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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the seventh periodic report of Iraq*

1. The Committee considered the seventh periodic report of Iraq (CEDAW/C/IRQ/7) at its 1720th and 1721st meetings (see CEDAW/C/SR.1720 and CEDAW/C/SR.1721), held on 22 October 2019. The list of issues and questions raised by the pre-sessional working group is contained in CEDAW/C/IRQ/Q/7, and the responses of Iraq are contained in CEDAW/C/IRQ/Q/7/Add.1.

A. Introduction

2. The Committee appreciates the submission by the State party of its seventh periodic report. It also appreciates the State party's written replies to the list of issues and questions on the seventh periodic report, as well as the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party on its high-level delegation, which was headed by the Permanent Representative of Iraq to the United Nations Office and other international organizations in Geneva, Hussain Mahmood Alkhateeb, and included representatives of the Council of Representatives, the Council of State, the Office of the Presidency, the Office of the Prime Minister, the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of Labour and Social Affairs, the Ministry of Health, the Ministry of the Interior, the Ministry of Education, the Ministry of Migration and Displacement, the mayoralty of Baghdad, the Independent High Electoral Commission, the Endowments of the Christian, Yazidi and Sabaeen/Mandaean Religions Divan, the Kurdistan Regional Government and the Permanent Mission of Iraq to the United Nations Office and other international organizations in Geneva.

B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2014 of the State party's combined fourth to sixth periodic reports (CEDAW/C/IRQ/4-6) in undertaking legislative reforms, in particular the adoption, in 2015, of the Labour

* Adopted by the Committee at its seventy-fourth session (21 October–8 November 2019).



Act (No. 37), which guarantees equality between women and men and prohibits discrimination and sexual harassment in the workplace.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption of the following:

- (a) National strategy on violence against women and girls (2018–2030);
- (b) National development plan (2018–2022), which ensures the mainstreaming of gender strategies into national policies;
- (c) Vision 2030, adopted in 2019, which is aimed at ensuring the overall implementation of the Sustainable Development Goals, in particular target 5.1 on ending all forms of discrimination against all women and girls.

Sustainable Development Goals

6. The Committee welcomes the international support for the Sustainable Development Goals and calls for the realization of *de jure* (legal) and *de facto* (substantive) gender equality, in accordance with the provisions of the Convention, throughout the process of implementing the 2030 Agenda for Sustainable Development. The Committee recalls the importance of Goal 5 and of the mainstreaming of the principles of equality and non-discrimination throughout all 17 Goals. It urges the State party to recognize women as the driving force of the sustainable development of Iraq and to adopt relevant policies and strategies to that effect.

C. Parliament

7. The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see [A/65/38](#), part two, annex VI). It invites the Council of Representatives, provincial councils and the Parliament of the Kurdistan Region, in line with their mandates, to take the necessary steps regarding the implementation of the present concluding observations between now and the submission of the next periodic report under the Convention.

D. Principal areas of concern and recommendations

General context

8. The Committee notes the particularly severe effects of the control of parts of the State party by Islamic State in Iraq and the Levant (ISIL) from 2014 until its military defeat at the end of 2017, the political instability and presence of armed groups in the State party, the terrorist acts committed by criminal groups belonging to ISIL, the reinforcement of sectarian and ethnic divisions and the rise of violent extremism, all of which have led to severe violations of women's rights and constitute a serious obstacle to the implementation of the rights enshrined in the Convention. The Committee reminds the State party that it bears the primary responsibility to protect its population and should therefore immediately take measures to stop the use of excessive and lethal force against civilians and to prevent further violence, including killing and injury, in particular against women and children.

Withdrawal of reservations

9. The Committee commends the State party for withdrawing its reservation to article 9 of the Convention, but, notwithstanding the explanations given by the

delegation, remains concerned about the State party's reluctance to withdraw its reservations to articles 2 (f) and (g) and 16.

10. The Committee reiterates its previous recommendation (CEDAW/C/IRQ/CO/4-6, para. 16) and urges the State party to expedite its efforts towards withdrawing its reservations to articles 2 (f) and (g) and 16 of the Convention, which are incompatible with the object and purpose of the Convention and constitute an obstacle to the implementation of the Convention as a whole.

