



Legislative policies to reduce gender-based violence in the republic of iraq

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Abstract

In this research, we have dealt with gender-sensitive legal policies and legislation in the Republic of Iraq, especially women, to protect them from all forms of violence directed against them, whether psychological, physical, verbal, or sexual violence, and to provide a safe environment for Iraqi women through institutional frameworks, legislative laws, and national strategies to protect women from violence. directed against it and limit it.

Keywords

violence, women, gender, legislative laws, policies, strategies.

Introduction

Gender-based violence (GBV) is a comprehensive term for every harmful act that is committed against the will of a person and depends on the socially defined differences between gender (male and female), and forms of gender-based violence are a violation of many international human rights that are protected by covenants and conventions Many of these forms, but not all of them, are considered illegal and criminal acts in national laws and policies. Therefore, the Iraqi government has adopted some reform policies and legislation to protect and reduce gender-based violence, which aim to enhance security and establish justice to

ensure fair parity for both sexes, and in a manner that guarantees the application of Fair, transparent and strict rights related to the protection of individuals leading to good governance of the security and justice sector, and includes the rule of law and equality in access to justice between gender, transparency and accountability of the institutions concerned, and for more clarity, the research will be divided into the following topics:

1st Topic: types of gender-based violence in Iraq

2nd Topic: Iraq's commitment to international agreements and treaties

3rd Topic: national policies and strategies to advance the status of Iraqi women

4th Topic: reform policies to protect against gender-based violence

1st Topic: Types of Gender-Based Violence in Iraq

The percentage of women out of the total population in Iraq is approximately 49%, and they face many manifestations of violence against them, especially after the democratic transition process in (2003) and the subsequent internal conflict and in light of the increasing armed conflict and insecurity after the control of a number of Iraqi provinces by (ISIS) is considered one of the main factors that stand in the way of achieving gender equality (especially women), which impedes the process of community peace, as every five women are exposed to one form of violence directed against them, and this is a serious violation of human rights and the opposite of development trends. Unsustainable conditions, as conditions often lead to inequality and violence lead to the loss of basic rights, diminishing opportunities to enroll in schools and universities, jobs and the ability to participate in public life, and its impact ranges from multiple and immediate to long-term physical, mental and sexual consequences for women and girls, including death, which affects Negatively affects the general well-being of women and girls and prevents them from fully participating in society, as well as the huge costs of increasing health and legal care to losses in productivity, and thus affects national budgets and comprehensive development, and according to field surveys in Iraq reveal that traditional culture and social norms still give justifications for discrimination For a man and provide him with rights that are denied to women, and according to the results of the Iraqi Women's Survey (I WISH), it showed that (46%) of women believe that there is discrimination between males and females, and the reason is due to the preference of males over females, especially in rural areas with a rate of (95%). The second reason It is due to customs and traditions by (30.7%). In general, there is discrimination in favor of males, as it showed that (47.8%) discriminate against male leaving the house, and a fifth of the sample

(20%) discriminate in favor of male participation in decision-making within the family, choosing friends and choosing a life partner. As for equality in rights and duties, it is believed that Approximately (30%) of women believe that they are completely equal, compared to (38.6%) who believe that they are unequal. Despite the difficulty of reaching accurate real numbers for indicators of violence due to cultural factors and prevailing value systems, the general trend of violence in Iraq continued to escalate during the years that followed. Previously, levels of violence against juveniles, such as premeditated murder, physical assault (intentional harm), and sexual assaults (indecent assault, rape, and homosexuality) have increased significantly to the present time (2022), especially after the Corona pandemic. Among the most important types of gender-based violence are the following:

1- Domestic Violence

According to the results of the integrated survey of the social and health conditions of women in Iraq in 2019, the Ministry of the Interior announced the registration of (15) thousand cases of domestic violence in all cities of Iraq, and the cases of husband's assault on his wife amounted to more than (9) thousand cases. Assessments and surveys indicate that one out of every five women (21%) in Iraq between the ages of (15-49) years has suffered from physical violence at the hands of her husband, and one out of every three women (33%) has suffered abuse or psychological violation, and that nearly (50%) of married women have been subjected to various types of violence at the hands of their husbands, and (46%) of girls aged (10-14) years have been subjected to violence at least once between family members, and (46%) % of currently married women have been exposed to at least one type of violence at the hands of their husbands, and (44.5%) of them have been exposed to emotional violence, (5.5%) have been exposed to physical violence and about (9.3%) have been exposed to sexual violence, as shown Data of the Ministry of Interior in the year (2020) that the number of cases of violence registered in the Directorate of Community Family Protection is about (10,340) cases, and the number of completed cases of violence is (4,796) cases. And sexually (24) cases, and verbally (2127) cases.

The data shows in Table (1) the number of cases registered in the Directorate of Family and Child Protection for domestic violence in Baghdad and the governorates, and that the most widespread forms of domestic violence in Iraq are violence between husbands, especially the husband's assault on the wife, and most of the reasons were caused by male suspicion, the exacerbation of economic problems and drug abuse. Drugs and alcohol, marital infidelity, and misuse of technology (the Internet), which cause women to resort to suicide and despair within a society dominated by patriarchal values, and it is rare for the victim to resort to seeking support outside the family, so the percentage of those who turned to an external party for help did not exceed (5.1 %), and this behavior is related to the nature of the societal environment and the prevailing culture in it that

imposes on women not to disclose family problems as issues that must be confined within the boundaries of the family on the one hand, and on the other hand the presence of legal obstacles that discriminate against women such as Article (41) of the Penal Code The Iraqi law that allows the husband to beat his wife to discipline her, and considered that acts of violence against the wife is one of the rights of the husband, but within the limits of what is prescribed by Sharia, law and custom, thus opening the door to many harmful practices that are permitted by custom in a specific cultural environment, as for Article (128) 1) It clarifies a number of reasons that lead to either mitigating or abolishing the penalty, and the penalty does not exceed three years. Article (398) of the Penal Code exempts the offender who committed a crime motivated by honor, the penalty of which reaches imprisonment for a period of (15) years, or escape from punishment under What is called (washing away shame) in societies that are characterized by customs and traditions, and the law also grants freedom to every person who rapes his victim, and then marries her, and the perpetrator in this case is exempted from prosecution, which indicates a deficiency in the Iraqi Penal Code - legislator in 1969 Which remained without any amendment procedures even after the regime change in 2003, leaving women and girls survivors of violence based on social violence without any legal protection, as shown in the table below:

