

## Update on women, peace and security in Iraq March 29<sup>th</sup> 2018

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The Informal Experts Group of the Security Council on Women, Peace and Security has discussed the situation in Iraq in April 2016 ([S/2016/683](#)), October 2016 ([S/2016/1104](#)), and June 2017 ([S/2017/624](#)), with the participation of UNAMI's senior leadership and the United Nations Country Team. As the IEG reconvenes to review progress and challenges in the implementation of women, peace and security commitments, this update summarizes relevant developments since June 2017.

Shortly after the last IEG meeting on Iraq, the Security Council adopted **resolution 2367 extending the mandate of UNAMI for another year**. In resolution 2367, the Council:

- Reiterated its grave concern at the systematic use of sexual violence and sexual enslavement by terrorist groups and the targeting of women and children by ISIL, including sale into or otherwise forced marriage, human trafficking, and rape, and emphasized that those responsible of violations of international humanitarian law and violations of abuses of human rights, including those involving sexual and gender-based violence, must be held accountable.
- Underscored the need for the full, equal, and effective participation of women in the political process and the economic and social life in Iraq, especially in “upcoming elections and the Independent High Electoral Commission, stabilization planning, political decision making, local and national reconciliation and peace processes.”
- Encouraged the government to protect women's rights and improve the situation of women and girls, especially those impacted by ISIL, and emphasized that all parties should take all feasible steps to ensure the protection of women, including in the voluntary and safe return of refugees and internally displaced.
- Reaffirmed all eight women, peace and security resolutions on women, peace and security and the key role women play in re-establishing the fabric of society, expressed concern about the lack of implementation, including funding, of Iraq's National Action Plan on 1325, and recalled resolution 2331 and the Joint Communiqué between the United Nations and the Government of Iraq on Prevention and Response to Conflict-Related Sexual Violence.
- Expressed its readiness “to sanction further individuals, groups, undertaking, and entities who are supporting ISIL (...) as well as human trafficking, sale of women and girls, and forced marriage, and emphasizing that such engagement constitutes financial support for such terrorists and may lead to further sanctions listings by the Committee.”
- Stressed the importance of the UN, in particular UNAMI, in advising and supporting the Iraqi people, including civil society, and the government to promote the full participation of women in political and peace processes and institutions, gender equality, highlighting the need for specific information and practical recommendations related to the gender dimensions of the conflict and on the implementation of the women, peace and security agenda in Iraq, and the continued provision of dedicated expertise to facilitate coordinated implementation of monitoring, analysis, and reporting arrangements on sexual violence in conflict and post-conflict situations.
- SCR 2367 (2017) also requested the Secretary-General to conduct an **independent, external assessment** of the structure, resources, priorities, comparative advantages, and staffing of UNAMI. The report of the independent and external assessment team highlighted gender equality and women's empowerment as one of the seven strategic priorities of UNAMI.

Later, on 21 September, the Security Council adopted **resolution 2379**, wherein it requested the Secretary-General to establish an Investigative Team, headed by a Special Adviser, to support domestic efforts to hold ISIL accountable by collecting, preserving, and storing evidence in Iraq of acts that may amount to war crimes, crimes against humanity and genocide committed by ISIL in Iraq. The resolution reiterated its condemnation of acts by ISIL involving enslavement, sale into or otherwise forced marriage, trafficking in persons, rape, sexual slavery and other forms of sexual violence, and violations of international humanitarian law and abuses of human rights committed against women. The Secretariat is undertaking the necessary steps for the speedy establishment and full functioning of the Investigative Team. In this connection, the Undersecretary-General of the Office of Legal Affairs together with the Department of Political Affairs and a technical team are planning to visit Iraq in the first half of April to start preparations for the establishment of the Investigative Team on the ground.

To date, the 1267/1989/2253 ISIL (Da'esh) and Al-Qaida **Sanctions Committee** of the Security Council has not listed any individual for the sale of persons, sexual slavery, conflict-related sexual violence, or trafficking-related violations.

**A notable and welcome sign of progress since the first meetings of the IEG on Iraq is the number of steps taken to implement the National Action Plan on 1325.** On 27 December 2017, the government signed an executive order establishing a Cross-Sector Task Force for implementing UNSCR 1325, which will be chaired by the acting Secretary-General of the Council of Ministers. The Operations Room established in 2015 to implement the emergency plan on 1325 will be strengthened and act as the secretariat of this task force. In addition, the executive order designates a Coordination Committee, chaired by the Mayor of Baghdad, Dr. Thikra Alwash, who also chairs the Standing Committee on the Advancement of Women, and will continue to collaborate with the Iraqi Network on 1325. During the last few months, there were many meetings on this National Action Plan to present reports on implementation, discuss evaluation tools, indicators, and progress by the relevant ministries. Governorate plans were also launched in Diyala, Baghdad, Diwaniya, Basra, and Muthanna to address immediate needs. The UN and the government have consistently participated at the highest levels. This includes Prime Minister Al-Abadi, who on 8 March 2018 at the launch of the report on progress on the implementation of the National Action Plan called for a paradigm shift in gender perceptions and stressed that women's participation is vital in political life. However, there is currently no allocation to the National Action Plan from the Iraqi national budget, and the governorate plans have limited resources too.