Women and peace and security

11. The Committee commends the State party for the implementation of its first national action plan for the implementation of Security Council resolution 1325 (2000) and welcomes the information provided by the delegation that the development of a second such plan (2019–2023) is at the final stage. It also welcomes the signature in 2016 of a joint communiqué by the State party and the Special Representative of the Secretary-General on Sexual Violence in Conflict on the prevention of and response to conflict-related sexual violence and the adoption of an action plan for its implementation. The Committee is concerned, however, that, notwithstanding the State party's efforts to increase the participation of women in national and international peace processes, they remain underrepresented in conflict prevention and peacebuilding processes, as well as in transitional justice and national reconciliation processes, and are not fully involved in the implementation of the national action plan for the implementation of resolution 1325 (2000).

12. The Committee recommends that the State party speed up the finalization and adoption of the second national action plan (2019–2023) for the implementation of Security Council resolution 1325 (2000), in cooperation with the Kurdistan Regional Government and representatives of women's civil society organizations, and ensure that, in the plan, it:

(a) Takes into consideration the full spectrum of the Security Council agenda on women and peace and security, as reflected in Council resolutions 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010), 2106 (2013), 2122 (2013), 2242 (2015), 2467 (2019) and 2493 (2019);

(b) Incorporates a model of substantive equality, in line with the Convention, that will have an impact not only on violence against women but also on all spheres of women's lives, and address the intersecting forms of discrimination to which women, including widows and internally displaced and refugee women, are subject in the State party;

(c) Ensures the participation of women, including those belonging to the various minorities, in international peace processes and transitional justice and national reconciliation processes, in particular with regard to the implementation of the national action plan;

(d) Integrates a gender-responsive budget, sets out indicators for the regular monitoring of its implementation and provides for accountability mechanisms.

Constitutional and legislative framework

13. The Committee welcomes the decision by the State party to establish a commission within the Supreme Judicial Council, composed of retired judges, to review discriminatory legislation, including in the Penal Code (Act No. 111 of 1969), the Code of Criminal Procedure (Act No. 23 of 1971) and the Personal Status Act (No. 188 of 1959). However, the Committee notes with concern the persistence of provisions that are discriminatory towards women, including articles 41, 128, 130,

131, 377, 380, 398, 409 and 427 of the Penal Code, as well as provisions of the Code of Criminal Procedure and the Personal Status Act.

14. Recalling articles 1 and 2 of the Convention and target 5.1 of the Sustainable Development Goals, on ending all forms of discrimination against all women and girls everywhere, the Committee recommends that the State party:

(a) **Repeal article 41 of the Constitution, in which it is currently stated that “Iraqis are free in their commitment to their personal status according to their religions, sects, beliefs or choices, [as] regulated by law”, with the aim of guaranteeing equality between women and men, in line with the Convention and article 14 of the Constitution;**

(b) **Repeal all sex-discriminatory provisions of the Penal Code, the Code of Criminal Procedure and other legislation, regulations and directives;**

(c) **Review and enact the draft act on protection against domestic violence, with a view to ensuring that adequate penalties are imposed on perpetrators of violence against women.**

National machinery for the advancement of women

15. The Committee commends the State party for the adoption of several strategies and policies, in particular the national development plan (2018–2022), in which gender equality is identified as a key priority for the implementation of the 2030 Agenda for Sustainable Development. However, it notes with concern that the Ministry of Women’s Affairs and the Ministry of Human Rights were both abolished in 2015, thereby weakening the implementation of the national strategy on violence against women (2013–2017) and the national strategy for the advancement of Iraqi women (2014–2018). The Committee also notes with concern the lack of a coordinating mechanism, which may lead to the duplication of mandates, loss of synergies and inefficiency in the implementation of gender equality strategies and policies. The Committee notes the establishment in 2017, by the General Secretariat of the Council of Ministers, of the Department of Women’s Empowerment and the restructuring of the Higher Committee for the Advancement of the Status of Iraqi Women and the Higher Committee for the Advancement of the Status of Rural Women. However, it is concerned that those bodies lack adequate human, technical and financial resources and clear mandates. The Committee further notes that the High Commission for Human Rights, established by Act No. 53 of 2008, does not fully comply with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

