

SECURITY COUNCIL INFORMAL EXPERTS GROUP ON WOMEN, PEACE AND SECURITY

REPUBLIC OF IRAQ

April 29th 2016

Security Council Resolution 2242 (2015):

OP 5. Recognizes the ongoing need for greater integration of resolution 1325 (2000) in its own work in alignment with resolution 2122 (2013), including the need to address challenges linked to the provision of specific information and recommendations on the gender dimensions of situations on the Council's agenda, to inform and help strengthen the Council's decisions, and therefore in addition to elements set out in resolution 2122 (2013), and in accordance with established practice and procedure: (a) Expresses its intention to convene meetings of relevant Security Council experts as part of an Informal Experts Group on Women, Peace and Security to facilitate a more systematic approach to Women, Peace and Security within its own work and enable greater oversight and coordination of implementation efforts.



RECOMMENDATIONS FOR THE SECURITY COUNCIL

Women's leadership in politics, national reconciliation, and countering radicalization

In all relevant Security Council decisions about Iraq, including about UNAMI's mandate, and the Council's interactions with the government of Iraq and mission leadership, the Security Council could signal its support for:

- **Women's increased representation in government, including executive, legislative, and independent bodies**, such as the Higher Commission for Human Rights, the Independent High Electoral Commission, and the High National Committee for Reconciliation. Continued use of the mission's good offices is needed to support women's participation in national reconciliation.
- **The establishment of an independent commission for women to replace the abolished State Ministry of Women's Affairs**. This could be a non-partisan body, funded and recognized by the government, with mechanisms for participation of civil society, to promote and ensure the implementation of national and international commitments for the advancement of gender equality.
- **International and national funding for the implementation of the National Action Plan on Women, Peace and Security**, and particularly the updating and renewal of the one-year Special Emergency Plan that had been adopted in May 2015 to address the current crisis.
- **Continued and increased support for sufficient gender expertise and capacity in the mission and country team**.

The Security Council should **request systematic reporting** on the impact of conflict on women, men, boys, and girls, analytical information on gender-specific trends and developments, sex-disaggregated data, and actionable recommendations to address potential gaps or highlight best practices in the implementation of women, peace and security commitments.

Women's leadership and gender considerations –including the lists of priorities articulated by Iraqi women in multiple national and regional conferences- must help to guide the implementation of the recommendations for Iraq of the **Security Council's 1373 Counter-Terrorism Committee**.

Conflict-related sexual violence and other protection issues affecting women and girls

Call on the authorities to **adopt comprehensive measures to address conflict-related sexual violence**, including programmes to support the social and economic reintegration of women and girls released from ISIL captivity, shelters, and community-based medical and psychosocial support, and take all necessary steps for the release of women and girls currently in captivity.

Ensure continued support and measures taken to **strengthen the capacity of the UN in Iraq to prevent and respond to conflict-related sexual violence**, including through the deployment of Women's Protection Advisers in the mission or equivalent specialists in the UN country team.

Call on the Government of Iraq to issue a directive clarifying that Iraqi NGOs may provide much-needed services to survivors of gender-based violence, including **shelter**.

Urge the Government of Iraq to **legally allow displaced women and girls access to three-year temporary Civil Status Identification documents in the absence of a male family member** to verify their identity, to help reduce their risk of statelessness and increased exposure to SGBV.

Reiterate the need for **legal reform** that brings in line Iraq's laws with the international treaties that it has ratified, and particularly on **women's rights** (e.g. repealing mitigating and exculpatory legal provisions in the penal code permitting or justifying violence against women on the basis of "honor") and that criminalizes the international crimes defined in the Rome Statute –war crimes, crimes against humanity, and genocide- under domestic law.

