

- **UNWOMEN INPUT**

EXECUTIVE SUMMARY.

1. The situation of women in Iraq is complicated. At one level they have secured 25% representation in parliament at local and federal level (30% in Kurdistan) but women are nearly completely absent from political negotiations at a party, local or national level. Women's voices are not heard. Maternal mortality rates are improving but rates of fertility remain high and the level of illiteracy amongst 15 – 24 year old girls is increasing with potential negative ramifications for future generations. Only 14% of Iraqi women are employed outside the house and few measures are being taken to address this – less than 10% of those attending vocational training courses are females. Government women's machinery is weak – less than a full ministry in Baghdad and an appointed body in Kurdistan - and its future status is uncertain both in Baghdad and in Kurdistan.

BACKGROUND

2. The 2005 constitution guarantees equality amongst all citizens and the new nationality law of 2006 importantly gave women the right to pass on their nationality to children born in Iraq. The decade since 2003 has seen improvements to maternal health and improvements in parity between boys and girls in primary education. But with articles of the penal code contradicting elements of the constitution and the continued presence of get out clauses for murderers involved in so-called "honour" crimes, there is still a long way to go to ensure equality in the law for all Iraqi citizens. And with high fertility rates and increasing numbers of illiterate women and girls, millennium development goal targets will be hard to achieve. The incidence of FGM, especially in the Kurdistan region, remains high although there are recent signs of declining prevalence.

3. Institutionally, Iraq has a Ministry of State for Women's Affairs complemented by a High Council of Women's Affairs in the Kurdistan region both of which have limited resources. A 25% quota for women in parliament proposed for the first democratic elections in 2005 has been maintained and in 2009 the Kurdish parliament agreed to a 30% quota for women in Kurdistan which has also been upheld in recent elections. Additionally the principle of a 25% quota has been applied at provincial election level. The quota has not been extended into the executive branch of government and the Minister of State for Women's Affairs is the only female minister in government and she is not a full Cabinet minister. In Kurdistan a new government is awaited following the elections in September 2013. Women there have been actively calling for a 30% quota in government as well as parliament but it is not clear whether they will be successful. Women are essentially absent from on-going political negotiations between parties or in any of the national reconciliation processes. At political party level women are very few at the higher levels of the parties.

THE LEGAL POSITION.

4. The 1958 civil code was instrumental in giving Iraqi women civic rights independent of religious concerns. Whilst the 2005 constitution guarantees equal rights for all citizens it also contains within Art 41 an undertaking that different religious groups should be able to introduce different personal status laws according to their religious doctrines. Women's rights' groups have campaigned for the repeal of this article which appears to contradict the principle of equality

under the law and which risks undermining the basic rights that Iraqi women have had for more than 50 years. The political reality is such that political parties are likely to go into the forthcoming parliamentary elections promising to uphold this article and to begin to implement differentiated personal status laws

5. The adoption of law no 26 of 2006 removed gender discrimination regarding the conferral of nationality to children born inside Iraq but similar rights do not exist for children born to Iraqi mothers outside Iraq.

DETENTION AND THE RULE OF LAW

6. Exact figures of women in detention for specific crimes are hard to obtain. As of June 2013, approximately 1035 women were held in detention in official prisons of whom 691 were charged and 336 were awaiting trial. 3 women were executed during 2013 and approximately 37 women are on death row. There is little prospect of the death penalty being abrogated and the Iraqi government has continued to execute criminals. There are only a limited number of female prisons, which means that women can be held far from their families. This has both positive and negative effects but certainly jeopardises the chances of maintaining relationships with children.

7. A law against Domestic Violence was passed in Kurdistan in 2011. This law outlaws the practice of FGM and criminalises honour crimes. A draft law on family protection is currently going through the national parliament in Baghdad although it is unclear whether it will pass during this parliamentary session. There are serious implementation problems with both the Kurdish law as it stands and the draft national legislation. As the Kurdish law depends on the victim to bring a civil case to court – only 4 cases have made it to court over the last few months. Lessons from elsewhere in the world suggest that only when the possibility of public prosecution for domestic violence is introduced into law is there a step change in the possibility of prosecutions against perpetrators.

8. The number of women employed in the police and border service remains low. The government has taken action to change this employing 9000 women in the police in 2012 alone but more can still be done and it is not clear in what roles these women are employed. The government of Iraq should be encouraged to take specific action to recruit women in the police, border agency and in services to the refugee camps. At a national level only married men and women can become judges, however this law was overturned in Kurdistan in 2008 where non-married men and women can become judges. This has resulted in increased numbers of women judges in Kurdistan.