16. In line with target 5.A of the Sustainable Development Goals, the Committee recommends that the State party:

(a) **Ensure coherence between the national development plan (2018–2022) and the Sustainable Development Goals;**

(b) **Restore the Ministry of Women’s Affairs and provide it with a clear ministerial portfolio and mandate to promote and protect women’s rights and advance gender equality, allocating adequate human, technical and financial resources to it, enhancing its capacity to influence the formulation, design and implementation of public policies on gender equality and strengthening its coordination and oversight role in the preparation and implementation of legislation in the field of gender equality and in mainstreaming gender perspectives into all laws and policies;**

(c) **Provide detailed information on the mandate, status and authority of the Directorate for the Empowerment of Women and its relationship with relevant ministries and women's non-governmental organizations and on the human, technical and financial resources allocated in the national budget to the Directorate;**

(d) **Expediently develop and adopt a national strategy to support gender equality and the empowerment of women, as well as an action plan in which the competencies of national and local authorities regarding its implementation are clearly defined, and which is supported by a comprehensive data collection and monitoring system;**

(e) **Ensure that the High Commission for Human Rights is in full compliance with the Paris Principles, in particular with regard to its independence.**

Temporary special measures

17. Recalling its previous concluding observations ([CEDAW/C/IRQ/CO/4-6](#), para. 23), the Committee notes with concern that the State party does not make systematic use of temporary special measures, in accordance with article 4 (1) of the Convention, in order to accelerate the achievement of substantive equality between women and men in all areas in which women are disadvantaged or underrepresented in the State party.

18. **In line with article 4 (1) of the Convention and recalling its general recommendation No. 25 (2004) on temporary special measures, the Committee recommends that the State party:**

(a) **Adopt temporary special measures with time-bound targets, including quotas, accompanied by sanctions for non-compliance, to accelerate the achievement of substantive equality between women and men in all areas in which women, including rural women, migrant and asylum-seeking women and women with disabilities, are disadvantaged or underrepresented, in, inter alia, political and public life, education and employment, including in managerial positions, in particular in the civil service, diplomatic service and judicial service;**

(b) **Undertake capacity-building programmes, targeting all relevant State officials and employers, on the non-discriminatory nature and importance of temporary special measures for achieving substantive equality between women and men.**

Stereotypes and harmful practices

19. The Committee is concerned at the persistence of discriminatory stereotypes about the roles and responsibilities of women and men in the family and in society, which perpetuate the subordination of women to men and are exacerbated by the sectarian and religious divisions in the State party. It is deeply concerned about:

(a) The persistence of harmful practices that discriminate against women, such as child marriage, temporary marriage (*mut'ah* marriage, in which marriage is terminated after a specified period), forced marriage, female genital mutilation and crimes committed in the name of "honour";

(b) Discriminatory provisions in the Penal Code that allow perpetrators to invoke the defence of honour as a mitigating circumstance for homicide (arts. 128, 130, 131 and 409);

(c) The prevalence of female genital mutilation in certain regions of the State party, in particular in rural areas;

(d) The persistence of discriminatory stereotypes faced by women and girls belonging to ethnic minority groups, in particular Iraqi women of African descent, Yazidi, Turkmen and Christian women.

20. Recalling its previous concluding observations (CEDAW/C/IRQ/CO/4-6, para. 26) and joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices, the Committee recommends that the State party:

(a) **Adopt a comprehensive strategy to eliminate discriminatory stereotypes and all harmful practices, such as child marriage, temporary marriage (*mut'ah* marriage), forced marriage, female genital mutilation and crimes committed in the name of “honour”, which includes awareness-raising and educational efforts targeting the general public, religious and community leaders and the media, in collaboration with civil society and women’s organizations;**