Table (1) Abused juveniles in Iraq, classified by type of abuse and gender for the years (2015-2017)

Legal description of violence	2015			2016			2017		
	Mal es	Femal es	Ga p	Mal es	Femal es	Ga p	Mal es	Femal es	Ga p
Murder	78	48	30	86	53	33	104	41	63
Honor killings	0	5	5	0	3	3	1	3	2
Psychological and verbal abuse (defamation and insult)	65	23	42	83	34	49	88	17	71
physical assault (intentionally hurting)	594	101	493	873	1111	238	1033	184	849
Sexual assault (indecent assault/rape/homosexuality)	140	51	89	170	46	124	167	61	106
Source: Prepared by the researcher, based on the National Strategy for Combating Gender-Based Violence 2018-2030, the General Secretariat of the Council of Ministers - Women’s Empowerment Department, in cooperation with the United Nations Population Fund - Iraq, p. 17.									

As for female genital mutilation (circumcision), which is a violation of women's rights to enjoy high health, the percentage of females who underwent circumcision at the level of Iraq was approximately (0.5%), of which in urban areas (7.0%) and in rural areas (8.3%). It was noted that the rate of circumcision is still high in the Kurdistan region, as the rate reached approximately (37.5%), according

to the results of the Multiple Indicator Cluster Survey (MICS6) for the year (2018), as shown in Figure (3-4) below:

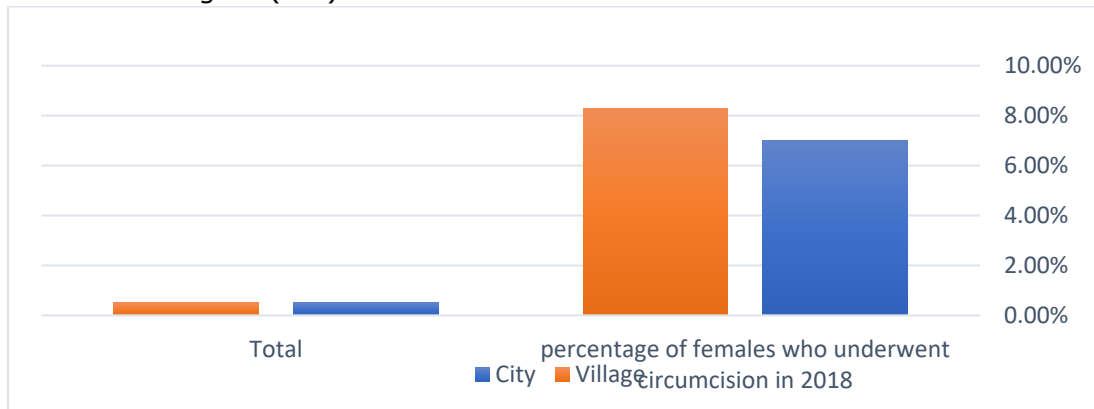


Figure (1) Percentage of females who underwent circumcision by environment in (2018)

Source: Prepared by the researcher, relying on the Iraqi Ministry of Planning - Central Statistical Organization, Women and Men Report 2021, Human Development Statistics Department, Iraq - Baghdad, 2021, p. 47.

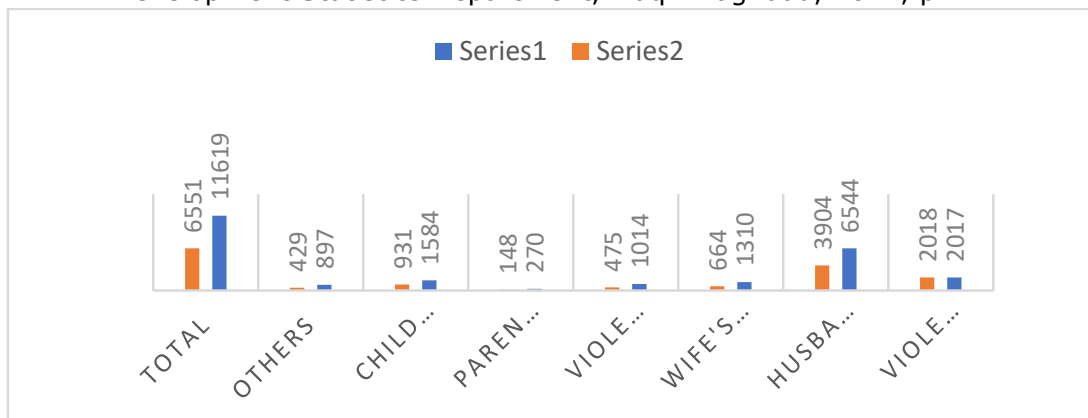


Figure (2) The number of cases registered in the Directorates of Family and Child Protection against domestic violence in Baghdad and the Iraqi governorates for the period (2017-2018)

Source: Prepared by the researcher, based on the National Strategy for Combating Gender-Based Violence 2018-2030, General Secretariat of the Council of Ministers - Women's Empowerment Department, in cooperation with the United Nations Population Fund - Iraq, pg. 18.

