



Statement on the UPR Pre-session in Iraq

Geneva ,20th November 2024

Delivered by WOLA org.

(Slide 1)

This statement is delivered on behalf of the Women’s Legal Assistance Organization (WOLA), a non-profit, non-governmental organization founded in 2008 with a mission to advance gender equality and promote a culture of non-violence in Iraq. Through extensive monitoring across Iraq, WOLA has documented persistent gender discrimination within law enforcement practices, despite the existence of protective legal frameworks. National consultations for drafting Iraq’s National Report on women’s rights have been inclusive of Civil Society Organizations (CSOs), with WOLA and others presenting research and recommendations aimed at enhancing protections for women.

In this statement, WOLA addresses pressing concerns regarding women’s rights in Iraq, focusing specifically on three critical areas: (i) the representation and participation of women in political life, (ii) violence against women, including the alarming prevalence of honor killings, and (iii) domestic violence and the urgent need for amendments to the Iraqi Personal Status Law No. 188, currently under parliamentary consideration. This proposed legislative reform represents a pivotal opportunity to address systemic gaps in legal protections for women and ensure that Iraqi law upholds the dignity, safety, and rights of all women.

(Slide 2)

ISSUE 1: SITUATION IN IRAQ

Iraq received exactly 298 recommendations during previous UPR cycles but only 245 were accepted by the government, while only a few have been partially implemented, while others have been completely dismissed by the Iraqi parliament. One major issue is the parliament's refusal to amend laws that conflict with human rights principles, such as the law permitting early marriage for girls as young as nine years old. Additionally, women activists face significant challenges as the government often hinders their projects and prevents their progress, leading to trials and opposition from both government and society. WOLA has recommended that the Iraqi government provide stronger protection and support for women activists and encourage greater female participation in leadership, political roles, and decision-making. While some progress has been made in Iraq and the Kurdistan Region, much more needs to be done to ensure women's full participation and protection.

However, the shortcomings of budget preparation by the government to implement this plan has led to:

1. The participation of women not being at the required level.
2. In the 5th cabinet of Kurdistan region, In the entirety of the 22 ministers only 4 are women.
3. In the general directorate of combating violence against women, all of the officers are male.

(Slide 3)

Recommendation to the Iraqi Government:

WOLA recommends that the Iraqi government take immediate steps to enhance the protection and participation of women in the political and public spheres by addressing the following:

- A. Amend the law to allocate a special budget for the implementation of the National Action Plan on Resolution 1325.
- B. Develop, adopt, and implement the 3rd National Action Plan on Resolution 1325 within one year to strengthen the country's commitment to gender equality and women's empowerment.
- C. Establish an advocacy framework to provide enhanced protection for women and ensure their active participation in the political process.
- D. Facilitate women's participation in all sectors, including education, health, and interior ministries, ensuring that women have equal opportunities to contribute to decision-making and governance.

(Slide 4)

ISSUE 2: VIOLENCE AGAINST WOMEN AND HONOR-KILLING OF WOMEN

In previous cycles, Iraq received 59 recommendations on gender-based violence, including 14 specifically on honor crimes.

Honor killing is a form of gender-based violence in which a woman or girl is murdered by family members because she is perceived to have brought dishonor or shame to the family or community. These killings often stem from deeply rooted patriarchal beliefs, traditional notions of family honor, and social pressures that restrict female autonomy, we interviewed 15 women survivors of domestic violence. The cases included murder, rape, including rape of a minor, beatings, burning, cutting off parts of the body, humiliation, and forced shaving of hair and eyebrows, in cases where women are killed for so-called "honor" reasons, Amnesty International found that state institutions and law enforcement authorities often side with the family members of the victims, namely the perpetrators, and prioritize privacy over justice.

Yet 13 years after the Domestic Violence Law was passed, Amnesty International's research has found that widespread gender-based violence in the Kurdistan region is perpetuated by a criminal justice system that fuels impunity and a protection framework that is exhausted and underfunded - the latter hampering the ability of women and girls to take the first step to safely escape abuse and violence while the former rendering any such step futile.

To this day, Murder under the pretext of honor in Iraq and Kurdistan region continues., Yearly Ranging between 50-60 women are killed just in the Kurdistan region, but only very few criminals are punished because of the lack of complaints and not having arresting orders.

In addition, the fact that the criminal courts have to deal with very different cases leads to delays in hearings and frequently leads to violations of the parties' rights to privacy and confidentiality, thereby significantly hindering the delivery of justice. Furthermore, the lack of a general attorney who can play an active role in ongoing investigations means the cases may not have faced resolution yet.

While, in Iraq there are no clear statistics because in the other provinces of Iraq, murder of women under the pretext of honor doesn't face harsh consequences or punishments, and according to matter 409 of Iraqi prosecution system the penalty is no more than 3 years whereas, in Kurdistan this law has been modified and the convicted faces the harshest penalties.

(Slide 5)

Recommendations to the Iraqi Government:

WOLA strongly recommends that the Iraqi government take the following actions to improve the legal protection of women and ensure fair and prompt justice:

1. Establish a Special Court for cases involving the killing of women under the pretext of honor, to ensure these cases are resolved swiftly and justly.

2. Create Family Courts at all levels of investigation and prosecution, specifically dedicated to resolving family-related issues, ensuring that cases involving women and children are handled effectively and with sensitivity.

3. Implement Gender-Balanced Legal Allocations, ensuring that judges, legal officers, and investigators are equally represented by women and men, so that evidence is collected properly and cases are dealt with impartially.

4. Enact a Domestic Violence Law and amend the Iraqi Criminal Code to include strict provisions that criminalize honor killings, ensuring that perpetrators of such crimes are held accountable and that protective measures are in place for survivors.

These recommendations aim to strengthen the judicial system's ability to protect women's rights and ensure justice is both fair and swift.

(Slide 6)

ISSUE 3: DOMESTIC VIOLENCE AGAINST WOMEN AND PERSONAL STATUES LAW

Although a domestic violence law exists in the Kurdistan Region, it is not fully implemented, and no such law has yet been enacted in Iraq. Currently, no amendments have been made to align these laws with human rights standards and international law.

Key legislation, including the Personal Status Law (Law No. 188 of 1959), the Domestic Violence Law, and the Penal Code (Law No. 111 of 1969)—all of which contain crucial protections for the rights of women and children in Kurdistan—now face significant challenges. Both Iraq's Federal Court and Parliament have opposed these laws, citing concerns about their constitutionality and alignment with the Sharia.

(Slide 7)

Considering the situation above, Wola has suggested for the government to:

A. set up an inter-ministerial commission to Re-evaluate the laws and ensure that women's rights are protected in accordance with international standards.

B. Prevent the abolition of amendments of the laws that has been made, along with those laws that are passed on in the regions of Kurdistan which include the provisions for women's welfare.

C. Repeal the amendments the Personal Status Law (Law No. 188 of 1959) in the Iraqi Parliament is essential, particularly regarding provisions that set a minimum age for marriage.

Thank you for your attention