POLITICAL REPRESENTATION AND GOVERNMENT MACHINERY

9. A national strategy to combat violence against women was adopted by the Iraqi government in March 2013 following the adoption of a similar strategy by the Kurdish government in November 2012. Unfortunately in both cases implementation of the strategies has not made much, if any, progress. The CEDAW committee could welcome the adoption of the strategies but urge the government to proceed with early implementation.

10. Similarly both the national Ministry of State for women and the Kurdish High Council for Women's affairs have drafted comprehensive national strategies for the advancement of women. Both strategies are still in draft form. The committee might urge their immediate adoption as signs that the national and regional government are committed to ending discrimination against women. The committee might also welcome the commitment by both the federal and regional

government to set up gender centres of excellence within existing academic institutions to help raise awareness and improve training in the public sector.

HEALTH

11. Levels of maternal mortality have consistently improved since 2003 and are nearly on target to meet the MDG. According to ministry of health statistics levels in 2012 stood at 25 deaths per 100,000 live births. Neonatal mortality rates and infant mortality rates have similarly improved 15 per 1000 births in 2008 to 9 in 2012 for neonatal mortality and from 32 per 1000 births in 2008 to 19.9 in 2012 for infant mortality. Nearly 89% of all births are attended by qualified personnel according to 2011 MICS data. There are substantial differences between rural and urban areas and more could be done to improve levels of qualified attendance at birth in rural areas.

12. The fertility rate is high at 4.2 per woman, rising to 4.9 amongst the rural poor. There have been few if any steps towards setting up a campaign on family planning. Ministry of Planning has introduced a national family planning policy but use of contraception remains relatively low with 51% of married couples using any form of contraception and 33% using “modern” methods.

13. Reported rates of HIV/AIDS remain very low with only 13 cases reported for the whole country in 2012.

14. The practice of FGM is prevalent especially in Kurdistan where it reaches more than 80% in some rural areas. A close look at recent statistics illustrates a steady decline in prevalence especially amongst the urban population. Although FGM was made illegal under the domestic violence legislation in Kurdistan in November 2011 no cases have been brought to court.

EDUCATION

15. Iraq aspires to make education available to everyone at all levels. In practice, education is free in Iraq up to secondary level and in government sponsored universities; it is however, only compulsory at primary level.

16. Low access to education at all levels, especially at the intermediate level has been noted as a major priority to be addressed between 2011 and 2020 in the National Strategy for Education and Higher Education in Iraq (NESI). In addition to the issue of ‘access’ the document also noted the tendency towards more males accessing education than females at all levels especially, in the intermediate stage as well as in rural areas when compared to the cities.

17. A recent MICS 4 study bears out the low levels of attendance at secondary school as only about half (49%) of the secondary school age children are attending (Girls 45% and Boys 52%). The remaining half is either out of school or still at the primary level. Among the age group 12-17 years, 38% of them are out of school; a situation that is much worse for girls than for boys at 29% and 47% respectively. Children in rural areas are more affected than urban ones at 50% and 32% respectively with major geographical disparities showing that 41% of children in the Centre/South regions are more affected than those in Kurdistan region at 18%.

18. On the drop out of girls from primary education, a preliminary report of a UNICEF supported Out-of-School Children’s (OOSC) study (2013) indicate about 19.4% dropout for girls and 5.4% for boys with a national total average of 8.7%. The study further analysed the risk of dropping

out for those still in school and forecast that if appropriate measures and actions are not considered the dropout rates in Iraq are likely to increase to 23.6% for girls and 17.5% for boys with total of 23.4% in the nearest future. At the intermediate level the dropout rate is very high at 31.4% (girls, 39.2%; boys 23.3%) and the risk of dropping out for those still at intermediate level is 9.4% for girls and 1.9% for boys and a total of 5.1% nationally. This indicates that girls at primary and intermediate levels are mostly at risk of dropping out and this will potentially increase in the coming years if mitigation measures are not taken.

19. Some reasons given for girls' dropout from education are: poverty, early marriage, distance from school and security (walking in the current security situation). In addition amongst some the value of education is not clear as high numbers of educated, including graduates, are unemployed.

20. The issue of increasing access to education for girls is noted by the NESI and the following measures are proposed for implementation in order to increase girls' participation in education:

- Provide financial incentives to females in general, and in rural areas in particular.
- Expand and establish new schools for females in rural areas, community schools and the one-class schools.
- Adopt community awareness initiatives targeted at all Iraqi children but females particularly to raise awareness on the importance of enrolment in all levels of education.

