

**Security Council**

Distr.: General
8 May 2024

Original: English

**Letter dated 8 May 2024 from the Permanent Representatives of
Sierra Leone, Switzerland and the United Kingdom of Great
Britain and Northern Ireland to the United Nations addressed to
the Secretary-General**

Sierra Leone and Switzerland, 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 summary note of the meeting of the Informal Expert Group on the situation in 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 8 May 2024 from the Permanent Representatives of Sierra Leone, Switzerland 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 in Iraq held on 8 April 2024

On 8 April 2024, the Informal Expert Group on Women and Peace and Security convened a meeting on the situation in Iraq. The members 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/ISIL (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) and additional observations on conflict-related sexual violence shared by the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict.

Questions from Council members

Members of the Security Council asked questions about women's political participation, including challenges that women faced during the Governorate Council elections held in December 2023, measures to further increase women's representation in the Government, and the potential to expand the 25 per cent quota for women in the Council of Representatives to other government and leadership positions. Several members raised questions about violence against women in various fields, rule of law enforcement and how cases of domestic violence were addressed without specific legislation being in place, and the monitoring and reporting by UNAMI of harassment or attacks against women human rights defenders. There were also multiple questions regarding accountability for ISIL (Da'esh) atrocities against women and girls, including what would happen to the information collected when the UNITAD mandate ended in September 2024, how the needs and concerns of Yazidi survivors were reflected in the national action plan on women and peace and security, and the challenges related to the birth registration of children born as a result of rape and the progress made in this regard. Finally, some members raised questions about the pushback against the term "gender", the implementation of the national action plan on women and peace and security, the safeguarding of gender gains in a potential transition or drawdown of UNAMI, women's representation in the Iraqi judiciary, and gender mainstreaming across United Nations interventions, including those focusing on the youth.

Main points raised in the meeting

Women's political participation

- Iraq continues to make progress in advancing women's representation in politics. In October 2022, the Cabinet of the Prime Minister, Mohammed Shia' Al Sudani, was confirmed, which includes 3 women among 23 Cabinet members, namely the Ministers of Finance, Migration and Displacement, and Communications.

- In May 2023, the Government of Iraq established the High Committee to Support Women's Participation in the Governorate Council Elections, which took place in December 2023. As a member of the High Committee, UNAMI advocated measures to increase women's participation, such as the establishment of hotlines to receive complaints from women candidates during the campaign period. Four such hotlines were established by the National Directorate for Iraqi Women.
- The Governorate Council elections resulted in women taking 76 out of a total of 285 seats, or 26.7 per cent, slightly exceeding the women's minimum quota of 25 per cent. To date, none of the governors are women, and women feature poorly in the other key positions in the governorates. Most of the women candidates who won the elections were politically affiliated, similar to what was seen in the national elections held in 2021. Compared with the national elections, it was reported that women candidates in the Governorate Council elections were better prepared, with some, mostly first-time candidates, having taken part in training provided by the Independent High Electoral Commission. Nevertheless, recommendations to provide equal access to media coverage during campaigns and access to financing have been made to advance women's electoral participation.
- No serious violations against women were reported during the Governorate Council elections through the established hotlines.
- The federal Government launched the national strategy for Iraqi women for 2023–2030 in March 2023. The strategy aims to advance women's political participation, increase the protection of women and girls, foster women's economic empowerment and reduce the negative impact of climate change on women and girls.
- In March 2023, Mr. Al Sudani chaired the first meeting of the newly formed High Council for Women's Affairs, whose membership includes the three female ministers alongside the National Directorate for Iraqi Women and civil society representatives. The Prime Minister underscored the establishment of the High Council for Women's Affairs as a key initiative aimed at developing projects to advance the status and participation of women in Iraq and outlined the priorities of his Government of addressing poverty and unemployment and creating jobs for women, as well as combating violence against women.

National action plan on women and peace and security

- The National Directorate for Iraqi Women, under the General Secretariat of the Council of Ministers, is reviewing the second national action plan on Security Council resolution 1325 (2000) for the period 2020–2024 and is in the process of developing its third national action plan with the support of UN-Women and the United Nations Development Programme.
- Political will on the part of the Government of Iraq to implement the second Iraqi national action plan on women and peace and security has been strong at both the federal and regional levels, led by the National Directorate for Iraqi Women at the federal level and the High Council for Women and Development in the Kurdistan Region of Iraq. Challenges remain in the implementation related to the resourcing of the second national action plan, including from donors and the allocation of State budget resources. In addition, support to the different line ministries and governorates is necessary to ensure consistent implementation of the second national action plan across Iraqi territory. The United Nations, including UN-Women and the United Nations Development

Programme, seeks to address these challenges through support and technical assistance to the Government of Iraq.

- The rights and concerns of Yazidi women are strongly featured in the second national action plan, particularly in relation to the protection pillar.

