

**Concluding comments of the Committee on the Elimination of
Discrimination against Women: Iraq**

Combined second and third periodic report

166. The Committee considered the combined second and third periodic report of Iraq (CEDAW/C/IRQ/2-3) at its 468th and 469th meetings, on 14 June 2000 (see CEDAW/C/SR.468 and 469).

Introduction by the State party

167. In introducing the report, the representative of Iraq stressed her delegation's desire for a constructive dialogue with the Committee. She noted that according to the most recent census of 1997, women composed 50.3 per cent of the total population of approximately 22 million, which reflected a population growth since 1987 of approximately 3 per cent.

168. The representative informed the Committee of actions taken in her country pursuant to the Convention and the Beijing Declaration and the Platform for Action. These included a seminar in 1994 on the topic "Women and human rights: ways of confronting challenges". The seminar, organized by the Government in cooperation with non-governmental organizations, resulted in the adoption of the Declaration of Baghdad. A national strategy to promote the situation of Iraqi women had also been developed after the Fourth World Conference on Women. Institutional mechanisms had been reinforced to facilitate the strategy's implementation. For instance, a high-level National Committee for the Advancement of Iraqi Women had been established, headed by the Minister of Labour and Social Affairs and comprising high-level officials from ministries and bodies concerned with the implementation of the national strategy.

169. The representative emphasized that the implementation of the Convention in Iraq should be seen against the background of the circumstances of the country. She recalled paragraph 145 of the Beijing Platform for Action, on the negative impact of economic sanctions on the status of women, and noted that the comprehensive regime of sanctions on Iraq had negatively affected the lives of its people and resulted in a significant increase in child and maternal mortality and cancers, including leukaemia. In that regard, she drew attention to the findings and recommendations in a 1999 UNICEF survey on child and maternal mortality in Iraq.

170. The representative noted that Iraq had experienced over 197,000 air raids since 9 May 1991 which had caused the death of hundreds of civilians and the destruction of critical economic infrastructure. Extreme suffering had been experienced by the general population and among women and children, in particular. The absence of governmental control over the north of the country had also impeded the State party's ability to monitor the implementation of international human rights treaties, including the Convention.

171. The representative emphasized the Government's decisive political will to implement the Convention, which was clear from steps such as the accession to the Convention, regular reporting, the formulation of national strategies and the establishment of national mechanisms. The absence of adequate resources and international cooperation had hindered full implementation, and circumstances had forced the State party to change its priorities and shift its main focus to the right of survival, especially for women and children.

172. The representative highlighted several measures introduced to ensure the advancement of women. They included the introduction, by the country's largest political party, of quotas to increase the number of women at the decision-making level, which resulted in a marked increase in the number of women occupying leadership positions after the 1999 elections. Women currently comprised 8 per cent of members of Parliament, a figure exceeding the Arab country average of 3 per cent. The personal status code had been made more equitable through reform of regulations on alimony payments for women, which had been further reinforced by criminal law. The penal code had also been amended to exclude women from detention for certain crimes.

173. The representative concluded that political will existed at the highest levels in Iraq to ensure the implementation of the Convention, despite the adverse effects of sanctions and the resultant limited resources which prevailed. In that regard, she urged the Committee to take into consideration the grave circumstances and challenges facing her country, which were caused mainly by sanctions, and which affected implementation of the Convention.

Concluding comments of the Committee

Introduction

174. The Committee expresses its appreciation to the Government of Iraq for submitting its combined second and third periodic report in accordance with the Committee's guidelines for the preparation of periodic reports and with statistical data disaggregated by sex. It welcomes the submission of written replies to the Committee's questions and the oral presentation that further clarified the current situation of women in Iraq. The Committee appreciates the fact that, despite the difficult situation faced by the country, the Government has shown the will to continue the constructive dialogue with the Committee.

Positive aspects

175. The Committee welcomes the Government's stated political will to implement the Convention and notes with appreciation the legislative reforms implemented by the State party, in particular with regard to the Personal Status Code, which brought about a greater degree of women's equality with men, and the Penal Code, which now provides greater protection to women.

176. The Committee commends the Government for adopting, in June 1997, a National Strategy for the Advancement of Women in implementation of the Beijing Platform for Action and keeping in mind the provisions of the Convention, as a five-year plan to the year 2005.

177. The Committee welcomes the establishment, in June 1997, of the high-level National Committee for the Advancement of Iraqi Women, the agency concerned with the advancement of women and consisting of representatives of ministries involved in activities of relevance to women, and of the General Federation of

Iraqi Women. The Committee welcomes the work of the General Federation of Iraqi Women aimed at implementation of the Convention.