(b) **Repeal articles 128, 130 and 131 of the Penal Code to ensure that perpetrators of crimes committed in the name of “honour” cannot invoke the defence of honour as a mitigating circumstance for homicide;**

(c) **Strengthen preventive and protective measures to eliminate female genital mutilation, ensure that rehabilitation programmes and information are readily available to victims and ensure that relevant professionals are sufficiently trained to identify potential victims and that perpetrators are brought to justice;**

(d) **Take measures to eliminate discriminatory stereotypes and prejudice towards women and girls belonging to ethnic minority groups, in particular Iraqi women of African descent and Yazidi, Turkmen and Christian women.**

Gender-based violence against women

21. The Committee notes with appreciation the adoption of a national strategy on violence against women and girls (2018–2030). It commends the State party on the efforts to adopt the draft act on survivors of crimes committed by ISIL to recognize and respond to the suffering of Yazidi women who were held in captivity by ISIL. However, the Committee notes with deep concern:

(a) That, despite its first draft being completed in 2011 and submitted to the Council of Representatives for approval on three occasions since 2015, the act on protection against domestic violence has not yet been adopted, owing to objections raised by the parliamentary committee on religious endowments;

(b) That a number of factors continue to contribute to the underreporting of cases of gender-based violence against women, such as cultural barriers and the impunity of perpetrators, as well as the scarcity of human, technical and financial resources available to police family protection units;

(c) The insufficient number and capacity of State-run shelters for victims of gender-based violence and the fact that shelters run by non-governmental organizations to respond to the needs of women and girls who are survivors of violence, including ISIL victims, have been forced routinely to relocate in order to ensure the safety of both victims and staff members;

(d) The lack of adequate human, technical and financial resources allocated for the implementation of Act No. 8 of 2011 on combating domestic violence in the Kurdistan Region.

22. Recalling the relevant provisions of the Convention, the Committee's general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, and its previous concluding observations (CEDAW/C/IRQ/CO/4-6, para. 29), the Committee recommends that the State party:

(a) **Adopt the draft act on survivors of crimes committed by ISIL and ensure its compliance with international human rights standards and principles;**

(b) **Take measures to accelerate the adoption of the draft act on protection against domestic violence;**

(c) **Provide systematic training on the draft act on protection against domestic violence to all police officers working in family protection units, continue the recruitment of women police officers and ensure their retention;**

(d) **Ensure the availability of shelters for women who are victims of violence throughout its territory, strengthen both medical and psychological support services for victims, as well as counselling and rehabilitation services, and ensure that those services are properly funded and accessible, that staff are trained and the quality of the services provided is regularly monitored;**

(e) **Allocate sufficient resources to the implementation of Act No. 8 of 2011 on combating domestic violence in the Kurdistan Region;**

(f) **Take appropriate measures to ensure the collection of data on all forms of gender-based violence against women, disaggregated by age, region, disability, relationship between the victim and perpetrator and socioeconomic and other related parameters.**

Trafficking and exploitation of prostitution

23. The Committee notes the existence of the Central Committee to Combat Human Trafficking. It notes with concern that, since the invasion of Iraq in 2003, up to 10,000 women and girls have been kidnapped or trafficked for purposes of sexual exploitation or held for ransom. The Committee notes that, as a consequence of the dissolution of the Iraqi army and other security institutions, internal and cross-border trafficking in women and children in the State party has increased. It also expresses concern at allegations that forced marriages and temporary marriages (*mut'ah* marriages) have been used by men to traffic women within the State party or to neighbouring countries, such as Jordan, Kuwait and the Syrian Arab Republic, for purposes of sexual exploitation. Furthermore, the Committee expresses concern about the absence of a national action plan to combat trafficking in persons.

