



## Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General  
2 August 2013

Original: English

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### Committee on the Elimination of Discrimination against Women

#### List of issues and questions in relation to the combined fourth, fifth and sixth periodic report of Iraq\*

##### General context

1. The State party has been facing challenging times marked by political instability and insecurity since the fall of the former regime and the end of the sanctions regime in 2003, all of which have contributed to the ongoing violence and discrimination faced by women and girls. Please provide information on measures undertaken to enforce the rule of law throughout the territory of the State party and to address the negative impact of forced displacement and sectarian violence on women's well-being and on the enjoyment of their rights (paras. 16, 17 and 23).<sup>1</sup> What is the law enforcement plan?

2. Please provide information on measures in place to incorporate a gender perspective within the national reconciliation process and to ensure the effective participation of women's organizations therein. Please indicate how the State party is guaranteeing the participation of women in the political and economic reconstruction of the country, in conformity with Security Council resolution 1325 (2000) and other relevant resolutions, such as 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010) and 2106 (2013). Please also indicate steps taken to adopt a national action plan to implement Security Council resolution 1325 (2000).

##### Reservations

3. Please clarify whether the parliament has adopted the 2009 bill proposing the withdrawal of the State party's reservation to article 9 of the Convention (para. 127). Please also provide information on steps taken to withdraw other reservations to the Convention, namely on articles 2 (f) and (g) and 16.

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\* Adopted by the pre-sessional working group for the fifty-seventh session, meeting from 29 July to 2 August 2013.

<sup>1</sup> Unless otherwise indicated, paragraph numbers refer to the combined fourth, fifth and sixth periodic reports of the State party (CEDAW/C/IRQ/4-6).



**Constitutional and legislative framework**

4. The report mentions the federal character of the State party (para. 50). Please clarify which sectors have been devolved to the regional authorities and indicate how the State party ensures that legislation and other regulations at the federal and regional levels are harmonized with the provisions of the Convention.

5. The report notes that article 14 of the Constitution of the State party guarantees the principle of equality and non-discrimination to all its citizens (para. 48). Please indicate whether the State party envisages adopting legislation at the federal level prohibiting discrimination against women in line with articles 1 and 2 of the Convention. Please also indicate steps taken with regard to article 41 of the Constitution, which contradicts article 14 and the Personal Status Act (1959). Please also provide updated information on the status of the recommendations of the Ministry of Human Rights aimed at lifting regulations that impose travel restrictions on women, which is counter to article 44 of the Constitution (para. 207). Please indicate steps taken or envisaged to repeal existing discriminatory provisions against women in legislation of the State party, such as articles 41, 377, 380, 398, 409 and 427 of the Penal Code (para. 61).

**Access to justice and women in detention**

6. The report mentions that the number of women arrested and convicted has been increasing in the State party for charges such as terrorism, kidnapping and prostitution (paras. 24, 88 and 89). Please provide information on how the State party ensures women's effective access to justice as well as their right to a fair trial. Please indicate measures to ensure women's access to legal aid services and legal representation in court proceedings. Please provide updated data on the number of women in pretrial detention and detention disaggregated by age. Please indicate the number of women serving prison sentences for prostitution, terrorism or kidnapping or for violating national security and clarify whether any of them have been executed or sentenced to death. Please clarify the grounds under which an individual can be sentenced to death and indicate whether the State party envisages abolishing the death penalty. Please provide information on the number and condition of women's detention facilities in the State party.

**National machinery for the advancement of women**

7. Please provide information on the status of the bill that provides for the upgrading of the Ministry of State and Women's Affairs into a fully fledged ministerial portfolio (para. 69). Please also indicate measures taken to ensure that the recommendations made by the sectoral commission of concerned ministries, chaired by the Ministry of State and Women's Affairs, aimed at the advancement of women are implemented by the relevant government entities (para. 34). Please clarify whether other regions besides Kurdistan, which established the Supreme Council for Women's Affairs (para. 46), have established their own machineries for the advancement of women and describe the type of coordination between them and the Ministry of State and Women's Affairs.

