



## Observations of the Iraqi Women Network on CEDAW's 2018 State Report

### A. Methodology and format of the report

1. **The report in general deals with human rights in legislation and practice**, with the prevalence of the negative side in this regard; it is not a report on CEDAW and the recommendations of the CEDAW Committee of 2014. CEDAW has been interpreted as a part of human rights. Generally, **it lacks the language that responds to the principles and provisions of the CEDAW on Non-Discrimination, Equality and State Commitments, as a frame of reference in the presentation and analysis of information, data and activities to measure progress.** A blatant example is what is mentioned in **paragraph (152)**, since the crimes of honor or honor killings are not considered discrimination against women, but rather "derived from the provisions of Islamic Shareea and the norms and traditions of our authentic Eastern society which does not contradict the texts of the constitution ...".
2. **The report does not address the position of the Iraqi Government on its reservations on CEDAW.**
3. **The report lacks clarity, solid, accuracy, and exhibits ambiguity, contradictions and inconsistencies in the responses to CEDAW concluding observations and recommendations.** For example, there is no recognition of discrimination against women, where **paragraph (78)** states that "there is no legal provision in Iraqi legislation that adopts discrimination in any form, and that everyone enjoys equal rights and freedoms without discrimination." It also states in **paragraph (80)** that "the legislation in force does not contradict with international human rights rules", and in the same paragraph it continues "...In order to improve local legislation in accordance with international human rights commitments, a committee was established in the Supreme Judicial Council in 2017, includes retired judges with experience to review all legislation". In **paragraph (150)** it refers to the existence of gender formations in all government sectors working to develop the policies of its institutions to be responsive to the needs of women, and if successful will help women to be able to counter any control and have the ability to uphold their human rights ensured in the Constitution. The report, however, does not clarify what these policies or procedures were. **Article (110)** states that "there is no impunity in Iraq if the elements of a crime are complete, in accordance with the Iraqi Penal Code, as well as the observance by the Iraqi Government of international laws relating to the protection of the human rights".
4. **The report is characterized by a general and descriptive narrative of the programs, plans, activities or tasks of the State institutions concerned with the implementation of the recommendations, without providing an analysis or presentation of the results in light of the recommendations of the CEDAW Committee.** For example: recommendation 14 of **paragraphs (38-63)** -with the exception of paragraph 58, as well as on recommendation 32 on human trafficking under **paragraphs (172- 189)**.

5. **Absence or lack of data and statistics, their inaccuracy, the absence of classification and analysis on the basis of discrimination and violence against women, and the absence of official documented sources of information.** For example, in terms of combating illiteracy, **paragraphs (215, 216 and 217)** includes the number of the literacy centers in rural and urban areas and the number of male and female beneficiaries for three years from 2015 to 2017. It indicates the decrease in the number of these schools and the numbers of beneficiaries during the last two years without providing the reasons. **Paragraphs (256-260)** deal with poverty and its rise to 22.5% in 2014. They indicate the number of loans provided and income-generating projects within the policy of poverty alleviation until 2017 in total for men and women. **In paragraph (290)**, it states that the total number of women beneficiaries from such loans is only 389 without elaborating or giving a clear explanation.
6. **Repetition, no updating, generalization or delving into details of activities outside CEDAW and the concluding observations.** For example: **Paragraph (147)** on the establishment of the women's office in the National Reconciliation Commission is taken entirely from Iraq's response to the List of Issues for the year 2013. **Paragraph (139)** including the loans provided within the policy of poverty alleviation was repeated in paragraph (259). The report presented facts and statements stated in the combined fourth to sixth periodic reports of Iraq, concerning the Law of the National High Commission for Human Rights No. 53 (2008) in **paragraphs (119-120)**, ignoring the response to recommendation 22 of the CEDAW Committee on the implementation of the 2012 Supreme Court Decision on the representation of women in the Board of Commissioners in accordance to the said law. **Paragraphs (22 to 32)** on security, the rule of law on Iraqi territory, and the judiciary authority and its independence, and **the paragraphs (296 to 310)** on the death penalty are all irrelevant to the content of the CEDAW report.
7. **Some data are inaccurate. For example:** the amendments referred to in **paragraphs (153, 154, and 155)** regarding the Iraqi Penal Code No. 111 of (1969) are limited to Kurdistan Region of Iraq, and were enacted during 2002, 2003 and 2004 and are complementary to the following paragraphs (156-160) referring to laws and measures to combat domestic violence, violence against women and the phenomenon of FGM in Kurdistan Region of Iraq.
8. **The national team responsible for writing the report did not inform CSOs of the content of the report and did not seek their views and observations,** it was, also not easy to obtain it after the completion of its writing, in spite of the initiative of the Iraqi Amal Association in coordination with the Iraqi Women's Network, who organized a workshop in May 2017 for three days in Baghdad, in cooperation with the Women's Empowerment Department of the General Secretariat of the Council of Ministers to enable the national team in charge of preparing the report and to provide them with full knowledge of international mechanisms for the protection of women's rights, the mechanism for writing the national report and the implementation of recommendations, as noted in paragraph (4-a) of the Government's report.