24. The Committee recommends that the State party:

(a) **Strengthen the mandate of the Central Committee to Combat Human Trafficking and ensure that it is supported by adequate human, technical and financial resources;**

(b) **Intensify its efforts to prevent and combat trafficking in women and girls, including by effectively implementing Act No. 28 of 2012 on combating trafficking in persons and by providing victims with protection and support, including shelters and psychosocial assistance;**

- (c) Conduct prompt and impartial investigations into cases of trafficking in persons, ensure that those found guilty of such crimes are adequately punished and guarantee that all victims of trafficking obtain redress;
- (d) Address, as a priority, trafficking in women and girls for purposes of forced and temporary marriages (*mut'ah* marriages) by criminalizing such marriages and adopting a national action plan to combat such practices and shut down offices that facilitate and organize such forms of marriages;
- (e) Continue to raise awareness about the criminal nature and risks of trafficking in women and girls, provide training to the judiciary, law enforcement officers and border police on the early identification of women and girls who are victims of trafficking, and ensure their referral to appropriate services and the strict application of relevant criminal law provisions;
- (f) Provide training on gender-sensitive treatment to social workers and medical staff supporting victims of trafficking;
- (g) Accelerate the adoption of a national action plan for combating trafficking in persons and establish a permanent body to coordinate and monitor its implementation;
- (h) Ensure the collection of disaggregated statistical data regarding the incidence of both internal and cross-border trafficking, the number of criminal proceedings initiated and the sentences imposed on perpetrators of trafficking-related crimes, and include such data in the next periodic report.

Participation in political and public life

25. The Committee notes the efforts made by the State party to ensure the implementation of a minimum quota of 25 per cent for the representation of women in the Council of Representatives and the adoption of Cabinet decision No. 99 (2015), which encourages ministries to recruit women to senior-level positions. It also notes the appointment of a woman as Minister of Education and the recent election of a woman as mayor of Baghdad. The Committee further notes with appreciation that the Political Parties Act (No. 36 of 2015) provides for women to be represented in the founding committee and general committee of a party. However, it regrets the absence of women members of the Independent High Electoral Commission. It also notes with concern that women belonging to various minority groups, including women with disabilities, Iraqi women of African descent and Yazidi, Turkmen and Christian women, continue to be underrepresented in political and public life in the State party.

26. The Committee recommends that the State party:

- (a) Continue to implement temporary special measures, in line with article 4 (1) of the Convention, the Committee's general recommendation No. 25 and the Committee's general recommendation No. 23 (1997) on women in political and public life, to achieve the equal representation of women and men, including in high-level positions, the civil service, the diplomatic service and the judicial service;
- (b) Adopt legislation requiring political parties to have women account for a minimum of 25 per cent of their candidates for election, provide financial incentives for the nomination of women candidates, provide capacity-building programmes for women candidates on campaigning and political leadership skills and raise awareness of their participation in decision-making, with the aim of introducing a quota of 25 per cent;
- (c) Create an enabling environment for the participation of women in political and public life, in particular with regard to women belonging to

minority groups, including by raising awareness among political leaders and the general public of the fact that the full, free and democratic participation of women on an equal basis with men in political and public life is a requirement for the full implementation of the human rights of women.

Nationality

27. The Committee notes with appreciation the information provided by the delegation that article 4 of Act No. 26 of 2006 on nationality is currently under review by the Ministry of the Interior and the Council of State, with a view to amending or repealing it. It remains concerned that, while Iraqi men can transmit their nationality to their children born outside the State party on the basis of descent, article 4 establishes that Iraqi women may transmit their nationality to their children born outside the State party only if the father is unknown or stateless, subject to the discretion of the Minister of the Interior. The Committee also notes that the transfer of nationality by the mother is possible only if the marriage has been duly registered, which discriminates against children born out of wedlock, children of Iraqi women who are married to a foreign national and children born of forced marriages to combatants or informal marriages, and renders them stateless. The Committee is also concerned that children whose fathers are ISIL members or who are born following sexual violence committed by ISIL members have limited access to birth registration, which puts them at risk of statelessness.