Factors and difficulties affecting the implementation of the Convention

178. The Committee notes that the effects of sanctions and embargo are reflected in the difficult economic and social situation prevailing in the country, which has had repercussions on the advancement of women and on their socio-economic well-being. The situation impedes the full implementation of the Convention. However, the Committee is of the opinion that, notwithstanding difficulties, the State party remains responsible for implementing its obligations under the Convention in order to ensure elimination of discrimination against women with respect to the rights contained in the Convention.

Principal areas of concern and recommendations

179. The Committee notes with concern that while the current situation in the State party is not favourable to the advancement of women in some respects, the State party has failed to adopt specific policies and take all possible measures to implement the Convention. The Committee notes in particular the failure of the State party to revoke legislative provisions that discriminate against women.

180. The Committee also notes with concern that discriminatory views and attitudes that impede women's enjoyment of their rights have not been addressed by the State party.

181. The Committee calls on the Government to review discriminatory legislative provisions and to take measures, including temporary special measures, aimed at creating a non-discriminatory legislative and de facto environment for women.

182. The Committee is concerned that while article 19, subparagraph (a), of the Constitution of 1970 provides for equality of all citizens before the law without discrimination, including discrimination on the basis of sex, it does not specifically prohibit discrimination that has the effect or purpose of adversely affecting women's human rights. The Committee is also concerned that article 19, subparagraph (b), grants equal opportunities to all citizens "within the limits of the law", thus restricting the guarantee of article 19, subparagraph (a), in particular for women.

183. The Committee calls on the Government to encourage a constitutional amendment which reflects fully article 1 of the Convention. It also encourages the Government to undertake a comprehensive legislative review with a view to bringing all legislation into full conformity with the Convention.

184. The Committee notes with concern that insufficient information is available about progress in the implementation of the national strategy and in particular about steps to measure and evaluate such progress and to identify successful programmes.

185. The Committee urges the Government to put in place a mechanism to provide for the regular evaluation and qualitative and quantitative assessment of progress in the implementation of the national strategy for the advancement of women. It also invites the Government to provide further information on the mandate, annual work plans and major areas of activity of the National Committee for the Advancement of Women in its next report.

186. The Committee is concerned that the State party explicitly ruled out the possibility of withdrawal of its reservations to article 2, subparagraphs (f) and (g), and articles 9 and 16. The Committee expresses its concern at the State party's justification of those reservations as being based on its desire to apply the provisions of the Convention in a manner consistent with Islamic Sharia. In that regard, the Committee draws the attention of the State party to its statement on reservations (see A/53/38/Rev.1, part two, chap. I), and in particular its view that articles 2 and 16 are central to the object and purpose of the Convention, and that, in accordance with article 28, paragraph 2, reservations should be reviewed and modified or withdrawn.

187. The Committee is also concerned that Iraq's nationality law, which is based on the principle that the members of a family should all have the same nationality and that none should have dual nationality or lose their nationality, does not grant women an independent right to acquire, change or retain their nationality or to pass it on to their children.

188. The Committee recommends that the Government of Iraq review its reservations to article 2, subparagraphs (f) and (g), and articles 9 and 16, in the light of the Committee's statement on reservations, assess the justifications for those reservations and modify or withdraw them as soon as possible to ensure full implementation of the Convention.

189. While noting the existence of certain legislative provisions on violence against women, the Committee expresses its concern at the lack of a comprehensive approach to that issue. The Committee is particularly concerned about the lack of data and information on the incidence and types of violence perpetrated against women in the home and in society; social, medical and psychological support available to women subjected to violence; and measures to prosecute and punish perpetrators and to provide legal redress.

190. The Committee requests the Government to provide in its next report a comprehensive picture with regard to violence against women in the State party, including information on legislation, statistical data on the types and incidence of violence against women and the responses to such violence by law enforcement officials, the judiciary, social workers and health-care providers. The Committee urges the Government to encourage and support the establishment of facilities for women victims of domestic violence, such as telephone hotlines and shelters for battered women, and to launch a zero-tolerance campaign on violence against women so as to raise awareness about the problem and the need to combat it effectively.

191. The Committee is concerned at the prevailing view that emphasizes women's stereotypical role in the family and in private life to the detriment of establishing equality of women in all spheres of life. The Committee notes with concern that insufficient attention is being given to modifying harmful traditional and cultural practices, such as polygamy, and stereotypical attitudes that perpetuate discrimination against women.

192. The Committee urges the Government to implement awareness-raising campaigns to change stereotypical and discriminatory attitudes concerning the roles of women and girls, in addition to providing a non-discriminatory legislative basis. It also urges the Government to work towards the elimination of the practice of polygamy, in light of the Committee's general recommendation 21 on marriage and family relations. It also urges the Government to ensure that gender-sensitive public education campaigns at all levels create a non-discriminatory environment.