**While the country prepares for important national elections in May, there are concerns about the participation and representation of women,** in spite of ongoing advocacy by the UN and its partners, and multiple proposals to broaden the political space for women, including amending the electoral framework with specific provisions for political parties. In previous meetings of the IEG, it had been noted that the selection of new members for the Independent High Electoral Commission featured a shortlist of 109 candidates and only 7 women. In the end, an all-male list of nine candidates was submitted to the Council of Representatives and eventually endorsed without women or minority representatives. 28 percent of the more than 7,000 candidates for the national elections in May are women. Throughout 2017, UNAMI in collaboration with UN Women held consultative meetings with senior leaders in political parties, parliamentarians and civil society groups in Erbil, Kirkuk, Karbala, Sulaimaniyah, Basra and Baghdad to identify solutions on removing barriers impeding women's participation in political, national reconciliation and settlement processes. These meetings culminated in two high-level forums that brought together political parties' leadership, women human rights defenders and civil society activists in Baghdad and Erbil. Conclusions from the consultations indicate that much remains to be done as the political space for women continues to shrink.

**The government declared victory against ISIL and is focused on reconstruction** of liberated areas and development; strengthening state institutions, countering corruption, and the advancement of inclusive national reconciliation, along with its international partners. However, the security situation remains fragile due to continued terrorist attacks, particularly in Baghdad, and a heavily militarized environment. Furthermore, the destruction and massive humanitarian needs left in the wake of the conflict are still being felt. For example, there are estimates that 61 percent of the casualties in the battle for Mosul were women and children. In this context, there are many **women's human rights issues that need to be addressed**, from human trafficking reports targeting the gypsy community in Basra -involving families who sell their children into marriage or sex work when they cannot repay loans to criminal networks-, to the continuing need for **shelters for women** and legal coverage for national and international NGOs trying to operate them. A pilot shelter approved by the Minister of Labor and Social Affairs, and run by UNFPA and partners, opened in March and will inform the development of standard operating procedures on safe and survivor-centered management of women. In a letter to Security Council members, NGOs following this issue warned about previous issues with government-run shelters, such as reporting victims to their families, and noted that men armed with assault rifles had raided one of the NGO-run shelters, kidnapped a member of their staff and held him for ransom until the NGO had to negotiate for his release. Other areas of concern include the **living conditions in IDP camps**, especially for **female-headed households and widowed women**, who represent a significant share of new arrivals in camps in Erbil -in many cases with husbands or male relatives working in Mosul City but earning insufficient salaries to move their families out of the camps-, and the proposed amendments to the Personal Status Law that would be silent on the **minimum age of consent to marriage**. This issue was raised by the SRSGs on Sexual Violence in Conflict and Children and Armed Conflict in a joint statement last November, in support of the objections of women's organizations and female parliamentarians.

Similarly, article 409 of **the Iraqi Penal Code still reduces punishment for men who kill women for "honourable motives,"** which should be amended in line with changes already introduced in Iraqi Kurdistan to end impunity for such acts. Iraq is reportedly conducting **trials of hundreds of foreign women who have been detained, with hundreds of their children**, by the Iraqi forces since last summer. More than 1,300 women and children surrendered to Kurdish peshmerga in August after government forces expelled ISIL from Tal Afar, and their numbers grew in the following weeks as more foreign nationals surrendered or were captured. In February, the High Judicial Council noted that the Central Criminal Court in Baghdad had sentenced 16 Turkish women to death for the alleged provision of logistical aid to ISIL and convicted under the Anti-Terrorism Law. At least another three women, from Turkey, Germany, and Russia had previously been sentenced to death for similar reasons. Furthermore, it is estimated that at least 3,154 Yazidi (including 1,471 women and girls) and 1,200 Turkmen Shia (including 600 women and 250 children) are reportedly **still in ISIL captivity**.