## B. Issues addressed in the report

We are going to mention the most important issues and not all of them.

1. **ISIS Crimes in Iraq: Paragraphs (9-16)** stated ISIS crimes after the ninth of June 2014 and the liberation operations. The report pointed to the systematic violations against women practiced by them, without focusing on the humanitarian, social and cultural conditions resulting from the displacement and its impact on the IDP's women, the victims of rape and their children, the families of the missing and the forcibly disappeared and the of families of ISIS. The government's plans, measures and procedures mentioned in the report were general and without concrete indicators of their impact on the situation of these groups, such as the provision of relief, health and psychological services and rehabilitation, and the activation of the transitional justice system in accountability, impunity and reparation for victims:-
2. **Article 41 of the Constitution and the draft bill of Ja'fari Personal Status: Paragraphs (85 and 274)** refer to the withdrawal of this draft personal status bill by the government. However, the report ignored to mention the three sectarian drafts bills to amend the Personal Status Law No. 188 of 1959 as amended, which have been submitted to the House of Representatives over the past years, based on Article 41 of the Constitution. The CSOs including women's and cultural organizations and trade unions and human rights defenders played an important role in the failure of these bills. The report, also, did not address ongoing judicial practices in violation of the provisions of the valid Personal Status Act no. 188 for 1959 that contribute to the consolidation of violence and discrimination against women, such as: out-of-court marriage, child marriage, forced marriage, polygamy, arbitrary divorce and violation of women's right in separation and inheritance, which resulted in the perpetuation of tribal norms and harmful traditions and practices against women (such as "Fassliya" offering women in marriage as compensation in solving conflicts, and also "Nahwa" the right of a male cousin to forbid his female cousin from marrying whether he wishes to marry her himself or not), the absence of formal marriage contracts for increasing numbers of women, and the denial of official documents to their children, which increases their suffering to get access to basic services.
3. **Women, Security and Peace:** The report referred to a number of plans and procedures implemented by the Iraqi Government during the past years, such as the approval of the National Action Plan (NAP) for SCR 1325 in April 2014, the formation of the National Team to implement 1325 in December 2017, reactivating Operational Room for implementing 1325, and the adoption of a plan in March 2018 to implement the Joint Communiqué between the Government of Iraq and the Special Representative of the UN Secretary-General on Sexual Violence in Times of Armed Conflict. All of these mechanisms lack indicators to measure the impact and assessment of women's participation in restoring stability, building security, and peace and community reconciliation, or providing women with adequate protection from armed conflict, and excluding CSOs representation in the National Team to implement 1325. SCR No. 2367/2017 on the renewal of UNAMI's mandate in Iraq must be noted, since it expressed concern that NAP



was not applied due to the absence of a national mechanism to follow-up the implementation and the lack of resources. Based on all of the above, we point to the domination of male mentality of the decision makers in Iraq resulting in marginalization and exclusion of women from the public sphere.

4. **Anti-Domestic Violence Act:** The draft Act of Anti-Domestic Violence was not enacted during the parliamentary session (2014-2018) despite the strenuous efforts of CSOs with the government and the House of Representatives. The efforts held to reach a compromise providing protection and rehabilitation for victims, seeking to reduce domestic violence practices, holding the perpetrators to account and receiving punishment. The House of Representatives ignored public protests against crimes of violence against women and children, and ignored the official and popular demands for legislation. Shelters for victims of domestic violence have not been opened or provided assistance and access to justice to the victims, reflecting the Government's lack of seriousness in implementing CEDAW General Recommendation No. 19.
5. **National Mechanisms for Women** (20-b of the concluding observations of the CEDAW Committee): The Government abolished the State Ministry for Women's Affairs in 2015, and the Women's Empowerment Department was established within the Secretariat of the Council of Ministers. In addition, two committees have been reconstituted; the Higher Committee for the Advancement of Women and the Higher Committee for the Advancement of Rural Women, and the formation of the National Team for SCR 1325. All these formations without providing them with the necessary human and financial resources, in addition to overlapping responsibilities between them, and conflict of interest among those involved, led to dispersion of efforts in the implementation of national policies and plans for women, along with serious regress the situation of women.

Taking into consideration that **the Iraqi Women Network in mid 2016 presented a detailed proposal for the establishment of the National Independent Commission for the Empowerment of Women as a unified national mechanism that brings together representatives from the three authorities, CSOs, the media and research and studies centers**, working in accordance with a comprehensive national strategy to reduce discrimination against women and achieve real equality.

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