BACKGROUND INFORMATION¹

Security Council Resolution 2233 (2015):

*Expressing grave concern at the current security situation in Iraq as a result of a large-scale offensive carried out by terrorist groups, in particular the Islamic State in Iraq and the Levant (ISIL), and associated armed groups, involving violations of international humanitarian law, **heavy civilian casualties, including women and children**, the displacement of more than three million Iraqi civilians, **use of sexual violence against and the sexual enslavement of women and girls** (...).*

*Encouraging the Government of Iraq to continue strengthening governance, promoting human rights and the rule of law, **improving the situation of women and girls**, especially those impacted by ISIL (...).*

*Reaffirming the importance of the United Nations, in particular the United Nations Assistance Mission for Iraq (UNAMI), in advising, supporting and assisting the Iraqi people, including civil society, and Government to (...) **promote the protection of human rights, gender equality** (...).*

*Further expressing grave concern that the **violent extremism and terrorism** perpetrated by ISIL in Iraq has frequently **targeted women and girls**, and that ISIL has committed serious human rights abuses, and **violations of international humanitarian law against women and children, including those involving murder, kidnapping, hostage taking, enslavement, their sale into or otherwise forced marriage, human trafficking, rape, sexual slavery and other forms of sexual violence**, and expressing grave concern at the recruitment and use of children by ISIL and other armed groups in violation of international law,*

Encouraging the Government of Iraq to continue in its efforts to promote and protect the rights of women and reaffirming its resolutions 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010), 2106 (2013), and 2122 (2013) on women, peace, and security and reiterating the need for the full, equal, and effective participation of women; reaffirming the key role women can play in re-establishing the fabric of society and stressing the need for their full political participation, including in peace processes, political decision making, and the development of national strategies, in order to take into account their perspectives, and looking forward to the full implementation, including funding, of Iraq's National Action Plan on Security Council resolution 1325 (2000),

Introduction

Iraq is in the midst of one of the most rapidly unfolding humanitarian crises in the world, caused by the takeover of Iraqi territory by the Islamic State in Iraq and the Levant (ISIL) and the counter-insurgency operations launched against it. Since January 2014, the number of people in need of humanitarian assistance has doubled, with the humanitarian crisis affecting ten million people, or nearly one-third of the population. This number could increase significantly this year depending on the intensity of the fighting, especially given the plans of the Government of Iraq and its international partners to launch a military operation to retake Mosul, the second largest city in Iraq, from ISIL control, as well as Falluja, where besieged citizens are reported to be in a state of dire need not being able to receive food supplies nor escape. Only one-quarter of the humanitarian appeal for this year has been funded: 223 million dollars out of the 861 million dollars needed.

¹ This background note was prepared with inputs and information from UN Women, the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, UNAMI, DPA, OCHA, WFP, IOM, OHCHR, including the report of the Fact Finding Mission to Iraq, the UN Counter-terrorism Committee Executive Directorate, the Office of the Special Advisor on the Prevention of Genocide, the Gender-Based Violence Information Management System, and civil society organizations.

At the same time, a 40 per cent drop in oil revenue and costly military operations have led to an acute fiscal crisis across Iraq and the subsequent weakening of social protection and government services, from front-line health care services to emergency shelter, education, and water and sanitation. Increasing numbers of Iraqi families are migrating to Europe. Popular demonstrations continue to call for government reforms and anti-corruption measures, and the Prime Minister has put forth plans for a cabinet reshuffle that will instate a technocrat line-up, challenging the existing political blocs and the current landscape dominated by sectarian politics.

In the last two years, Iraqi women have been the subject of multiple media, NGO and official reports, particularly focused on the fate of the thousands of Yezidi and other minority women from captured, enslaved and raped by ISIL. This was confirmed by ISIL's own statements and edicts on the treatment of women and girls, justifying sexual slavery, and other serious human rights abuses, and through imposing severe restrictions on Iraqi women's freedom of movement and expression, dress codes, and ability to participation in public life. However, despite this level of attention, has not been matched by robust interventions by national and international actors to promote and protect the rights of Iraqi women and girls. Instead, this upsurge of violence has coincided with the increasing national political marginalization of women, and the inadequate implementation of the various national strategies and action plans adopted to advance women's leadership and protect their rights, including Iraq's National Action Plan on Women, Peace and Security, the first one adopted in the Middle East and North Africa, as well as the National Plan for the Advancement of Iraqi Women and the National Strategy to Combat Violence Against Women in Iraq.