Protection of women in law and policy

- Iraq's anti-domestic violence bill has been pending in the Council of Representatives for over 10 years. Currently, cases of domestic violence are covered under the provisions of the Penal Code, which also includes provisions allowing husbands to physically "discipline" their wives, as well as mitigating circumstances for "honour killings".
- The Directorate of Family and Child Protection of the Ministry of Interior has specialized police units, which are tasked with investigating cases of domestic violence and providing support to survivors. The cases are dealt with in the Specialized Court for Domestic Violence with judges who are specialized in such cases.
- UNAMI, together with the Office of the United Nations High Commissioner for Human Rights, issued a report entitled "Accountability for domestic violence in Iraq: promoting justice and non-discrimination" in March 2024. Some of the recommendations include having more judges trained on issues around domestic violence, more women judges assigned to work on these specialized cases, more resources allocated to the special protection units, organizing training for the women officers in the units, as well as increasing cooperation between law enforcement. The United Nations continues to engage with women judges and raise awareness of the role of women judges.
- On 27 April 2024, shortly after the meeting, the Council of Representatives passed the First Amendment to the Anti-Prostitution Law, renaming it the "Anti-Prostitution and Homosexuality Law", criminalizing homosexuality and introducing prison sentences for consensual same-sex relationships, as well as prison sentences and fines for those found guilty of promoting homosexuality. UNAMI and several stakeholders, including civil society, continue to engage with the Government of Iraq to raise concerns over the amendment to the law, noting that its provisions are not compatible with Iraq's international human rights obligations, in particular those relating to non-discrimination and freedom of expression.
- In January 2024, the Council of Ministers decided to close camps for internally displaced persons throughout Iraq by July 2024. Most of the camps are situated in the Kurdistan Region of Iraq. UNAMI has expressed its concern over the practicality of the deadline and reiterated United Nations support for voluntary, informed, dignified and safe durable solutions for internally displaced persons, in line with international standards and with specific attention to be dedicated to the concerns of women, including survivors of conflict-related sexual violence.

Yazidi Female Survivors Law and children born as a result of rape

- In June 2023, the Government approved the release of \$12 million for the implementation of the Yazidi Female Survivors Law. So far, applications for compensation have been approved for 827 women and for 753 Yazidis, men and women, who were below 18 at the time of their kidnapping by Da'esh. Some 1,200 survivors have begun receiving their monthly payments. A total of 2,847 Yazidi civilians remain missing.

- The General Directorate for Survivors Affairs developed a cooperation agreement with Iraqi non-governmental organizations to set up a referral system for survivors with the support of the International Organization for Migration. In implementation of this agreement, more than 60 survivors have obtained access to mental health and psychological support.
- There was an attempt to include civil registration of the children born as a result of rape as part of the Yazidi Female Survivors Law. However, the provision was deleted based on a request of Yazidi political representatives. Due to the strong resistance from the Yazidi community, it is unlikely that the law will be amended to include this. The United Nations and some civil society organizations continue advocacy in search of a solution for the children, who continue to live under precarious conditions, either in orphanages or in safe houses with their mothers isolated from their families and communities.
- The main challenges regarding birth registration and identity documents for children born as a result of rape are the legislation that requires proof of paternity, and coordination within the Ministry of Interior. The United Nations supports the Government in the matter by, among others, providing lawyers and advocating for digitalization of identity documentation.

Conflict-related sexual violence, including accountability for crimes committed by ISIL (Da'esh)

- The situation in Iraq has been covered in the report of the Secretary-General on conflict-related sexual violence since 2009, with a particular spotlight on the widespread and systematic use of sexual violence, sexual slavery and forced marriage by ISIL (Da'esh) since 2014.
- Since 2016, the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict has been working to address the conflict-related sexual violence agenda in the framework of the joint communiqué of the Republic of Iraq and the United Nations on prevention and response to conflict-related sexual violence.
- There is chronic underreporting of conflict-related sexual violence in Iraq. This remains a challenge in particular for the survivors of the Turkmen, Shabak and Christian communities due to fear of reprisals, social pressure, harmful social norms, and lack of trust in law enforcement institutions.
- There is currently no national legislation that permits prosecution of ISIS (Da'esh) members for conflict-related sexual violence as an element of war crimes, crimes against humanity and genocide. The only legal framework used for prosecution of ISIS (Da'esh) members nationally is the Anti-Terror Law, which does not recognize conflict-related sexual violence as a form of perpetration of terrorism.
- The National Permanent Committee for International Humanitarian Law, under the Prime Minister's Cabinet, has developed a draft law on international crimes. The draft law was submitted to the State Council of Iraq for review in the summer of 2023. If adopted, the law can provide a national mechanism for prosecution of conflict-related sexual violence as an element of war crimes, crimes against humanity and genocide.
- Prosecution of ISIL (Da'esh) conflict-related sexual violence is of utmost importance for both the survivors and communities and setting a precedent. Without justice and accountability, there is low deterrence and prevention of cases in the future.