28. The Committee recommends that the State party:

(a) **Amend the discriminatory provisions of article 4 of Act No. 26 of 2006 on nationality, in order to ensure that women and men enjoy equal rights to acquire, transfer, retain and change their nationality, in line with article 9 of the Convention;**

(b) **Accelerate efforts to facilitate birth registration, including through the use of modern technology to simplify and ensure affordable birth registration procedures.**

Education

29. The Committee notes that the State party endorsed the Safe Schools Declaration in 2015. It regrets, however, that in 2016 only 6 per cent of the State party's national budget was spent on education, placing Iraq at the bottom rank of Middle Eastern countries. The Committee notes that, according to the United Nations Children's Fund, there are approximately 3.2 million school-aged Iraqi children currently not enrolled in education, in particular in governorates affected by the conflict, such as Salah al-Din and Diyala, where 90 per cent of children are not enrolled. It also notes with concern that approximately 355,000 displaced children are not attending school. The Committee is further concerned about the lower rate of enrolment of girls at the primary, intermediate and secondary levels and about the higher dropout rates for girls, which are directly proportional to the level of education. The Committee further notes with concern that minority and rural women and girls, women and girls with disabilities and women and girls who lived under ISIL occupation have extremely limited access to education.

30. The Committee reiterates its previous recommendations ([CEDAW/C/IRQ/CO/4-6](#), para. 39) and calls upon the State party:

(a) **To ensure that discriminatory gender stereotypes are removed from school curricula and textbooks;**

(b) **To strengthen its efforts to increase literacy rates within the framework of Act No. 23 of 2011, in particular among girls and young women**

belonging to ethnic minority groups, rural girls and young women, girls and young women with disabilities and women and girls who lived under ISIL occupation;

(c) To take effective measures to prevent girls from dropping out of school at all levels of education and collect and analyse data on schooling, disaggregated by sex, age and geographical location, to assess the impact of relevant policies and programmes;

(d) To effectively address the barriers to access to education for girls by, inter alia, ensuring road safety for girls on their way to school, as well as safe school environments, combating harmful practices such as child marriage and providing scholarships to girls affected by poverty;

(e) To allocate adequate financial resources to the education sector with the aim of improving and standardizing the quality of education and expanding the availability of technical and vocational training opportunities for girls in non-traditional fields of education, and ensure that infrastructure in the education system is inclusive and accessible.

Employment

31. The Committee expresses concern about:

(a) The lack of information on the enforcement of the provision of maternity leave in the private sector under the Labour Act (No. 37 of 2015);

(b) The lack of specific data on the employment of women with disabilities, Iraqi women of African descent and rural women;

(c) The high unemployment rate among women and the unequal division of family responsibilities between women and men;

(d) The lack of accessible and affordable childcare facilities;

(e) The concentration of women in the informal sector and the fact that such women continue to be excluded from labour and social security protection, including pension benefits;

(f) The lack of data on reported cases of and prosecutions for sexual harassment in the workplace.

32. The Committee recommends that the State party:

(a) Ensure the enforcement of the provisions on maternity leave under the Labour Act (No. 37 of 2015);

(b) Provide disaggregated data on the number of women with disabilities and Iraqi women of African descent employed in the public and private sectors in its next periodic report;

(c) Consider ratifying the Workers with Family Responsibilities Convention, 1981 (No. 156), of the International Labour Organization in order to promote the equal sharing of domestic and family responsibilities between men and women;

(d) Increase the number of affordable and accessible childcare facilities throughout the State party to ensure the equal participation of women and men in the labour market;

(e) Review its pension and social benefit schemes to extend their coverage to women working in the informal economy;

(f) **Ensure that sexual harassment crimes are reported and perpetrators are prosecuted, in accordance with articles 10 and 11 of the Labour Act (No. 37 of 2015).**

Health

33. The Committee notes the State party's efforts to improve access for women to health care and health-related services, especially with regard to the prevention of breast cancer and through the implementation of the national strategy for reproductive, maternal and child health (2013–2017). Nevertheless, it notes with concern:

(a) That rural women, women with disabilities, internally displaced women and refugee women in camps in the State party continue to lack adequate access to basic health-care facilities, clean water, sanitation, high-quality medical care and psychological support;

(b) The lack of information and statistical data on women and girls living with HIV/AIDS;

(c) The high maternal mortality ratio of 79 deaths per 100,000 live births in 2017 and the inadequacy of prenatal and postnatal care in the State party;

(d) That, under articles 417 to 419 of the Penal Code, abortion is permissible only in cases in which there is a risk to the life of the pregnant woman;

(e) That, despite the adoption of Act No. 38 of 2013 on the care of people with disabilities and special needs, women with disabilities have difficulty obtaining access to health-care services and that the health-care system often fails to provide reasonable accommodation for such women.