Women's leadership in politics, national reconciliation, and countering radicalization

- 1. The political commitment of Iraq's political leadership to advance women's rights and gender equality is waning at a time when the situation for women and girls has deteriorated sharply with the upsurge of violence.**
 - The number of female ministers has decreased progressively from six in 2005 to one currently.
 - As part of last year's reforms of Prime Minister al-Abadi to streamline government and reduce corruption, the State Ministry of Women's Affairs was abolished, and no entity has been created to fulfill its functions.
 - In the Council of Representatives, 27.5 percent of parliamentarians are women, but their influence or leadership in parliamentary committees is limited.
 - In the Kurdistan Region of Iraq, one-third of parliamentarians are women and there is a High Council of Women's Affairs, made up of both government ministers and civil society activists and with a mandate to propose new policy and promote and coordinate inter-ministerial action on women's rights and gender equality.
- 2. Prime Minister al-Abadi is reforming his cabinet with a technocratic one, selected on the basis of competence and expertise.** He invited political blocs to submit two names for each ministerial position. A committee of non-partisan experts would evaluate the credentials of the proposed candidates and make recommendations for the Prime Minister's nominations, which would be then presented to the Council of Representatives for endorsement. **The recent demonstrations from the public calling for reforms have also seen demands for an improved representation of women in the expected cabinet reshuffle and UNAMI is monitoring these developments closely.** The preliminary list included only one woman (for the Ministry of Labour and Social Affairs), and this was confirmed on April 26th by the Council of Representatives. However, only five ministerial

nominations have been approved to date and there could be more ministerial posts assigned to women.

3. UNAMI's representatives -senior leadership, political affairs, and gender affairs- meet regularly with women's organizations and activists, and stress to government counterparts –in meetings and through press releases- the importance of women's leadership in politics and national reconciliation, but **this message needs to be reinforced to the Government of Iraq by the international community, including the Security Council.** The Independent High Electoral Commission (IHEC) is developing an institutional gender policy in preparation for the provincial council elections of 2017 with the support of the United Nations (e.g. the UN gender elections task force meets regularly with the IHEC gender team).
4. The National Action Plan on Women, Peace and Security and the Special Emergency Plan, which is a one year plan that was adopted on May 25th 2015 and developed in response to the upsurge of violence, have not yet been funded or implemented. In a letter signed by the Secretary-General of the Council of Ministers on March 15th 2016, the government ministries and all governorates have been directed to work closely with the Special Operations Chamber located in the General Secretariat of the Council of Ministers to implement the Special Emergency Plan. This follows on the Council Minister's decision No. 201 of 2015 instructing all state institutions to implement the plan endorsed by the ministers in May 2015. With a proposed budget of 30 million dollars, which has remained unfunded since its creation, the Emergency Plan for 1325 includes:
 - Increasing the percentage of women as military observers, civilian police, human rights monitors, and humanitarian staff.
 - Addressing the special needs of women and girls in ISIL-controlled territory and during their return to their areas of origin after the end of military operations (e.g. through regular communication with the families of abducted women and girls, and dialogue with religious leaders about their reintegration post-liberation).
 - Addressing the special needs of refugee and IDP women and girls (e.g. through the design of camps, the use of vacant government buildings, adequate water supply, screening and multi-sectoral services for GBV survivors –such as family planning and primary health, clinical management of rape, psychosocial support, shelter, vocational training and income generation).
 - Sensitizing and training security forces, police, and judiciary on women's rights and women's protection.
 - Increasing the representation of women in all national, regional, and international decision-making mechanisms and conflict prevention, management and resolution processes (e.g. via peace teams of women leaders, women's participation in reconciliation committees, national security, and development and reconstruction plans, the establishment of special bureaus for women and peace in Iraqi embassies).
 - Ending impunity for all forms of conflict-related sexual violence.
5. Iraqi women have mobilized and organized multiple events to coordinate across hundreds of women's organizations and lobby for women's participation in national reconciliation and in plans to counter violent extremism and radicalization. Over the last year, there have been several national and regional conferences, with hundreds of participants, on the role of women in national reconciliation and in countering extremism and terrorism, and resulting in signed declarations by all participants, including government representatives. Despite these initiatives, women's representation in the High National Committee for Reconciliation has been limited. Last year, a Women's Office was established in the Follow-Up and Implementation Committee on National Reconciliation.