2- Child Marriage (Marriage of Minors)

Marriage of minors is considered a violation of a set of texts, statements and treaties concerned with the protection of human rights, especially those emanating from the establishment of the United Nations and child rights institutes. Choosing a husband for a mentally immature girl without her consent means controlling her fate and life without her knowledge. It is also a type of gender-based violence that is the most dangerous, so early marriage is mixed with child abuse. Early marriage is one of the common phenomena that has expanded in Iraqi

society. Underage wives reached in (2016) at the national level at the age of (12). (53.9%) years or more, and the average age at first marriage for females was approximately (20) years, while the percentage in 2018 for women who married before reaching (15) years was (7.2%), and the percentage of women who They got married before reaching the age of (18) years, about (27.9%). In urban areas, the rate was about (28.0%) and in rural areas, the rate was (27.6%). The highest level of governorates in terms of marrying girls under the age of (18) years for the age group (20-40) years is the governorate of Maysan, as the rate reached (35.0), and the lowest percentage was in Kirkuk governorate, which amounted to (15.9%), but in the year (2021), the percentage of women who got married before reaching the age of (18) years reached 25.5. The rates appear to be high over the past ten years, and thus leads to the deprivation of girls and women of access to empowerment factors, as well as the burden and obstacles in front of their education and development, because the apparent aggravation generates more economic costs for the state and a higher divorce rate between these ages, which leads to diseases Healthy and social because they are unable to adapt to the husband's family at a young age. There are those who commit suicide among married women at this age as a result of their intolerance of family problems. The former Minister of Women for State Affairs, Bushra Al-Zwaini, indicated, "Most of the married women at this age are from poor, uneducated families, or orphans It is rare to find a woman who gets married at this age while she lives in a well-to-do family or an educated family, in addition to the fear of spinsterhood, poverty, unemployment, domestic violence and a misunderstanding of the interpretation of Islamic law. There are many marriages that take place outside the framework of the court and with the consent of the guardian. Thus, increasing the largest number of divorced women in society, as shown in Figures (4 and 5) below:

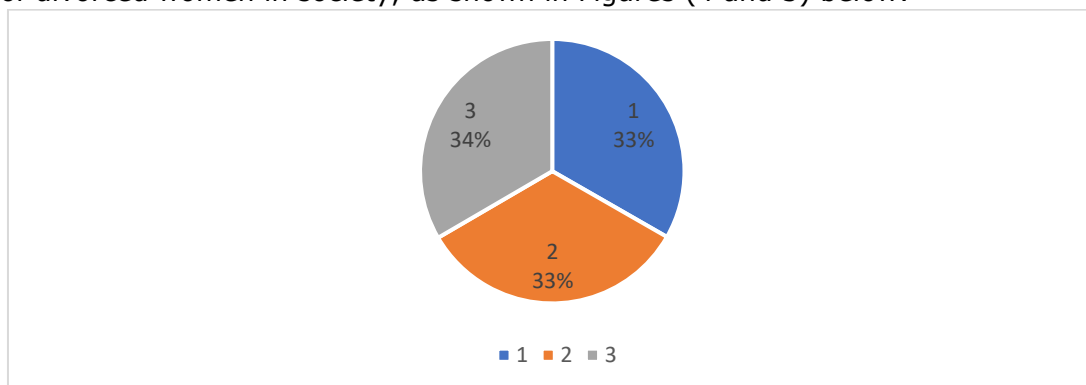


Figure (3) Divorce rate for women in Iraq for the years (2016-2018-2021)

Source: Prepared by the researcher, based on the National Strategy for Combating Gender-Based Violence 2018-2030, the General Secretariat of the Council of Ministers - Women's Empowerment Department, in cooperation with the United Nations Population Fund - Iraq, p. 17; Muayad al-Tarfi, Marriage of minors complicates the social situation in Iraq. The Independent Arabic Newspaper, Tuesday, June 14, 2022, on the electronic link:

<https://www.independentarabia.com>

Although the Iraqi law has set the age of marriage at the age of eighteen, many parents marry off their daughters without their presence or consent, as the marriage contract can take place in the absence of the girl and in the presence of the guardian (father or brother) and marrying her outside the court, and in Iraq this is called The custom (the master’s contract), and there is no specific age for the crumbs in this marriage except for the appearance of signs of puberty, and it differs from one crumb to another, and that this marriage from the legal point of view is considered valid, but from the formal side it is considered illegal, i.e. ratification in court, which It entails any legal obligations, and leads to the crumbs losing their rights and causing damage to them.

3- Human Trafficking (Women’s Trafficking

This phenomenon began to expand after the year (2003) in several forms, including the exploitation of women to work in prostitution networks, the exploitation of children for begging, and the trafficking of human organs, and the widespread spread of these crimes prompted the Iraqi parliament to pass Law No. (28) of the year (2012), and the legal system deals with trafficking victims as criminals and they are prosecuted and sentenced on charges of prostitution, especially since there are several reasons for such crimes, including poverty, societal fragility, lack of job opportunities and low wages for workers, as well as the lack of effective social protection systems, which generate negative effects. Including societal ones for the violation of human rights and is one of the factors for family disintegration and the corruption and destruction of public morals, including the political and economic effects of depriving the state of human energies and the high rate of organized crime and persistence in criminal behavior as a result of greed for material gains and an imbalance in the economic balance of the state, as well as the psychological effects that the victim is exposed to as a result of the prevalence of crimes of trafficking in women and their exploitation in prostitution in some regions, kidnappings of women increased, especially in Baghdad regions, as shown in the table below:

Table (2) The number of victims of human trafficking crimes and the percentage in Iraq for the years (2016-2018)

Year	Sexual Abuse			Forced Labor			Child ren			Begg ing			Human Organs	
	Mal es	Females	G ap	Mal es	Females	G ap	Mal es	Femal es	G ap	Mal es	Femal es	G ap	Females	G ap
2016	0	16	16	2	0	2	5	2	3	0	0	0	2	0
2017	0	31	31	5	0	5	2	3	1	0	0	0	0	0
2018	0	74	74	0	10	10	1	0	0	7	2	5	3	2

The table was prepared by the researcher based on the national report submitted in accordance with paragraph (5) of the annex to Human Rights Council Resolution 16/21: Human Rights Council, Working Group on the Universal Periodic Review, thirty-fourth session, 4-15 November 2019, p. 21.

