

**Security Council**

Distr.: General
1 November 2022

Original: English

Letter dated 26 October 2022 from the Permanent Representatives of Ireland, Mexico and the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

Ireland and Mexico, as Co-Chairs of the Informal Expert Group on Women and Peace and Security of the Security Council, and in close cooperation with the United Kingdom, would like to share the Co-Chairs' summary note of the meeting of the Informal Expert Group on the situation concerning Iraq (see annex).

We would be grateful if the present letter and its annex could be circulated as a document of the Security Council.

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Annex to the letter dated 26 October 2022 from the Permanent Representatives of Ireland, Mexico and the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

Informal Expert Group on Women and Peace and Security of the Security Council

Summary of the meeting on the situation concerning Iraq held on 10 October 2022

On 10 October 2022, the Informal Expert Group on Women and Peace and Security held a meeting on the situation concerning Iraq. The Informal Expert Group heard a briefing by the Deputy Special Representative for Political Affairs and Electoral Assistance of the United Nations Assistance Mission for Iraq (UNAMI), Claudio Cordone, accompanied by colleagues from UNAMI, the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ Islamic State in Iraq and the Levant (UNITAD) and the United Nations country team. The meeting concluded with an overview of key recommendations provided by the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women).

Questions from Council members

Members of the Security Council asked questions about the implementation by Iraq of its second national action plan related to resolution 1325 (2000), and about strategies to advance issues related to women and peace and security. Other questions focused on accountability for attacks against women human rights defenders, support by UNITAD for national accountability efforts, support by UNAMI for the adoption of a draft law against domestic violence and legislation targeting LGBTIQ+ persons. Council members also asked questions about women's participation in security sector reform, the impact of explosive remnants of war on women and about efforts related to support for women-headed households.

Main points raised in the meeting

- At the Iraqi general elections, held on 10 October 2021, 946 of a total of 3,225 candidates were women (29.3 per cent) and Iraqi women won 95 out of 329 seats, an increase from 25 per cent in 2018 to 29 per cent. Of the 95 women elected, 57 won their seats outright, rather than because of the quota, by gaining the highest number of votes in their respective electoral constituencies. UNAMI implemented a range of activities to support women's safe and meaningful participation in the elections, both as candidates and as voters. These included providing technical advice to the Independent High Electoral Commission of Iraq on the development of gender-responsive electoral measures; the collection of gender-disaggregated data on electoral-related information; public outreach activities to promote women's participation as voters; advocacy for the establishment of hotlines to report hate speech against women candidates; and assistance in drafting a gender-responsive code of conduct for the October 2021 elections.
- Women candidates in the October 2021 elections faced challenges, including as a result of inadequate financial resources to run effective campaigns and negative patriarchal structures across society. UNAMI received reports of social media attacks against women candidates, and at least one candidate was subjected to a life-threatening attack during the campaign period.

- Following the elections, UNAMI held a series of workshops on lessons learned with the Women Advisory Group and civil society representatives to discuss ways to make the electoral process more gender-responsive. The Women Advisory Group is a platform that was set up in 2019, and currently consists of 13 Iraqi women from diverse backgrounds who advise UNAMI senior leadership on advancing women's participation in national political processes, including elections and national reconciliation.
- Currently, UNAMI is working with the Independent High Electoral Commission and other actors to implement the recommendations of the evaluation by the Office of Internal Oversight Services, published in June 2022, on women's participation in elections and political transitions, including the development of long-term prevention and short-term protection measures to address political violence against women, and the harmonization of data strategy, advocacy and support efforts with the United Nations country team.
- Despite their increased representation in Parliament, women have been absent from the overall government-formation process, including talks and political initiatives to resolve the political stalemate. No Iraqi women attended the political dialogue sessions convened by the Prime Minister of Iraq, Mustafa Al-Kadhimi, on 17 August and 5 September 2022. Currently, there are no women in senior positions among the ranks of the mainstream political parties and coalitions participating in the dialogue meetings. Unless the level of representation and the active participation of women in senior-level party politics is expanded to include lower-ranking party officials, women are likely to continue to have a limited role in setting political agendas and influencing decision-making processes. In discussions on how to resolve the current political impasse, civil society representatives, including women-led networks, called for strengthening government institutions to advance women's participation, opening the political space to diverse perspectives and promoting programmes on women's economic empowerment. They identified the *muhāsasa* system, as well as negative patriarchal attitudes, corruption and lack of political will, as key barriers to women's meaningful political participation. Civil society representatives continue to call for the broadening of current political dialogues to national dialogues with women's participation alongside other sectors of the Iraqi population.
- UN-Women is leading efforts to assist the Government of Iraq, the Kurdistan Regional Government and civil society with the implementation of the second national action plan, which was launched in December 2020. However, implementation has mostly stalled owing to the inability of the current caretaker government to adopt a federal fiscal budget for 2022. UN-Women has also led efforts to improve the monitoring of and reporting on the second national action plan, building on lessons learned from the implementation of the first plan. Lessons learned include the importance of local ownership of the national action plan and the equal implementation of all its pillars.
- Women human rights defenders continue to be subjected to violence and targeted with intimidation, harassment and threats. Since the most recent meeting of the Informal Expert Group, in March 2020, UNAMI has documented three killings of women human rights defenders, as well as cases of attempted killings in Baghdad and Erbil in 2022. In all cases but the one in Erbil, no arrests have been made. Impunity for violence against women protesters is prevailing. In 2022, there have been only seven trials related to such cases despite the 5,000 protesters who have been killed during demonstrations since 2019.