6. In their March 2016 assessment of the technical assistance needs of Iraq, the Counter-Terrorism Committee of the Security Council made mention of women only once in all of its 16 recommendations, calling for the inclusion of women – alongside many other categories of stakeholders - in the development and implementation of a national comprehensive counter-terrorism strategy. Iraqi women however, through their participation in various national and regional conferences, have made a number of concrete recommendations with regards national reconciliation, social cohesion, and countering violent extremism and radicalism. Some of these include the need to:
- Leverage women’s leadership role, voice and influence as change makers and key actors in national reconciliation and countering extremism (e.g. extending the gender quota to all public life and public administration, ensuring equal opportunities for women and men in appointments to ministries and senior positions in national and local governments, as well as in leadership posts of political parties).
 - Strengthen women’s capacities and networking on security, peace, reconciliation (e.g. building a united, independent, inclusive, diverse and non-partisan women’s movement).
 - Educate for peace, security and social cohesion (e.g. promoting good relations between host communities and IDPs, emphasizing peace and tolerance in school curricula and teacher training).
 - Implement Resolution 1325 and subsequent resolutions (e.g. funding the Emergency Plan and guaranteeing at least 30 percent of female representation in the National Reconciliation Committees).
 - Establish an independent body for women’s affairs and strengthen women’s organizations’ relationship with the government (e.g. an independent, non-partisan body recognized and funded by the government, with a remit to advise the Council of Representatives on legislation regarding women’s rights and gender equality).
 - Lead cultural change to strengthen women’s participation and leadership (e.g. persuading influential religious men, engaging fathers and young men as advocates).
 - Work with the media to strengthen the leadership role of women.
 - Raise awareness of women’s protection rights and facilitate their access to justice (e.g. training members of security and justice sectors).
 - Change the social culture that discriminates against women and girls (e.g. criminalizing child marriage, raising awareness).
 - Protect women and girls from the fallout from armed conflicts (e.g. improving the living conditions of refugees and IDPs and involving women in project management in camps and centers in non-camp settings).
 - Provide special protection and support for marginalized women and girls (e.g. shelters and other supportive services).

II. Conflict-related sexual violence

7. Sexual violence continues to be at the core of ISIL’s operational strategy to spread terror, persecute ethnic and religious minorities, and suppress communities that oppose its ideology. Following its seizure of Mosul and surrounding areas in June 2014, ISIL instituted a pattern of sexual violence, sexual slavery, abduction and human trafficking for the purposes of sexual exploitation, trading, and to force the payment of ransoms. In January 2015 alone, ISIL extorted \$US 850,000 for the release of 200 abducted Yezidi women and girls; while in 2014, ransom payments to ISIL from the Iraqi Yezidi community amounted to between \$US 35 and \$US 45 million (S/2016/92).