LITERACY

21. During the first year of literacy classes within the National Literacy Campaign in 2013 : 335,000 out of 503,604 (66,52%) learners were female. While the enrolment numbers reflect a higher number of illiterate women in general within Iraq, they also reflect the higher availability of women to join the classes. According to the MICS survey of 2011 28.2% of women over the age of 12 are illiterate. The figure increases to 33.6% of women aged between 15 – 24 in rural areas. The national literacy campaign is carrying out a full survey and up to date statistics on literacy will be available during 2014.

ACCESS TO TECHNICAL AND VOCATIONAL TRAINING

22. The New national Development Plan (2013-2017) identifies human resource development and provision of skills by the education sector as a developmental priority to boost the economy: the ninth goal is about *Focusing on Vocational Training* and one of the mean of achievements identified is to *bridge the gender gap and technical education enrolment*. But existing opportunities for women at different levels of TVET are limited and confined to traditional and culturally accepted professions - mainly in community, social, and personal services. These traditionally "feminine specializations", such as sewing, embroidery, cooking, and beautician, are oversaturated and have limited income opportunities after graduation.

23. Less than 10% of all those enrolled on TVET courses are women. Young women's low enrolment rates in TVET institutions mainly stem from the perception that these institutions provide skills associated with manual labour dominated by men with most courses and general infrastructures still not accommodating nor attracting women. Moreover, the gender stereotyping of TVET courses forecloses all options for girls and prevents them from acquiring more modern technological and scientific skills.

EMPLOYMENT

24. Figures of female employment outside the home in Iraq remain amongst the lowest in the region at approximately 14%. This figure does not include women working in agriculture where they are contributing in kind to the family income but not producing any earned income. The government has introduced some small loan systems for poor women and for rural women to help them set up their own businesses but success rates are not available.

FEMALE HEADED HOUSEHOLDS

25. As a result of more than 3 decades of conflict, war and sanctions as well as continuing terrorist violence according to a recent survey there are approximately one million six hundred thousand (1,600,000) widows in Iraq and more female headed households. The government has taken action to help provide some basic pension to widows although it is in some cases very basic (less than \$40 per month) There are also a number of social funds available to help women and their families get basic support and in some cases to provide access to loans. These are positive changes that have taken place in response to demands from civil society, including women's organisations. Widows are only one group of female headed households however and early marriage, and so-called "temporary" or "pleasure" marriages produce a set of young divorced women with young children and very few means of support

- **UNHCR INPUT**

26. Recognising the IDP situation for the older caseload of over 900,000 internally displaced in Iraq now requires a more developmental than humanitarian approach action needs to be taken to engage a broad range of development actors on this issue. Noting that since the 2010 UPR Iraq the landscape within the UN has changed as a result of the UN SG 'decision' & Clarke/Amos dissemination memo of April 2012 that make it clear the office of the RC/HC must lead the strategy development for durable solutions the UNCT calls on Iraq to work with the Office of the RC/HC to

*Develop a strategy and framework for durable solutions for IDPs based on mandates of respective UN agencies and Government Ministries.

* Develop and disseminate more extensive policy guidance based on the Guiding Principles on Internal Displacement, especially in relation to the criteria commonly used to determine to what extent a durable solution has been achieved.

*Appoint a commission or commissioner to lead the process to involve a broad spectrum of government departments or identify an independent institution that could be appointed to organize and manage the process working using a broad-based process of consultation to deal with this complex issues.

* Implement recommendations of the SRSG on Human Rights of IDPs who reported in 2011 after a Mission to Iraq to develop an inclusive and comprehensive strategy that takes into account all communities affected by displacement, including host communities and communities in areas of return after his mission in 2010.

* Invite the UN Special Rapporteur on the Human Rights of Internally Displaced Persons (Chaloka Beyani) to follow up the earlier SRSG report and review its progress and make further recommendations.

Work with the office of the RC/HC and the UNCT to

- ensure a joint integrated process incorporating the different agency mandates, institutional cultures, modus operandi, timing and funding that can impact on the effectiveness of coordination in relation to IDPs;
- engage on livelihoods, development, freedom of movement, protection and gender issues and integration and return home;
- enable IDPs to make a meaningful contribution to national and local economic development;
- ensure IDP engagement through vocational training, increased self-reliance, streamline support through line ministries;

ensure partnerships focus on supporting national capacities to address the needs of displaced persons;

- work to ensure sufficient support for restitution of land and property, livelihood support, basic service delivery, limited rehabilitation of infrastructure and local government engagement in key areas of return, settlement or local integration.