It was noted in the above table that the percentage of sexual exploitation of females in the year (2016) reached (16%), then the percentage doubled in (2017), reaching (31%), and increased further in (2018), reaching (74%), meaning that the percentage remained It is increasing, and this indicates that despite the government's efforts to eliminate this phenomenon, the reality indicates the opposite, as shown in the figure below:

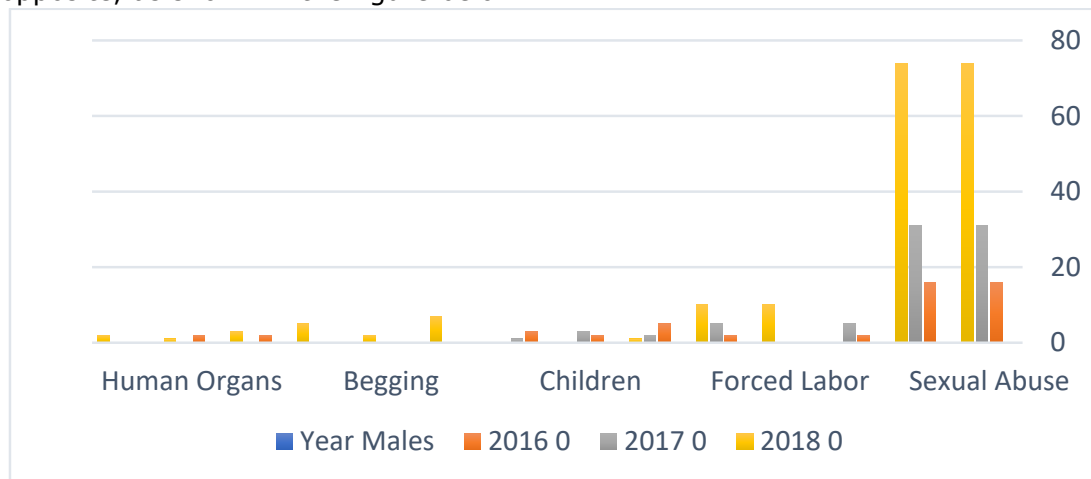


Figure (4) Percentage of the number of victims of human trafficking in Iraq for the period (2016-2018)

Source: Prepared by the researcher based on the national report submitted in accordance with paragraph (5) of the annex to Human Rights Council Resolution (16/21), Human Rights Council, Working Group on the Universal Periodic Review, thirty-fourth session, 4-15 November 2019 p. 21.

4- Minority Women (Genocide Victims)

The civil and political rights of minorities are a necessary need, especially in countries distinguished by the diversity of their components, and this is confirmed by international agreements and documents that affirm their rights and not to transgress or violate them. However, these rights are often violated and violated. After the change in the political system in 2003, Iraq witnessed a state of security and political instability and the occurrence of many conflicts that entered the country, which led to a violation of the rights of minorities consisting of: (national minority: Shabak Turkmen, Faily Kurds / religious minority: Christians, Sabeen Mandaean, Yezidis Baha'is, Kaka'is / ethnic minorities: dark-skinned, gypsies), as violations in Iraq against minorities worsened after the terrorist organization ISIS took control of some Iraqi provinces in which minorities reside, as the terrorist organization carried out genocide, displacement, killing, and confiscation of their property, and from Then killing, kidnapping, harassment and forcible apostasy, and

the women of these components were subjected to several serious violations of cruel and inhumane treatment (sexual assault, rape and forced marriage), especially from the Yazidi sect, which was unique and has no equal in the world.

The Iraqi High Commission for Human Rights announced, according to reports, more than (11) cases of rape suffered by women of the Christian religion at the hands of the terrorist organization ISIS in the year (2014), and women of the Yazidi sect were subjected to kidnapping, detention, trafficking, enslavement and forced marriage. Reports of the High Commissioner for Human Rights (2000-5500) Yazidis were killed, and that between the years (2014-2016) ISIS kidnapped about (6417) people from the Yazidi sect, including (3547) women and girls and (2870) men, and it was stated that what Approximately (3048) Yazidis managed to escape from the grip of ISIS, including (934) women, (325) men, (658) girls and (670) boys, and approximately (3799) people remained under ISIS captivity, including (1935) women and (1864) Rajab and there were approximately (1636) women and girls left. Like the rest of the minorities, the Shabak were subjected to massacres and kidnapping, and it is estimated that approximately (117) families with their women and children were killed, in addition to the displacement of (30,000) families. Iraqi studies conducted on women who survived kidnapping by terrorist groups showed that two-thirds of the respondents in the sample were approximately (66.5%).) confirmed that one of the methods of torture and violation they were subjected to during the kidnapping period was rape, while (4.5%) of them were subjected to flogging, and about (1.5%) of them were subjected to burning with cigarettes, while a quarter of the sample (26.5) confirmed that they were subjected to all of the above in terms of torture And the most torturous practices they were subjected to was the state of isolation, as the percentage of isolation according to the religion they embrace was (61%), and according to age the percentage was (35.5%) and according to the sect (2.5), and about (1%) were isolated because of nationality.

The report of the United Nations Assistance Mission for Iraq on the promotion of the rights of victims of sexual violence confirms that many women and girls who are survivors of violence based on them have been deprived of psychological and material assistance by their families, and they do not have sufficient services to rely on themselves, especially women who were subjected to sexual slavery by ISIS And their children born as a result constitute a stigma according to the culture of their society, and testimonies indicate that some groups of the Yazidi community refused to receive survivors of sexual violence, and that a number of them refused to leave their children, so circumstances forced them to stay away from their families, and the problem of obtaining identity papers for these children remains a major problem facing women victims of violence As there are no practical and fair solutions by the Iraqi government that guarantee them obtaining a civil status identity, and this will reflect on their lack of integration into society and impede their educational opportunities, which generates a greater threat to the future safety of the country in all aspects of life.