8. First-hand accounts of conflict-related sexual violence continued to be received from displaced persons who have fled areas controlled by ISIL, as well as those rescued from captivity. Secondary accounts, which have been received by families and community members who are in contact with women and girls remaining in ISIL captivity in Mosul and Tel-Afar, as well as Iraqi women and girls who have been trafficked or transferred to Raqqa in Syria, corroborate the systematic use of sexual violence. There are also concerns that conflict-related sexual violence crimes perpetrated against women and men has been used by Jaish al-Mahdi (the Mahdi Army) and Asa'ib Ahl al-Haq, in addition to further restrictions being imposed on women's rights and freedoms.
9. In displacement settings, threats of sexual violence persist, including sexual exploitation and child marriage. Adolescent girls are particularly vulnerable: most are out of school and many have been forced into early marriage. Humanitarian actors have struggled to reach areas with the highest concentrations of IDPs, such as Anbar, Ninewa, Kirkuk and Salah al-Din governorates, due to access constraints. Sexual and reproductive health services, trauma counselling and reintegration support are severely limited. There is a lack of staff trained in the clinical management of rape, and a dire need for safe houses and shelters for abused or at-risk women, with just three such shelters available in the Kurdistan Region, and none available in south or central Iraq.
10. The Government of Iraq has expressed its willingness to address CRSV, and facilitated the visit of the Special Representative of the Secretary-General on Sexual Violence in Conflict, Zainab Hawa Bangura, to the country in April 2015. However, specific areas of intervention and cooperation have not yet been agreed. At the same time, there is an urgent lack of CRSV capacity and expertise on the ground, impeding the UN's prevention and response to the surge of CRSV experienced in recent years. There is also an urgent need for coordination of actors and efforts on the ground in order to more effectively address CRSV on the regional and national level. It is therefore crucial that the capacity of the United Nations system in country be enhanced through the deployment of Women's Protection Advisers (WPAs) to the mission and equivalent specialists to the UN country team.

III. Other protection issues affecting women and girls:

11. The **lack of gender analysis and sex disaggregated data** may hamper the effectiveness of the humanitarian response. For example, out of 145 assessments listed by OCHA, 125 of them already concluded, only four refer explicitly and mainly to gender-related issues.
12. **Targeted killings of women and girls:**
 - Women living under ISIL control have been targeted and killed for their political participation expressing dissent, or being reporters, activists, or women's rights defenders. For example, as reported by UNAMI's Human Rights Office, on 22 September 2014, ISIL publicly executed a well-known lawyer and human rights activist outside of the former governorate building in the Dawasa area of Mosul. ISIL publicly executed two former female parliamentary candidates in Mosul on 23 November 2014 following death sentences passed by an ISIL self-appointed court.
13. **Health, including sexual and reproductive health and rights and psychosocial health:**
 - Only a small proportion of women and girls who have escaped ISIS are regularly accessing therapy at the Women's Health center in Dohuk, in the Kurdistan Region of Iraq, set up by the Iraqi Kurdish government and one of the few locations women and girls can access free long-term individual counseling with trained psychologists. Specialist-care is also being provided by a few NGOs, but they have resources to adequately treat and support only a small number of survivors. There is an urgent need for comprehensive, long-term, medical care and psychosocial support for women and girls that have survived abduction and/or sexual violence,

including plans to review the multiple barriers to accessing services –from stigma to lack of information, transportation, and resources.

- Access to health for women and girls is extremely limited in ISIL-controlled territory: healthcare personnel fled ahead of the ISIL takeover; ISIL bars male doctors from seeing female patients, and the few female doctors available cannot provide adequate care to women and girls, particularly given their increased health needs due to the atrocities committed against them; and healthcare facilities, often occupied by ISIL soldiers, have sometimes been destroyed by airstrikes.
- 1 out of 4 displaced are adolescent girls and women of reproductive age.
- Pregnant and lactating women continue to face compromised access to reproductive health and referral services, antenatal care and post-natal care, and safe birthing practices.
- According to pre-crisis data, only 13 percent of family planning needs in Iraq were met and there was less than 50 percent coverage for regular antenatal care. Even before the current crisis, the rate of maternal mortality was very high for the region.

14. Female-headed households:

- There are an estimated 1.5 million widows in Iraq, and the percentage of female-headed households increases with family separation due to conflict-related displacement, killings, and detention.
- Over 80 percent of households report that women above 18 do not have a safe, female-friendly space outside their homes.
- Economic empowerment programmes are particularly crucial for female-headed households, who face the need to provide for their families in the midst of a humanitarian crisis and are at high risk of exploitation and negative coping mechanisms.