- Violence against LGBTIQ+ persons is manipulated as a way to gain political support. UNAMI has a programme to counter hate speech, including private dialogue and public messaging. In the Kurdistan Region, the international community succeeded in mobilizing to stop draft anti-LGBTIQ+ legislation.
- In 2021, the United Nations verified six cases of conflict-related sexual violence perpetrated against girls who were between the ages of 13 and 17 at the time of their abduction and were subsequently subjected to sexual enslavement in 2014 by Islamic State in Iraq and the Levant (ISIL) (Da'esh) elements. Conflict-related sexual violence remains underreported owing to fears of reprisal, stigma, harmful social norms, family pressure to not report incidents and a lack of trust in the justice system. Although UNAMI has had a Senior Women's Protection Adviser for the past five years, human and financial resources are insufficient given the scale of the challenges.
- Mothers who have children conceived as a result of rape bear the double stigma of sexual violence and guilt by association with a terrorist group. Several were forced to leave their children behind in the Syrian Arab Republic, while others have chosen to return to that country to be with their children. In cases where the women already had Yazidi children, they were forced to make difficult choices about which children to stay with. Mothers who have managed to bring their children to Iraq often lack access to health care, education, housing and employment because of a lack of civil documentation. Many women are unable to resettle in a third country owing to challenges related to child custody. Children born of conflict-related rape face rejection at the community level as a result of their actual or assumed parentage and are at a heightened risk of statelessness owing to a lack of identity documents and prejudicial registration practices. There is no comprehensive legislation or comprehensive social support for children born of sexual violence. In previous years, declarations by Yazidi and Sunni spiritual leaders calling for solidarity with survivors of sexual violence and their children have helped to foster family reunification.
- According to the General Directorate of Yazidi Affairs in the Ministry of Endowment and Religious Affairs of the Kurdistan Regional Government, of the estimated 6,417 Yazidis who were abducted, 2,763 (1,470 men and 1,293 women) remain missing. At least 430 survivors are still in camps for internally displaced persons. Some have been there for more than seven years, which has had a serious impact on their mental health. Untreated trauma is compounded over time, and has led to a rising trend of post-traumatic stress disorder and an alarming increase in recourse to suicide. With decreasing humanitarian funding, many struggle to gain access to services and socioeconomic support. Internally displaced persons are asking primarily for economic opportunities that would allow them to become independent and to leave the camps.
- In March 2021, the Council of Representatives passed the Law on Support to Female Yazidi Survivors. A General Directorate for Survivors Affairs has been established and a process for applications has been launched. The Directorate has conducted several consultations with national and international legal experts and civil society organizations. However, the implementation of the law is still underfunded. Furthermore, the law does not address the situation of children born of rape, nor does it cover the full scope of crimes against women and girls from the range of diverse ethnic and religious groups subjected to coerced and forced marriage and other forms of sexual violence by ISIL (Da'esh).
- Sexual violence crimes committed by ISIL (Da'esh) have still not been adequately prosecuted, as the focus of trials is on terrorist association and/or affiliation.

- UNITAD works closely and on a daily basis with the Iraqi judiciary on building core international crimes cases, including on ways to identify persons of interest, to build structural cases and to use evidence in such frameworks. UNITAD also provides capacity-building with regard to the excavation of mass graves. UNITAD is currently sharing evidence to the maximum possible extent with its Iraqi counterparts (which hold three fourths of the evidence), with national jurisdictions and States that follow United Nations policies and best practices, and in line with international law, including international human rights law. The existence of the death penalty, as well as the current non-existence of a core international crimes legislation in Iraq, are impediments for sharing the full extent of evidence with the Iraqi judiciary, in accordance with the UNITAD terms of reference and its founding resolution (resolution [2379 \(2017\)](#)).
- The draft anti-domestic violence law has been pending before Parliament since 2011. As parliamentary activity now focuses on addressing issues related to the political crisis, the adoption of the law seems unlikely in the near future. The penal code legalizes domestic violence, and the Federal Supreme Court upheld the respective provisions in decisions issued in 2019 and February 2022. In the past three months, UNAMI has monitored trials of domestic violence related to 80 cases of gender-based violence and is using the collected information in its direct engagement with judges.
- The United Nations is designing livelihood opportunities, recreational activities, vocational training and other activities for women-headed households.
- Explosive remnants of war and improvised explosive devices remain a leading cause of civilian casualties among children, women and men in Iraq. Since the most recent meeting of the Informal Expert Group, UNAMI has documented 1,600 civilian casualties, of which 102 were women and 285 were children. The Iraqi and Kurdish mine action agencies approached the International Organization for Migration to design their demining activities, media outreach and victim's assistance in a gender-responsive way, recognizing that while men constitute most of the casualties, women bear the burden of care.
- To help promote gender-responsive security sector reform, the Government of Iraq should consider recruiting more women, particularly in positions in male-dominated areas. Training needs to be provided beyond gender-awareness training, such as gender-sensitive policing and interviewing. The Ministry of Interior has developed a code of conduct for police staff that includes the reporting of sexual harassment.

