of terrorism** and should be entitled to holistic support including reparations and redress; and that decision regarding **children born of rape** should be guided by the principles of the best interests of the child and family reunification.

The **Counterterrorism Executive Directorate** has been paying significant attention to the issue of women and children associated with ISIL, issuing two analytical briefs in September 2019 and a trends report in February 2019, which showed that the **rate of return for women is currently much lower than those for men and children**, and that **women tended to receive more limited rehabilitation and reintegration support**, putting them at greater risk of marginalization and re-radicalization. For example, there are approximately 30,000 Iraqi nationals in Al-Hol camp in Syria, almost all of them women and children. CTED has expressed concern about the blanket stigmatization of all individuals associated with ISIL, whether as combatants, civilian employees, family members, or merely residents of ISIL-controlled territory. There are persistent reports of **sexual exploitation and sexual violence perpetrated against women with perceived ties to ISIL**. Women's organizations deal with many cases of women who were forced to marry fighters and who are now widows with children, but lack marriage and birth certificates and are often threatened with death.

Another area of concern is the **prosecution of women for alleged association with terrorist groups**, including whether confessions are obtained under duress or whether the coercion and violence the women may have been subjected to has not been taken into account by judges and prosecutors as mitigating circumstances). According to statistics shared by the High Judicial Council on the types of sentences in terrorism-related cases tried in Federal Iraq for the period of 1 January 2018 – 31 October 2019, twenty-three percent of the male defendants (4,798) received life sentences, whereas the percentage for women is comparatively higher with 42.5 percent for women (320). The combined number of death and life imprisonment sentences for women is even higher, with 62 per cent of all cases (467), whereas 43 per cent of the male defendants (8,950) received either of these sentences. Only 19.5 percent of the female defendants (146) were released compared to 37.6 percent for their male counterparts.

Women and girls, comprising approximately **50 percent of IDPs** in camp and out-of-camp settings continue to be especially vulnerable. IDP women and girls face ongoing **sexual and gender-based violence** with limited or no protection. Survival sex and early marriage have been reported as negative coping mechanisms due to extreme poverty experience in camps. For example, many women and children have died as tents catch fire when trying to use gas cookers to stay warm during the harsh winters. **Failure by IDPs to renew or to obtain civil documentation** is among the key barriers to have access to services, including education. Children and young adults who are unable to attend school are at a risk of radicalization. **Lack of secure tenancy** is among the key reasons preventing IDPs from returning to their areas of origin, and women are rarely acknowledged as property owners. Close to 200,000 IDPs residing out-of-camp fear **eviction**, with women nearly twice as at risk of eviction. Out of the 19 percent of IDPs reporting that security forces are occupying their homes, 72 percent are women.

Iraq has yet to adopt its **draft law against domestic violence**, which has had drafts dating back to 2011. The draft law remains pending to date and has two competing versions: one was submitted to the Council of Representatives by the President's Office in September 2019, while the other from the Council of Ministers' Secretariat awaits submission to the same body. During the review of the latter, UNAMI supported consultations with civil society, women's organisations, Government and relevant UN partners to ensure that the views of all concerned were included. UNAMI also provided technical assistance to the High Judicial Council and the Council of State on increased conformity of the draft Law with the Constitution of Iraq as well as international human rights standards to protect victims of domestic violence. This led to the inclusion of provisions that relate to safe shelters, protection orders, restrictions on perpetrator's entry into the family house, prosecution of perpetrators among others.

Many other human rights issues were raised by the many NGOs who submitted shadow reports to the CEDAW Committee, which issued concluding observations in November 2019 and included a section on women, peace and security and called on the Iraqi government to repeal many discriminatory laws.

Recommendations for the Security Council and the Informal Experts Group

In addition to recommendations previously discussed in this group, the Security Council should retain the existing references to women, peace and security issues in resolution 2470 when negotiating the next extension of UNAMI's mandate and consider additional language. For example:

Urging the government to adopt and allocate adequate funding to implementation of the second National Action Plan on Women, Peace and Security, and noting that it presents an opportunity to articulate the demands and aspirations of Iraqi women.

Calling on the Government, its international partners, and the United Nations, to ensure that the full diversity of Iraqi women's voices and demands are represented in any political negotiations about the future of the country and reconciliation efforts.

Urging the government to implement the joint communiqué to prevent and respond to conflict-related sexual violence and redouble its efforts to adopt legislation against domestic violence and provide recognition, support, and reparations to all survivors of conflict-related sexual violence and children born of rape.

Calling on the government of Iraq and its international partners to ensure that Iraqi survivors of gender-based crimes, including conflict-related sexual violence, have access to justice and perpetrators cannot benefit from amnesties.

Calling on the UN to monitor and document attacks on women's human rights defenders and civil society activists.

Calling on the Government of Iraq to ensure that in all terrorism related cases, fair trial guarantees are adhered to, as stipulated under the Constitution and international law ratified by Iraq, and in particular ensure that defendants are equal before the law without discrimination based on gender, race, ethnicity, nationality, origin, color, religion, sect, belief or opinion.

Council Members and the IEG co-chairs should request further information on the integration of gender considerations in Iraq's counter-terrorism efforts and the UN's assistance in this regard; the work of the relevant sanctions committee; the UN's capacity to monitor attacks against women's human rights defenders, LGBTI persons, or people that are persecuted on the basis of gender; the gender-responsiveness of current reconstruction efforts, including the projects supported by the Funding Facility for Stabilization; and entry points on advocacy for measures to remedy the impact of missing civil documentation as a result of the conflict on the human rights of women and girls in Iraq (e.g. access to education).