34. **In line with its general recommendation No. 24 (1999) on women and health, the Committee recommends that the State party:**

(a) **Improve the coverage of and access to health services throughout its territory, including in camps for internally displaced persons and refugees, by allocating sufficient budgetary resources for hospitals and clinics to ensure the availability of affordable and adequate health services, such as sexual and reproductive health services, including safe abortion, in all parts of the State party, in particular in rural and remote areas;**

(b) **Collect data, disaggregated by sex, on the prevalence of HIV and sexually transmitted infections, while fully respecting the confidentiality of patient information, and ensure that age-appropriate sexual and reproductive health services and treatment, including confidential services, are accessible to all women and girls living with HIV/AIDS;**

(c) **Reduce maternal mortality by improving access to basic prenatal and postnatal care and emergency obstetric services provided by skilled birth attendants throughout the territory of the State party;**

(d) **Legalize abortion in cases of rape, incest, threats to the life or health of the pregnant woman and severe fetal impairment and ensure access for women to safe abortion and post-abortion services, delivered by trained medical personnel;**

(e) **Fully implement Act No. 38 of 2013 to ensure that all women and girls with disabilities have access to high-quality health services, including sexual and reproductive health services, and are provided with reasonable accommodation.**

Marriage and family relations

35. The Committee recalls its previous concluding observations ([CEDAW/C/IRQ/CO/4-6](#), para. 52) and reiterates its concern that the implementation of article 41 of the Constitution of 2005 undermines the Personal Status Act (No. 188 of 1959) of the State party, given that it provides for the adoption of different personal status laws according to religious doctrines, to the detriment of the equal rights of women in marriage and family relations. It further notes with concern:

(a) Legal exceptions to the minimum age for marriage, set at 18 years for women and men, in the Personal Status Act, which allow for the marriage of girls at the age of 15 years;

(b) That polygamy is permitted in certain circumstances under the Personal Status Act and Act No. 15 (2008) in the Kurdistan Region;

(c) The increased number of unregistered marriages and their negative impact on the rights of women, in particular their economic, social and cultural rights.

36. In line with its general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution, the Committee recalls that identity-based personal status laws and customs perpetuate discrimination against women and that the preservation of multiple legal systems is in itself discriminatory against women. It recommends that the State party:

(a) **Repeal the discriminatory legal exceptions to the minimum age of marriage for girls contained in the Personal Status Act (No. 188 of 1959) and ensure that legal exceptions to the minimum age of marriage, set at 18 years for both women and men, are granted only in exceptional cases and authorized by a competent court, for girls and boys of at least 16 years of age and upon their expressed consent;**

(b) **Take all appropriate measures to discourage and prohibit polygamy;**

(c) **Ensure the registration of all marriages, in line with the Personal Status Act.**

Women with disabilities

37. The Committee is concerned about:

(a) The lack of mainstreaming of a gender perspective into disability-specific policies and the lack of mainstreaming of the disability perspective into gender legislation and policies;

(b) The insufficient implementation of measures to combat multiple and intersecting forms of discrimination, in particular against women with disabilities living in rural areas, women with disabilities who are internally displaced, refugees or migrants, and women with disabilities belonging to ethnic, religious or linguistic minorities, including in the Kurdistan Region;

(c) The limited information on policies and strategies to ensure the development, advancement and empowerment of women and girls with disabilities in the political, social and economic spheres.