193. The Committee is also deeply concerned by the violence against women perpetrated through honour killings.

194. The Committee urges the Government in particular to condemn and eradicate honour killings and ensure that these crimes are prosecuted and punished in the same way as other homicides.

195. While noting that, apparently, there is a quota provision in place in the country's main political party, the Ba'ath Party, to increase the number of women in leadership positions, the Committee expresses its concern about the continuing low representation of women in public life.

196. The Committee calls on the Government to introduce measures in accordance with article 4, paragraph 1, of the Convention, and especially to increase the number of women in the political sphere.

197. The Committee notes with concern the level of illiteracy among women, the increasing rate at which girls drop out of secondary and higher education, and the low representation of women in technical schools.

198. The Committee calls on the Government to strengthen efforts to eradicate illiteracy and to ensure primary and secondary education for girls by preventing school dropouts. It further urges the Government to broaden the educational and training opportunities for girls and young women at the secondary and tertiary levels and in technical fields. It urges the Government to give particular attention to ensuring that girls and women have equal access to new specializations, including the opportunity to acquire skills and knowledge to participate on a basis of equality with men in the labour market and in the future reconstruction of the country.

199. The Committee expresses its concern about women's low participation in the labour market. It is also concerned at the absence of a law establishing minimum wages, which makes it extremely difficult to determine whether women are being paid equal pay for work of equal value. The Committee is also concerned that the flexibility granted to employers in labour relations has a negative impact on women's employability and security of employment. Differences in maternity benefits granted to women in the public and the private sector are also a cause of concern to the Committee.

200. The Committee urges the Government to ensure that women do not bear a disproportionate portion of the economic difficulties facing the country. In particular, the Committee calls on the Government to ensure that non-discriminatory labour legislation is in place and effectively enforced. The Committee requests the Government to ensure that women's reproductive function does not lead to discrimination against them in employment, job security and social benefits.

201. The Committee recognizes that sanctions have had a negative impact on women and children in areas such as health care, nutrition, employment and other basic social services. The Committee nevertheless is concerned at the failure of the Government to put in place specific and targeted measures to address these problems.

202. The Committee urges the Government to assess the differential impact of sanctions on women and children, especially on particularly vulnerable groups of women, and to put in place measures aimed at countering such a negative impact. In that regard, the Committee urges the Government to use resources available from programmes such as the oil-for-food programme in a manner that directly

benefits women, including through diverting resources currently allocated for other purposes.

203. The Committee expresses its concern at the overall health situation of women. It notes the high incidence of maternal mortality and the lack of basic health services, medicines and reproductive health services, including qualified birth attendants. The Committee is particularly concerned that, given the socio-economic difficulties, no measures have been put in place to address the mental and psychological health of women. The Committee is also concerned that no steps have been taken to determine the prevalence of HIV/AIDS in the country, and that no relevant preventive education and information campaigns aimed at women exist.

204. The Committee urges the Government to put in place mechanisms to provide the greatest possible protection of women's health rights. It urges the Government to ensure that women and children are effectively targeted so as to benefit from available resources and that such resources are not diverted to other purposes. It calls on the Government to take a holistic view of women's health, in line with the Committee's general recommendation 24 relating to article 12 of the Convention, and to put in place measures to ensure women's mental and psychological well-being.

205. The Committee expresses its concern about the lack of information provided about the situation of rural women and the implementation of article 14 of the Convention.

206. The Committee calls on the Government to provide in its next report a comprehensive picture of the situation of rural women, in particular their educational, health and employment situation, and the impact of traditions and stereotypes on their status.

207. The Committee notes with concern the lack of information on the situation of particularly disadvantaged groups of women, especially women belonging to ethnic minorities, including Kurds, Turkmens and Assyrians.

208. The Committee calls on the Government to address the situation of those groups of women.

209. The Committee requests that the Government respond in its next periodic report to the specific issues raised in the present concluding comments. It requests the Government to provide information about the mandate, functions and activities of the Human Rights Commission established within the National Assembly with regard to women's enjoyment of their human rights. It also requests that the Government engage in a broad consultative process with women's non-governmental organizations, including those that represent minority women, when preparing its next report.

210. The Committee requests the wide dissemination in Iraq of the present concluding comments, in order to make the people of Iraq, and particularly government administrators and politicians, aware of the steps that have been taken to ensure de jure and de facto equality for women and the future steps that are required in that regard. It also requests the Government to continue to disseminate widely, and in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action, and the results of the twenty-third special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century".