**The Special Representative of the Secretary-General on Sexual Violence in Conflict visited Iraq** from 26 February to 5 March, during which she validated the Implementation Plan of the Joint Communiqué on Prevention and Response to Conflict-Related Sexual Violence prepared by CRSV High-level focal points at the regional and federal level. The Plan makes linkages to the relevant elements on CRSV in the Humanitarian Response Plan, the Recovery and Resilience Plan (RRP) and the National Action Plan on UNSCR 1325. Many of the women who remain displaced expressed serious safety concerns regarding their return to their homes due to activity from different militia groups and the reported presence of former ISIL combatants within their community. Sunni women in particular shared their fear of reprisals on account of the wrong perception of affiliation with ISIL. SRSG Patten characterized the plight of survivors who have returned home with children fathered by the extremists as "extremely disturbing. While some religious leaders may show some empathy, the tribal leaders display a profound reluctance to accept children born of rape." SRSG Patten stressed the importance of ensuring that alleged perpetrators are held accountable not only for the crime of terrorism but for the full extent of the sexual violence crimes perpetrated on Iraqi women and children, including abduction, rape, sexual

slavery and forced marriages. A Monitoring, Analysis and Reporting Arrangements (MARA) Working Group has now been established, under the coordination of UNAMI's Senior Women Protection Advisor. UN Action Against Sexual Violence in Conflict is funding a project, led by UNICEF, to support children born of rape, including through the identification of legal solution for their registration. In the past two years, UNFPA has reached almost 300,000 women and girls with gender-based violence services through its 132 women community centers across Iraq and is now partnering with UNHCR to ensure legal aid support is available in those centers. UNFPA and WHO are also working with the World Bank to scale up mental health and psychosocial support services.

### **Recommendations for the Security Council**

In upcoming resolutions on Iraq, the strong language on gender equality, women's and minorities' rights should be maintained, but the progress in the implementation of the National Action Plan on women, peace and security and the Joint Communiqué on Prevention and Response to Conflict-Related Sexual Violence should be welcomed and commended.

The Council should continue to monitor women's participation in decision-making in general, and in particular in elections, during the post-electoral period and government formation, national reconciliation and the national settlement initiative, including regarding the establishment of women peace councils in the liberated areas, and any political dialogue between the government and the KRG. The Council should support the use of temporary special measures to ensure a minimum of women's representation in decision-making within political parties and in appointed government positions.

The IEG co-chairs should request further information on the integration of gender considerations in Iraq's counter-terrorism efforts and draft national strategy, and the UN's assistance in this regard, in light of the recent visit to Iraq of the heads of the Office of Counterterrorism and the Counter-terrorism Executive Directorate, and the absence of gender-related issues among the 16 priority needs for technical assistance agreed on by the Iraqi government and the Security Council's Counterterrorism Committee in 2015.

The IEG, during or after the briefing, should request details on the integration of gender equality in the reconstruction plans for Iraq, and including in the set-up of the Iraq Recovery and Resilience Programme and an accompanying funding mechanism, and in follow-up to the Kuwait International Conference for the Reconstruction of Iraq, with particular attention to UN joint programmes on economic recovery, reconciliation, transitional justice, civil documentation, frontline service delivery, deradicalization and prevention of violent extremism, disarmament and reintegration, and security sector reform. Reconstruction efforts should explicitly address the pressing needs of survivors of conflict-related sexual violence and be systematically linked to women's participation.

The IEG should recommend that the investigative team pursuant to resolution 2379 include gender experts. At the previous meeting of the IEG, participants raised the issue of ISIL targeting "not just members of minority communities, but all women who do not conform to their interpretation of gender roles, including doctors, journalists, members of parliament, or women in public life in general." In November, a network of NGOs filed a communication to the ICC documenting such crimes and arguing that ISIL fighters should be prosecuted for gender-based crimes, including sexual and gender-based violence as well as persecution on the basis of gender, whether in domestic courts or hybrid tribunals.

Other recommendations from previous meetings must be reiterated:

- The adoption of the Family Violence Protection bill with provisions to allow NGOs to operate shelters for women and other vulnerable individuals fleeing violence is urgent. In the meantime, the Government of Iraq should be urged to issue a directive providing legal coverage to national

NGOs and eliminating access barriers, such as the need for a judge order for entry or release into a shelter.

- The UN and the relevant government ministries should all contribute to the implementation plan of the Joint Communiqué on CRSV, and donors should be encouraged to fund its projects. Increased support for survivors should include medical care, mental health and psychosocial support, reproductive health, legal aid, livelihood and reintegration assistance, shelter, protection of women and girls in IDP camps from exploitation, trafficking, harassment, and violence from security actors or their families and communities, and protection of children born of sexual violence. International partners should support lawmakers and religious leaders in their efforts to address the needs of children born of rape. This should include consideration to exceptions to the criminalization of abortion in the context of conflict-related sexual slavery.
- Women's civil society organizations and women's human rights defenders are in urgent need of increased political, legal, and financial support in Iraq from both the government and its international partners. The Government of Iraq and its partners should provide increased political, legal, and financial support to women's civil society organizations and women's human rights defenders to bolster their work on women, peace and security issues, including for more effective coordination in federal, regional, and provincial platforms.