2nd Topic: Iraq's commitment to international conventions and treaties

The Republic of Iraq is obligated to fulfill its obligations (within the framework of Iraq's membership in the United Nations) as stated in the international instruments that deal with the protection of women. following:

1. The International Convention on the Elimination of All Forms of Racial Discrimination of (1965) signed by Iraq in (1969), and ratified by Iraq in (1969) reservation on Article (22) that imposes arbitration by the International Court of Justice (i.e., Iraq does not recognize court mandatory).
2. The International Convention on the Elimination of All Forms of Racial Discrimination for the year (1965) signed by Iraq in the year (1969), and ratified by Iraq in the year (1969) Reservation to Article (22) that imposes arbitration by the International Court of Justice (i.e., Iraq does not recognize court mandatory).
3. The International Covenant on Economic, Social and Cultural Rights, signed by Iraq on February 18, 1969, and ratified on January 25, 1971. The International Covenant on Civil and Political Rights of (1966) was signed by Iraq in the year (1969), and ratified by Iraq in the year (1971).
4. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of (1984), to which Iraq acceded in the year (2011).
5. The Convention on the Elimination of All Forms of Discrimination against Women of (1979), ratified by Iraq in the year (1986), that Iraq has four reservations to the aforementioned agreement, the first reservation: Paragraph (f) of Article (2), which provides for taking all measures Appropriate, including legislative ones, to change or annul the existing laws, regulations, customs and practices that constitute discrimination against women and paragraph (g) of Article (2), which provides for the abolition of all national penal provisions that constitute discrimination against women. Second reservation: Article (9) of the agreement states:
6. The state parties grant women equal rights with men to acquire, change or retain their nationality, and ensure in particular that marriage to a foreigner or the husband's change of nationality during marriage does not result in it. It should be noted that the Iraqi parliament voted on (6/10/2011) To cancel Iraq's reservation on this article.
7. State parties grant women equal rights with men with regard to the nationality of their children. The third reservation: Article (16) of the Convention, as the reservation mentioned in the second paragraph of Article Two of the Law and Article (16) thereof, provided that the reservation related to this article is without Violation of the rights guaranteed by Islamic Sharia of rights corresponding to the rights of marriage in a way that

achieves a fair balance between them. The fourth reservation: Paragraph (1) of Article (29) of the agreement states that the paragraph states (any dispute between two or more states parties regarding the interpretation or application of this agreement shall be submitted to arbitration Not settled through negotiations.

8. The Convention on the Rights of the Child of (1989), signed in the year (1994) without its approval, and its Optional Protocol regarding the involvement of children in armed conflict, which was signed by Iraq in the year (2008) without its approval.
9. The International Convention for the Protection of Persons from Enforced Disappearance for the year (2006), to which Iraq joined in the year (2010).
10. Security Council Resolution (1325) (Women Security and Peace) and a series of subsequent Security Council resolutions (1820/2008, 1888/2009, 1960/2010, 2013/2016, 2122/2013, 2242/2015) and Security Council Resolution (2379) For the formation of an international commission for accountability and documentation of ISIS crimes.
11. Based on the foregoing, the Republic of Iraq is obligated to take rapid and decisive measures, which obliges Iraq to take a number of rapid and decisive measures to reduce all forms of discrimination and violence against Iraqi women, taking into account the coercive and harsh conditions that Iraq has gone through over the past three decades, and their negative impact on the structure of women. And all the institutions of society, and in particular their role in increasing the frequency of gender-based violence.

3rd Topic: National policies and strategies to advance the status of women

The Iraqi government has adopted multiple programs and policies to empower the gender and meet their needs:

1. The National Strategy for Combating Gender-Based Violence: This strategy was approved in March (2013), to provide legal cover to guarantee the enactment and application of legislation and the development of appropriate institutions for that, and work to provide a safe environment for women survivors of violence to protect them from all forms of gender-based violence. gender, as well as improving the quality and level of multidisciplinary services and sectors that women survivors of violence need in emergency situations and outside, and working to change behaviors and systems that encourage discrimination and violence against women, but they have encountered obstacles by not providing a financial budget for their implementation, as well as the weakness of the oversight role and limiting its effects on women, the family and society as a whole.
2. The National Action Plan for the Implementation of United Nations Security Council Resolution (1325) in Iraq: The national plan for Security Council

Resolution (1325) was approved within the national strategy for advancing the Iraqi situation for the years (2014-2018) in April (2014) by the Council of Ministers. The plan aims to achieve increased participation of women in decision-making positions and in committees, empower women and enhance the guarantee of their representation. These goals are divided into four main pillars: participation through fairness and the full participation of women. Protection and prevention: by reducing violence against women and providing safe shelters for victims. and ensuring equality between women and men in accessing resources (social and economic empowerment). All that includes legislation, amending laws, and allocating financial resources for that. In 2016, work began on preparing the unified executive plan for the implementation of the decision for the period 2016-2017.

3. The executive emergency plan for the year (2015) for displaced and conflict-affected women within the framework of the national plan for the implementation of Resolution 1325: The events of the year (2014), which were represented by the terrorist groups' invasion of a number of Iraqi governorates, prompted the need to review and evaluate the security sector and initiate preparation of a plan to reform it. And the accompanying displacement and violations for all segments of society, as the Ministry of State for Women's Affairs and the Coalition for the Implementation of the National Plan for Security Council Resolution (1325) decided to develop an emergency plan emanating from the approved national plan in cooperation with the High Commission for Human Rights and the Supreme Council for Women in the Kurdistan Region, including measures Procedures, policies, and programs that contribute to protecting women from violence directed against them by unifying national and international efforts for emergency response to women affected by conflict, especially survivors of violence. Participation. The contingency plan focused on the two pillars of participation and protection only, as a priority and a rapid interim need. It neglected issues related to punishing the perpetrators of crimes against humanity and against women, and setting a one-year time limit for its implementation.
4. The National Strategy to Combat Violence against Women for the Kurdistan Region (2017).
5. The national plan to implement the joint statement to reduce and address sexual violence in situations of armed conflict, which was signed by the Iraqi government with the representative of the Secretary-General of the United Nations for issues of sexual violence in September (2016).
6. The National Strategy to Advance the Status of Women in (2014) and challenge them in (2028) to (2020): This strategy comes to complement the National Strategy for Combating Violence against Women in its goals and directions, to be the result of close cooperation between the Iraqi government and United Nations organizations, translated into the

Convention The United Nations Development Assistance Framework (2011-2014), which covers several aspects, including protecting human rights, achieving inclusive and sustainable economic growth, managing the environment within international standards and procedures, increasing access to basic services, investing in human capital, empowering women and enhancing their participation in policy-making And decision-making in all fields by creating a supportive environment for empowering women politically, economically, socially and familiarly, enhancing knowledge and skills building for them, enjoying high health throughout life stages, ensuring decent and protected job opportunities for women, and enabling their access to decision-making positions in political and economic institutions, as well as empowering youth and children Finally, its commitment to achieving the goals of sustainable development (2015-2030) at the national level, within its internationally approved timings. The work in this new type of statistics comes based on what was stated in the international agreements and treaties concluded by Iraq, especially after the year (2003) and ways to activate them.