**Temporary special measures**

8. Please provide detailed information on the temporary special measures in place to accelerate de facto equality between men and women in all areas covered

by the Convention, in particular in education, employment and the participation of women in political and public life.

### **Stereotypes and harmful practices**

9. The report acknowledges the stereotyped image of women in Iraqi society, which restricts their role to reproduction and child-rearing, as well as the cultural belief by which women are considered subordinate to men (paras. 77 and 80). Please provide information on measures taken and envisaged to modify these negative stereotypes and cultural beliefs so as to achieve de facto equality between women and men in all spheres of life.

10. In light of paragraph 79 of the report, please provide information on measures taken to prevent and punish the killing of women in the name of so-called honour in all regions of the State party. Please provide data on the number of such cases reported from 2010 to 2013, including the number of convictions and the sentences imposed. Please indicate whether the State party is envisaging repealing the provisions of the Penal Code by which “honour” is accepted as a mitigating circumstance in cases of so-called honour crimes. Please also indicate measures in place in the Kurdistan Region to address the cases of women whose deaths (by burning) have been reported as accidental so as to avoid the prosecution of perpetrators, mentioned in paragraph 74.

11. Please provide information on the prevalence of female genital mutilation and measures taken to eliminate this harmful practice in some areas of the State party’s territory, in particular in the Kurdistan Region and in Kirkuk Province. Please provide information on the implementation of the law on combating violence within the family (No. 8), enacted by the Kurdistan regional government in 2011, which prohibits, inter alia, female genital mutilation.

### **Violence against women**

12. The report acknowledges that violence against women, in particular domestic violence, is perceived as normal and is accepted owing to the prevalence of deep-rooted patriarchal attitudes and the subordinate role of women in Iraqi society (paras. 77 and 78). Please provide information on the status of the bill to combat domestic violence (para. 34) and updated information on measures adopted recently, such as the National Strategy to Combat Violence against Women, as well as on the establishment of a national database on violence against women and family police units. Please provide information on the implementation of the law on domestic violence (2011) in the Kurdistan Region as well as on its strategy to combat violence against women (2012-2016). Please also indicate whether shelters for women victims of violence are available and provide detailed information about their number, the services offered and regulations in place about their management throughout the regions of the State party, including in the Kurdistan Region.

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

13. The report acknowledges that women and girls are kidnapped in the State party for the purpose of being trafficked and forced into prostitution (para. 84). Please provide information on measures taken to address the internal and external trafficking of women and girls and their sexual exploitation in the State party. Please provide updated information about the status of the bill on trafficking mentioned in

paragraph 92 of the report and on its content. Please provide information on steps taken to ensure that women who have been forced into prostitution are treated as victims and are not criminalized in all regions of the State party.

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

14. Please provide information on measures taken to address the negative impact of religious fatwas and negative stereotypes with respect to the role of women in society and on their participation in political and public life (paras. 99 and 101). Please also indicate measures in place to ensure that women are not marginalized from effectively participating in major strategic policy decision-making in the State party. Please provide information on measures taken to appoint female judges in criminal courts and provide updated information with respect to the implementation of the Federal Supreme Court decision on the number of women commissioners to be appointed to the High Commission for Human Rights, established in September 2012.

#### **Education**

15. Please indicate measures taken to address the continuous increase in the rate of women's illiteracy throughout the country, especially in rural areas. Please provide information on measures taken and/or envisaged to overcome traditional attitudes and other obstacles mentioned in the report, such as long distances to travel to school and violence, which constitute obstacles to girls' and women's access to education (paras. 139-143). Please also provide updated information on action taken to ensure equal access of girls and women to all levels of education and to retain girls in school. Please provide information on any achievements with respect to measures in place to reintegrate girls who have dropped out of school (para. 136).