- In line with the report of the Secretary-General in January 2024, the road map of the completion of the UNITAD mandate and its terms of reference, UNITAD is working to share analytical products with the Government of Iraq, including briefs with legal and factual findings. These include among others a brief on sexual and gender-based crimes committed against the Shia Turkmen community and updated brief on crimes against the Yazidi community, including sexual and gender-based violence.
- After the renewal of the UNITAD mandate for one year only, a large group of civil society organizations and survivors' networks raised their concern that survivors of conflict-related sexual violence and other atrocities perpetrated by ISIL (Da'esh) would not see justice in Iraq and that their crimes would be lost in the historical records. In response to their open letter in September 2023, the Prime Minister mentioned that Iraq was preparing legislation for national prosecution of war crimes, crimes against humanity and genocide, including conflict-related sexual violence.

Pushback against the term "gender"

- There has been a campaign on social media and by political actors against the use of the word "gender", seen as associated with the promotion of LGBTIQ issues. In November 2023, the Government, through the General Secretariat of the Council of Ministers, issued a circular instructing the replacement of the term "gender" with "justice between the two sexes", meaning between men and women.
- The anti-gender campaign has had serious consequences on women civil society leaders and activists. A number of civil society actors and others working on women's rights have suspended activities for fear of reprisal. UNAMI and several United Nations agencies have sought to and continue to address the misinformation being circulated on this topic through engagement with religious leaders and other influential actors, clarifying that the term gender does not imply promotion of any sexual orientation, and recalling the fundamental principle of non-discrimination. The United Nations in Iraq has also endorsed internal guidance on the matter, highlighting that women's rights are embedded in the Constitution of Iraq and international human rights frameworks, while seeking language that is acceptable to all in documents co-signed by the Government of Iraq.
- The United Nations encouraged the Security Council to continue to support women's rights organizations through the Women's Peace and Humanitarian Fund, which has supported more than 30 women's organizations in Iraq to date, the Global Survivors Fund, and other mechanisms.
- UNAMI and the United Nations entities in Iraq continue to advance the women and peace and security agenda, preserving the gains made so far and addressing persistent and newly emerging challenges. The United Nations remains committed to continuing to promote the rights of women in all of their diversity in Iraq, working closely with Iraqi counterparts. The needs, concerns and priorities of women and girls will continue to be placed up front in the new United Nations Sustainable Development Cooperation Framework for Iraq.

Recommendations¹

The Security Council should retain all gender-related language from resolution 2682 (2023) and consider these additions in its next decisions on Iraq:

- Recall the Government's international commitments and reiterate that women's rights and women's empowerment are universal values that do not conflict with culture, religion or tradition.
- Call for continued efforts to promote women's equal and meaningful participation in all decision-making bodies and processes, including on peace and security, through targeted measures including in government institutions and political parties, in line with the Secretary-General's commitment to advocating for an increase towards parity in political and electoral processes.
- Request UNAMI to systematically advocate for the rights of women in all of their diversity in its assistance to the Government of Iraq on legal and judicial reforms.
- Urge Iraqi institutions and authorities to ensure the protection of women's rights organizations and women peacebuilders from intimidation, threats and reprisals, including those who promote and protect women's human rights, and enable a safe environment for members of civil society, and request UNAMI to report on incidents and trends in this regard.
- Call on the authorities to allocate adequate human and financial resources for the implementation of the national action plan on women and peace and security and the 2016 joint communiqué to prevent and address conflict-related sexual violence.
- Request that gender considerations be taken into account in the return and reintegration of displaced Iraqi women from Syria and ensure that decisions about children are guided by the best interests of the child and family reunification.
- Recall Member States' obligations under the Convention on the Elimination of All Forms of Discrimination against Women, encourage ratification of its Optional Protocol, and call on the authorities to engage with women's groups and experts on their implementation of treaty obligations.
- Call on the authorities to enact pending legislation on domestic violence, including legal protection for shelters run by non-governmental organizations for survivors of gender-based violence, and child protection legislation rendering all children eligible for birth registration and documentation, and address harmful social norms preventing children's registration.
- Call for the Law on Support to Female Yazidi Survivors to lift the requirement for a criminal suit to be eligible for reparations and enact pending legislation to ensure legal identity for all children regardless of status.
- Retain and strengthen the critical provisions on the prevention and response to conflict-related sexual violence in the UNAMI mandate, including by calling for additional Women Protection Adviser capacity, and call upon the Government of Iraq to ensure accountability for conflict-related sexual violence and safe access for survivors to multisectoral services, including safe shelters,

¹ These 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.

in line with the 2016 joint communiqué to prevent and address conflict-related sexual violence.

- Encourage that accountability for conflict-related sexual violence crimes be emphasized in the context of prosecution of ISIL (Da'esh) members.