7. The Kurdistan Regional Government approved Law No. (8) (2011) on combating domestic violence, criminalizing female genital mutilation, child marriage, verbal, psychological, and physical abuse of girls and women, child abuse, and child labor.
8. The Supreme Committee for the Protection of the Family and Child from Domestic Violence: The General Secretariat of the Council of Ministers worked in the year (2009) and based on a proposal submitted by the United Nations Development Program in Iraq to form a committee concerned with issues of violence against women called (Diwani Order Committee 80) in relation to Diwaniya Order No. (80 of 2009) according to which it was formed, as the committee is chaired by the former Ministry of Women in solidarity with members of the following ministries (Labor and Social Affairs, Interior, Education, Human Rights, Immigration, Justice, Cabinet Secretariat, Health), and works The committee, in accordance with what was stated in the aforementioned Diwani order, considered the following recommendations: working to establish a special section for women in police stations and training policewomen for this specialty, reviewing the legislative system in a way that serves non-discrimination to guarantee women's rights, applying the Personal Status Law with regard to paragraphs related to guaranteeing women's rights Reducing the phenomenon of domestic violence and spreading cultural awareness through civil society organizations, women's networks and national leadership figures with an effective impact.
9. Establishing offices for family reconciliation: the committee presents its recommendations to the Committees Affairs Department in the Council of Ministers for consideration, as the number of committee meetings has

reached (13), but this committee has not met for months, and there is no work plan for its meetings, and there are many issues Delayed resolution The work of this committee has ceased after its tasks of forming the Family Protection Department in the Ministry of Interior ended.

10. Committee for Combating Human Trafficking: At the end of the year (2012), the Iraqi government worked to form a permanent committee according to the Diwani order issued by the Presidency of the Council of Ministers and based on Article (3) of the Anti-Human Trafficking Law, as the committee consists of a group of members that include several ministries to work As a national coordinating body on human trafficking and working on the implementation of the Anti-Human Trafficking Law No. (28) of (2012), and among the tasks of this committee, as stated in the law referred to above, is to develop plans and programs to combat and reduce the phenomenon of human trafficking and to prepare reports related to human trafficking in accordance with the agreements The relevant international organizations and submit them to the relevant authorities, cooperate and coordinate with the concerned authorities to help victims of human trafficking and exchange information and experiences with neighboring countries and specialized international organizations. The report has several obstacles, including the lack of data and information on cases of human trafficking, and the lack of knowledge of the body in charge of preparing the report of a mechanism to access the information, as it was supposed, according to what was stated in Article (4) of the Human Trafficking Law, that sub-committees should be formed in each region or governorate It is headed by the governor and includes a representative of the Ministry of Interior with representatives of ministries and relevant authorities. It is responsible for submitting proposals and recommendations to the Central Committee, but so far there is no information about whether these committees have been formed and fulfilled their role or not.

4th Topic: Reform Policies to Protect Against Gender-Based Violence

The Iraqi government has adopted some reform policies and legislation to protect and reduce gender-based violence, which aim to enhance security and consolidate justice to ensure fair parity for both sexes, and in a manner that ensures fair, transparent and strict application of rights related to the protection of individuals, leading to good governance for the security and justice sector, including the rule of law and equality. In achieving justice between gender, transparency and accountability of the concerned institutions, and the most important policies are the following:

First: Social reform at the level of legal legislation

1- The Personal Status Law No. (188) of (1959) dealt with issues of divorce and marriage.

2- Article (57) of the Personal Status Law dealt with the issue of child custody.

3- Article (18) of the permanent Iraqi constitution in (2005) and the Iraqi Nationality Law No. (26) of (2006) dealt with the issue of gender equality in granting Iraqi nationality.

4- The Penal Code stipulates that (whoever surprises his wife or one of his female relatives in the act of adultery or is in the same bed with her partner and kills them on the spot or kills one of them or assaults them or one of them in an assault that leads to death or to A permanent disability, and it is not permissible to use the right of legal defense against those who benefit from this excuse, and the provisions of aggravating circumstances are not applied against him).

5- The Personal Status Law (63) states that: "None of the relatives or strangers has the right to coerce a person, male or female, into marriage without his consent, and a forced marriage contract is considered invalid if the consummation has not taken place. To marry is to marry, and whoever violates the provisions of the law shall be punished by imprisonment.

6- The complete eligibility for marriage requires reason and the completion of the age of eighteen.

7- Regarding the proposal of the Jaafari Personal Status Law, it has been withdrawn.

8- Amending the Social Welfare Law (67), which referred to the issue of domestic violence with regard to the establishment of care homes with the aim of caring for children, young people, juveniles and adults who suffer from family problems or who have lost one or both parents or violence.

9- The Iraqi Penal Code (111) for the year (1969) in force to protect against domestic violence, which stipulates in Article (41) of it that the husband has the right to punish his wife (under what is called the right to discipline the wife), and this right is considered one of the reasons for permissibility. With regard to the crime of rape, it was stipulated in the Iraqi Penal Code in Article (393) and its penalty is up to (15) years in prison. However, we find it in Article (398) stating that if the perpetrator legally marries the victim, the legal procedures against him and the advocacy procedures are stopped. penal. Rape and sexual assault are criminal offenses in the penal code, and the law does not recognize marital rape as a crime. The Penal Code also stipulates that the husband has the right to punish his wife (under the so-called wife's discipline). Sexual Harassment: The Penal Code prohibits some forms of sexual harassment. Whoever commits an "indecent act" with a man or woman without his/her consent shall be punished with imprisonment for a period not exceeding one year and a fine. The law criminalizes anyone who assaults a female in a public place with words, deeds, or signs in a way that offends her modesty, with imprisonment for a period not exceeding three months and a fine. As for honor killings: The Penal Code is lenient in cases of honor killings, as it imposes lenient penalties, as the law considers that committing any crime motivated by honor is one of the reasons for mitigating punishment. Likewise, the

Iraqi Penal Code shall be punished with imprisonment for a period not exceeding three years, whoever surprises his wife or one of his female relatives in the act of adultery, or when she is in the same bed with her partner, and kills them on the spot, or kills one of them, or assaults them or one of them in an assault that leads to death or disability. In (2002), the Kurdistan Regional Government issued a law abolishing lenient penalties for the crimes of killing a female family member by a male relative out of shame or honor (it also suspended the work of Article (409) of the Iraqi Penal Code, but this It did not prevent such crimes from occurring in the region.