#### **Employment**

16. The report acknowledges the low participation of women in the formal labour sector (para. 152). Please provide updated information on measures taken to encourage women to join the formal labour sector and to overcome the high unemployment rate among women (para. 184). Please provide information on measures taken to ensure that employers in the private sector do not discriminate against women and comply with their legal obligations with respect to pension and social security (para. 186). Please also indicate measures in place to address the segregation of women in certain sectors in the field of employment. Please provide information on how the State party is addressing the situation of women in the informal labour sector, including in the agricultural sector. Please indicate any existing protections for working women who are victims of sexual harassment in the workplace.

#### **Health**

17. According to the report, the Ministry of Health has allowed the privatization of health services and facilities so as to increase the coverage of those services in the State party (para. 161). Please provide detailed information on measures in place to provide women with adequate and affordable access to health-care services, including sexual and reproductive health care. Please also provide information on measures aimed at decreasing the maternity mortality rate. The report acknowledges

the increase of cancer, in particular breast cancer, among young and middle-aged women owing to environmental factors (para. 171). Please indicate what specific measures are in place to ensure the early detection of cancer and to provide access to treatment for women suffering from this disease and indicate what measures have been taken to address the deteriorating environmental conditions in the State party.

#### **Rural women**

18. Please provide updated information on specific measures in place to overcome the decline in the standard of living in rural areas, in particular women, due to the drying up of the State party's sources of water, such as the Euphrates River (para. 194). Please also indicate measures in place to ensure that, in practice, rural women have access to cultivable land and to credit (para. 191). Please provide information on how the State party guarantees rural women's right to own land and information on the implementation of activities aimed at improving the situation of rural women under the National Development Plan (2010-2014) (para. 202).

#### **Widows and divorced women**

19. The report acknowledges the difficulty widows and divorced women face in gaining access to economic opportunities and to basic services (para. 40). Please provide detailed information on specific measures taken to ensure that these groups of women are not subjected to multiple types of discrimination and that they have access to education, health services, employment and housing. Please also explain the mandate, human and financial resources of the Department of Women's Welfare as well as its current capacity to address the needs of widows and divorced women (para. 33). Please provide updated data on the number of women who have benefited from the services offered by the Department.

#### **Refugees, returnees and internally displaced and stateless women**

20. Please provide updated sex-disaggregated data on the number of refugees, returnees and internally displaced and stateless persons in the State party. Please provide information on the situation of refugee women, returnee and internally displaced and stateless women in the State party as well as on targeted measures in place to address the specific needs of each of these groups of women. Please also provide information on measures taken to eliminate discrimination against these groups of women.

#### **Women belonging to religious minorities**

21. The report states that since 2003 women belonging to religious minorities (Christians, Sabeans, Yazidis) are at particular risk of violence in the State party (para. 25). Please provide information on measures taken to effectively protect women belonging to religious minorities from violence, including rape and forced marriage. Please also provide detailed information about the situation of women belonging to religious minorities and measures in place to ensure their equal access to justice, education, health services and employment.

#### **Marriage and family relations**

22. Please provide detailed information about the legal framework regulating the personal status of the different religious minorities, including non-Muslims, in the

State party. Please also indicate steps taken to repeal discriminatory provisions against women in the Personal Status Act (1959), such as article 17. Taking into consideration the deep-rooted patriarchal attitudes in the State party, please explain how the State party ensures that in practice women are able to file divorce or legal separation suits (paras. 221 and 223). Please clarify the minimum age for marriage in all regions of the State party. Please provide information on measures taken to abolish the practice of polygamy in the State party, as recommended by the Committee in its previous concluding observations ([A/55/38](#), para. 192). Please also provide detailed and updated information on the prevalence of child marriages, forced marriages and temporary marriages in the State party. Please provide information on measures taken to ensure the implementation of the restrictions to polygamy set out in Act No. 15 (2008) in the Kurdistan Region (para. 235)

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