38. In line with the Committee's general recommendation No. 18 (1991) on disabled women, the Committee recommends that the State party:

(a) **Take effective measures to mainstream a disability perspective into all gender-specific policies and legislation and to mainstream a gender perspective into all disability-specific policies and legislation;**

(b) **Step up efforts and take effective measures to combat multiple and intersecting forms of discrimination against women and girls with disabilities;**

(c) **Develop and adopt affirmative measures aimed at empowering and fully including women and girls with disabilities in all spheres of life, including by strengthening the efforts of the Commission for Persons with Disabilities and Special Needs to provide professional capacity-building to women with disabilities.**

Refugee, returnee and internally displaced women and girls

39. The Committee notes the efforts put in place by the State party to address the needs of millions of internally displaced persons, returnees and other vulnerable Iraqi women living in areas affected by the military operations against ISIL. However, it notes with concern that the State party's current security and fiscal constraints have affected its ability to provide basic public services in camps for internally displaced persons. The Committee notes that, although the number of such persons in the State party has decreased by 7.5 per cent, there are still approximately 1.8 million in the State party, 450,000 of whom are living in 109 camps and another 1.2 million in private or informal housing arrangements. It further notes that over a half of them have been displaced for more than three years. The Committee is particularly concerned about:

(a) The violation of the right of safe return of large numbers of internally displaced women and girls, including women and girls allegedly belonging to ISIL;

(b) The high rates of domestic violence, sexual exploitation, harassment and harmful practices, including child and forced marriages, affecting internally displaced women and girls in camps;

(c) The increased insecurity affecting woman and girls restricting, their capacity to obtain access to water, sanitation, education, health services and employment.

40. **In line with its general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women and general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, the Committee recommends that the State party:**

(a) **Ensure the safe return of internally displaced women and refugee women to their homes and their participation in the reconstruction of their communities;**

(b) **Ensure that immediate humanitarian assistance needs and protection requirements are complemented with long-term strategies in support of the socioeconomic rights and livelihood opportunities of returnee, internally displaced and refugee women, women's leadership and political participation, with a view to ensuring that they have durable livelihoods;**

(c) **Address the specific risks and particular needs of different groups of returnee, internally displaced and refugee women who are subject to multiple and intersecting forms of discrimination;**

(d) **Accede to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto and the 1961 Convention on the Reduction of Statelessness, and amend its national legislation accordingly in order to strengthen the protection of refugee, asylum-seeking and stateless women and girls.**

Data collection

41. The Committee is concerned about the general lack of statistical data disaggregated by sex, age, ethnicity, disability, geographical location and socioeconomic background, which are necessary to accurately assess the situation of women, determine the magnitude and nature of discrimination, develop informed and targeted policies and systematically monitor and evaluate progress achieved towards the realization of substantive equality between women and men in all areas covered by the Convention.

42. **The Committee calls upon the State party to develop capacity-building measures and establish a programme for funding gender-related activities to improve the collection of data disaggregated by sex and other relevant factors, which are necessary to assess the impact and effectiveness of policies and programmes aimed at mainstreaming gender equality and enhancing the enjoyment by women of their human rights. In this regard, the Committee draws attention to its general recommendation No. 9 (1989) on statistical data concerning the situation of women.**

Optional Protocol to the Convention and amendment to article 20 (1) of the Convention

43. The Committee encourages the State party to expedite the ratification process of the Optional Protocol to the Convention and to accept, as soon as possible, the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.

Beijing Declaration and Platform for Action

44. The Committee calls upon the State party to use the Beijing Declaration and Platform for Action and to further evaluate the realization of the rights enshrined in the Convention in the context of the 25-year review of the implementation of the Declaration and Platform in order to achieve substantive equality between women and men.

Dissemination

45. The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Council of Representatives, provincial councils, the Parliament of the Kurdistan Region and the judiciary, to enable their full implementation.

Technical assistance

46. The Committee recommends that the State party link the implementation of the Convention to its development efforts and that it avail itself of regional or international technical assistance in this respect.

Ratification of other treaties

47. The Committee notes that the adherence of the State party to the nine major international human rights instruments¹ would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, to which it is not yet a party.

Follow-up to the concluding observations

48. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 14 (a), 16 (b) and 40 (a) above.

Preparation of the next report

49. The Committee requests the State party to submit its eighth periodic report, which is due in November 2023. The report should be submitted on time and cover the entire period up to the time of its submission.

50. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents ([HRI/GEN/2/Rev.6](#), chap. I).

¹ The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.