15. Women's access to government-issued identification documents:

- Women are required to obtain authorization from a male relative in order to be granted the Civil Status Identification Document, which is required to access public services, including food assistance, healthcare, employment, education and housing; as well as to obtain a passport and work.
- According to one recent survey, an estimated 44% of all internally displaced Iraqi families have one or more members who lack identification documentation. Discriminatory laws and policies that prevent women who are fleeing conflict, trafficking, abductions, sexual and gender based violence, or forced marriage from obtaining legal identification without a male family member dramatically heightens women's vulnerability when fleeing from conflict-related violence. Women's inability to access services due to the lack of an ID card places them at risk of being exploited or trafficked.
- The city of Dohuk in the autonomous region of Kurdistan adopted a policy of issuing temporary identification cards to displaced persons based on the same standards used in the city. These temporary identification cards could be issued for a period of three years. If after three years, the temporary identification card holder is not found or recognized by a family member, the Governorate could replace the temporary identification card with a permanent one. This policy is an excellent way of ensuring that victims of sexual violence who do not possess identification documents are able to receive basic services.

16. Prohibition on NGO-run shelters and services:

- Iraqi authorities, outside of the Kurdistan Region of Iraq, do not allow local NGOs to provide shelter to displaced persons, women escaping domestic violence, attempted "honor" killings, trafficking or other forms of gender-based violence. Gaps in services are particularly

pronounced in ISIL contested territory, where international humanitarian workers do not have access and state-run shelters remain vacant.

- Women’s organizations are responding to the high demand for shelter and services from thousands of women fleeing conflict-related violence despite the prohibition. Without policy protection, local organizations are forced to run their operations underground, becoming less visible to those in need. NGO-run shelters and service providers are not only vulnerable to police and militia raids, but also lack protection from threats of violence by extremist groups. Organizations providing shelter for women and girls also faces additional risks from the discriminatory bars on obtaining identification, as a resident’s lack of documentation can put a shelter at risk, even where agreements with local law enforcement permit shelters to operate, due to a cultural tendency to equate a lack of documentation with trafficking and prostitution.
- Measures protecting NGO-run shelters should be incorporated into national legislation on violence against women.

17. Unregistered, temporary, and early marriages:

- Temporary marriage is reportedly more common now after the conflict. Temporary “wives” – often impoverished widows in a desperate personal situation- do not acquire rights to child support or inheritance.
- Child marriage is reportedly on the rise. An important contributing factor is the rise of unregistered marriages. With the legal age for marriage in Iraq 18 years old, not registering a marriage is a way to get around the law. In some rural areas approximately 60% of marriages go unregistered by Iraqi courts. 5.5 percent of Iraqi girls are married before the age of 15.
- Powerful political factions continue to push for the adoption of laws legalizing marriage to girls under 9 years old and reforming family laws in matters of inheritance, dowry, alimony, marital rape in ways that would contravene several of the international treaties to which Iraq is a party to, and that would deepen the sectarianism and fragmentation of Iraq’s national identity.

18. Restrictions on dress and freedom of movement:

- Women and girls reported severe restrictions on their clothing and freedom of movement in ISIL-controlled areas. These rules, enforced by beating or fines on male family members or both, isolates women from family, friends, and public life.
- Women, girls, and their families faced multiple dangers escaping ISIS-controlled areas and sometimes faced further abuse after crossing front lines into Kurdish-controlled areas from security forces of the Kurdish Regional Government, including restrictions on their right to liberty of movement and freedom to choose his or her residence, as per Article 12 of the International Covenant on Civil and Political Rights which Iraq ratified in 1971. For example, Assyrian forces operating in Kirkuk Governorate moved IDPs to the Nazrawa camp in Kirkuk Governorate, where restrictions on movement have been imposed, with a significant humanitarian impact on all residents including a high percentage of female-headed households. UNHCR has said the restrictions “are imposed in a manner disproportionate to any legitimate concern, including those related to security.”
- In the rest of Iraq, there have been reports of women rounded up during individual or mass arrests and collectively punished for alleged terrorist activities of their male relatives without an arrest warrant or a lawyer, sometimes held in unofficial detention facilities where they can be subjected to torture or sexual abuse, and sometimes detained up to a year.