10- Iraqi law prohibits abortion in accordance with Article (417) of the Penal Code, as it considers it a crime in all fields and punishes it with imprisonment for a period not exceeding one year and a financial fine. She carried an incest, which calls for the enactment of a law that gives victims of rape and incest the right to abortion and facilitates its conduct in government hospitals in a safe manner.

11- The Iraqi government issued Anti-Trafficking in Persons Law No. (28) in (2012), according to which it prohibits most, but not all forms of human trafficking, and the Anti-Prostitution Law prohibits sexual exploitation (the use of deception, coercion, force, or threat to preserve a male or female for prostitution), and this applies to adults and children of both sexes. In 2015, the Supreme Judicial Council appointed two judges to work full-time to adjudicate human trafficking cases.

Second: Social reform at the policy level:

1- The Ministry of the Interior has taken measures to arrest accused individuals and organized criminal networks involved in human trafficking, investigate them, refer them to the judiciary, and convict many of them under punitive articles and with varying sentences according to the type of act committed by the perpetrator, up to life imprisonment, in addition to establishing investigative committees in The capital, Baghdad, and divisions in the provinces, which numbered (13) divisions specialized in investigations, and provided them with specialized officers from the Ministry of Interior.

2- Legal detachments from the Ministry of Interior, in coordination with the Ministry of Health and Environment, have been allocated to work within the specialized centers to issue a tissue conformity examination form for transplantation and transplantation of human organs.

3- The first amendment to the system of care homes for victims of human trafficking was issued, which included the establishment of one or more homes in the Baghdad governorate (the House of Care for Victims of Human Trafficking) and other governorates, linked to the Department of People with Special Needs in the Ministry of Labor and Social Affairs, as a shelter (the safe house) was opened to receive Care and rehabilitation of victims for both sexes, in cooperation with the Ministry of Interior, civil society organizations and international organizations.

4- A penalty has been set for anyone who commits female genital mutilation, which is confined to small villages in the Kurdistan region, which constitutes a crime of domestic violence according to the law in force in the region. Surveys have shown

that this phenomenon is reduced to some extent through health education programmes.

5- There was joint cooperation between the government and civil society organizations by carrying out awareness and educational campaigns and working to change the prevailing societal mentality and culture in order to urge people in rural areas to enroll their children (males and females) in schools.

6- The articles in the Penal Code that permit perpetrators to invoke the defense of honor as a mitigating circumstance are general provisions that fall under the heading (legal excuses and mitigating judicial circumstances, and are applied in all crimes and are not specific to one crime. The legislator left it to the judge to rely on it according to the facts of each case. In the Kurdistan region, articles were amended that allow perpetrators to invoke that killing under the pretext of honor is not an excuse to mitigate punishment.

7- Based on the decision of the Council of Ministers (61), the multi-sectoral national team was formed according to a bureau order (62), for the purpose of implementing Iraq's international obligations to Security Council Resolution (1325) and monitoring the progress made in implementing the agreed commitments, as the national action plan included three main pillars It is (participation, protection, and prevention through the establishment of a steering committee at the technical and ministerial levels, which will be a major element. The multi-sectoral, high-level national team represented by the three authorities and the Kurdistan Regional Government will be headed by the Secretary-General of the Council of Ministers and the membership of the undersecretaries of the ministries, and based on the provisions of item III of the order The aforementioned Diwani (approval of policies, plans, programs and proposals for the purpose of implementing Iraq's obligations under Resolution (1325), and preparation of international reports as well as defining a budget and work mechanisms) and this represents the ministerial level; as for the technical committee, it is represented by the Coordinating Committee and the secretariat of the national team formed under item III and Fourth, from the aforementioned Diwani order, headed by Mrs. Mayor of Baghdad, and the membership of representatives from government agencies whose rank is not less than general manager, in addition to the formation of sectoral teams for the implementation of the national plan, and this represents the technical aspect.

8- In the Kurdistan region, work has been suspended by virtue of Article (409) of the Penal Code, and a number of courses and workshops are held annually in schools and universities to educate women about sexual violence, benefiting more than (27) thousand people.

9- Provided assistance to the victims of women and girls who were liberated from the grip of ISIS, and the general amnesty law excluded rape crimes, and the judiciary considered (5) thousand cases of Yazidi women abused by the terrorist organization, and included (1529) of them and (88) of the exposed Shabak Sexual violence in the social protection network excluded from the controls, and offices were opened to register them in the governorates of Dohuk and Erbil, and an

amount was paid for each woman who was assaulted during armed conflicts, and compensation for those affected by conflicts in 2015, and clinical measures were taken for survivors of sexual violence through the Ministry of Health and Environment, and opened (28) Free legal clinic throughout Iraq.

10- Mobile detachments were formed in the camps for the displaced fleeing from the terrorist gangs of ISIS, to protect the displaced women, reduce the violence against them, prevent the perpetrators from impunity, and allocate an outlet in each camp to receive complaints of abused women, in coordination with organizations and agencies affiliated with the United Nations and non-governmental organizations.

11- In the Kurdistan Region - Dohuk, the Family Counseling Center Department was established in the Directorate for Combating Violence against Women to provide assistance to more than (2,000) Yazidi women survivors.