Recommendations

The following recommendations were made by UN-Women, as the secretariat of the Informal Expert Group.¹

(a) In response to the current political crisis, the Security Council should strengthen its messaging on women and peace and security, including in products such as press statements. In that regard, the Council and its members should:

(i) Urge the political leaders of Iraq to ensure the inclusion of women in negotiations on government formation, including national dialogues convened by the Prime Minister and other forums on the future of the country's political

¹ The recommendations are suggestions from United Nations participants in the meeting or from the background note prepared by the secretariat of the Informal Expert Group ahead of the meeting, and are not recommendations from the Informal Expert Group as a whole or from Council members.

and electoral processes, by identifying and implementing targeted measures to advance women's full, equal and meaningful participation;

(ii) Call for the meaningful inclusion of women in the new Iraqi Government;

(iii) Encourage UNAMI to continue and strengthen efforts to promote the inclusion of women in government-formation processes and their meaningful participation in the new Government, including through a stepped-up public communications strategy;

(b) In the next negotiations on UNAMI, the Security Council should retain the references to women and peace and security in resolution [2631 \(2022\)](#), and consider adding the following language in the operative paragraphs:

(i) Urges the Government of Iraq to ensure the full, equal, meaningful and safe participation of women in all political and electoral processes, including decision-making processes on electoral frameworks and government composition, including by identifying and implementing targeted measures to overcome obstacles to participation;

(ii) Requests UNAMI to regularly engage and consult with a wide range of diverse women's civil society organizations and women human rights defenders in all areas of its work;

(iii) Requests UNAMI to monitor and report specifically on violations, abuses and reprisals committed against women in public life, including women human rights defenders, protestors, candidates and politicians;

(iv) Urges the Government of Iraq to establish national laws and regulations that protect all women and girls, regardless of nationality or sexual orientation and gender identity, from gender-based violence in all spheres of society, online and offline, to align the penal code and other national laws and institutional policies with international human rights standards and with international humanitarian and criminal law, and to adopt a core international crimes legislation covering genocide, crimes against humanity and war crimes, including a definition of sexual and gender-based violence related offences;

(v) Urges the Government of Iraq to ensure the full implementation of the Law on Support to Female Yazidi Survivors with adequate budgetary resources and in consultation with survivors, and calls upon the Government of Iraq to include survivors from all ethnic groups and to consider similar provisions relating to the children of survivors, including children born of conflict-related rape;

(vi) Calls upon the Government of Iraq to ensure accountability for conflict-related sexual violence and safe access for survivors to multisectoral services, including safe shelters, in line with the 2016 joint communiqué to prevent and address conflict-related sexual violence;

(c) When renewing the sanctions regime, the Security Council should consider including a listing criterion related to conflict-related sexual violence, requesting the Analytical Support and Sanctions Monitoring Team to integrate gender as a cross-cutting issue across its investigations and reporting, and requesting the Monitoring Team to include the necessary gender expertise.

In addition, the Co-Chairs of the Informal Expert Group and other members of the Security Council should:

(a) Support the implementation and adequate resourcing of the second national action plan on women and peace and security and advocate for the creation of government structures to ensure oversight;

(b) Urge the Iraqi Government to ensure accountability for attacks against women human rights defenders and civil society activists during the 2019 and 2020 protests and to take measures to create an enabling environment for civil society in public life;

(c) Advocate with Iraqi authorities to ensure accountability for conflict-related sexual violence as a self-standing international crime and act of terrorism in order to complete the historical record and to set a legal precedent for the future;

(d) Encourage and support all actors interacting with survivors of conflict-related sexual violence in Iraq to follow a survivor-centred and do-no-harm approach, including by following the principles contained in the “Murad Code” – a global code of conduct for gathering and using information about systematic and conflict-related sexual violence;

(e) Advocate for the deployment of additional women’s protection capacity to support the full implementation of the 2016 joint communiqué, notably through the coordination of services and legal support for survivors who continue to return from the Syrian Arab Republic and displacement settings;

(f) Advocate in the Security Council Committee pursuant to resolutions [1267 \(1999\)](#), [1989 \(2011\)](#) and [2253 \(2015\)](#) concerning Islamic State in Iraq and the Levant (Da’esh), Al-Qaida and associated individuals, groups, undertakings and entities for the listing of individuals and entities specifically for crimes of sexual violence or to include a specific mention of sexual violence in the cases of those already designated for United Nations sanctions on other grounds, given the abundant evidence of its use by ISIL (Da’esh) members;

(g) Provide flexible funding to women’s rights organizations and local women’s peacebuilding initiatives.

The Co-Chairs thanked the Deputy Special Representative for Political Affairs and Electoral Assistance of UNAMI and all participants, and committed to following up on the important issues raised at the meeting.