12- The Iraqi Correctional Department at the Ministry of Justice receives the female detainees from the police stations around the clock to avoid that they do not stay for more than (24) hours in the detention centers, according to an official letter and according to the decision of the competent investigating judge. Information, and in the event of signs of external hardship or torture, the Public Prosecution shall approach the inmate, and the inmate shall be deposited according to the controls, and mattresses, cleaning methods and beds shall be provided, and precious materials such as gold ornaments and valuables shall be deposited as deposits with an official receipt. With a female correctional guard to accompany the inmates until a judicial decision is issued either to release them or return them to the department until their position is resolved.

13- In (2008) the Community Police (*) was established, and in (2012) the International Organization for Migration (IOM) provided support to the latter, then the work expanded and forums were formed, which is one of the pillars of community police, in order to change the societal mentality and work to raise awareness through Brochures, seminars, invitations, conferences and workshops, as well as lectures, one of the means is used to raise awareness every month according to the problem facing the community.

14- With regard to receiving convicts, it is done in accordance with the controls for receiving the above-mentioned detainees, opening a research file for the inmate with the (forma) card, and depositing them according to the scientific classification of their case and the duration of the sentence, and setting up a training and rehabilitation program for them with providing all means of legal support through the legal divisions in the special departments In order to facilitate the process of deposit and release, there are regular visits by the lawyers assigned to the inmates.

15- The Law for the Reform of Prisoners and Detainees includes the separation of males and females in prisons, parking lots or detention centers, and the section designated for females must be under the responsibility of a specialized female employee.

16- The draft law on protection from domestic violence is currently being presented before the House of Representatives, and it is hoped that it will make its way to legislation soon. The project is guided by relevant international standards, setting up an appropriate mechanism to protect victims, establishing shelters, reporting on crimes of domestic violence, and filing lawsuits as an exception to spatial jurisdiction, which included a Draft criminalizing and imposing penalties against perpetrators of violence, and regarding penalties, the draft referred to the Iraqi Penal Code and other relevant laws.

17. The Directorate for Family and Child Protection against Domestic Violence in the Ministry of the Interior is working to open sections for it in all governorates, and it receives various cases, especially women and children.

18- In the Kurdistan region, a law against domestic violence was passed, and (4) shelters for victims were opened. In (2017), the Erbil center received (215) women and (81) children, and in Sulaymaniyah, (200) out of (536) cases were treated. And the return of (50) children with their mothers out of a total of (93) to their families, and in Dohuk it received (251) women and (63) children, and (12) health centers were allocated to receive women subjected to violence.

19- Work to establish family protection departments that deal with gender-based violence, especially for women. The Ministry of Interior established a directorate for protection against violence at the ministry's headquarters (Directorate of Family Protection) in 2010, and it has links to a number of units located within police stations. The number of family protection units (16), two of which are in Baghdad (Karkh and Rusafa), and the rest are distributed in the fourteen governorates of Iraq, at the rate of one protection unit in each governorate. It is an important measure that reflects gender mainstreaming in security institutions, in order to provide a safe environment that enables victims of domestic violence to register complaints and take action against aggressors of both sexes.

20- The Supreme Judicial Council assigned judges to the Family Protection Directorate, two of which are in Baghdad (female judges) and 14 judges in other governorates. The Council also allocated two courts to consider cases of domestic violence called (the Family Court in Baghdad), one in Karkh and the other in Rusafa, but that Judges are not dedicated to domestic violence cases, meaning that the courts are not specialized for the purpose of a specific type of case, so the judge and his assistants should be specialized in this type of case. Same previous source.

21- Creating a database program on cases of domestic violence within the Family Protection Directorate in (2014), as the United Nations Development Program in Iraq, in partnership with the Directorates of Family Protection and Information Technology in the Ministry of Police Affairs of the Ministry of Interior, worked on designing and developing an advanced program The database on gender-based violence and the training of a number of male and female officers and employees of Family Protection in all governorates on the mechanism of data entry and analysis for the purpose of measuring the progress that has been

achieved in the work of the Directorate of Family Protection and the extent of the effectiveness of this directorate and its divisions in Baghdad and the rest of the governorates, as well as measuring the level of domestic violence in Iraq .

22- A Referral Guidance Center (*) was created within the Community Police in view of community customs and traditions, with joint cooperation between the Community Police and (IOM), noting that the staff of this center were selected from among the activists in civil society organizations by the Community Police Strategic Center.

23- Violence of women by the community police was dealt with, respectively, in (2020), (2021) and (2022) until (1/9) about (699, 798, 585) abused women, compared to men for the same years, respectively (125, 152), 264) cases, as well as helping victims of electronic extortion, for the same years mentioned in a row, women amounted to approximately (466, 1707, 896) cases, compared to men for the same years (112, 243, 176) cases. This indicates that the increase in numbers and data for gender-based violence and their treatment indicates that the quality of society towards the culture of reporting and trust in the party, and reporting it does not indicate a failure to work, but indicates the confidence of the abuser in the supporting party. Now, the society's view has changed culturally, so it is reporting cases where one finds himself being violated. The hotline in one branch also contains a female officer (an officer), and the hotline is provided free of charge to abusers (497).

Conclusion

In this research, we have dealt with gender-sensitive legal policies and legislation in the Republic of Iraq, especially women, to protect them from all forms of violence directed against them, whether psychological, physical, verbal, or sexual violence, and to provide a safe environment for Iraqi women through institutional frameworks, legislative laws, and national strategies to protect women from violence. directed against it and limit it.

The study reached a set of conclusions and recommendations that can be summarized as follows

Results

1- Iraq has not yet completed the gender requirements stipulated in the CEDAW Convention in many legislations related to women, such as the Labor and Personal Status Law and the Penal Code No. (111) of 1969, and therefore the reservation contained in Articles (2), (16) and (29) of CEDAW, as well as amending the above-mentioned laws.

2- The Personal Status Law No. (188) for the year (1959) still includes many texts and provisions that indicate embracing manifestations of inequality between men and women in the rights and duties stipulated in it, and perhaps the most important of them is the issue of polygamy, marriage outside the court, marriage

of minors and forced marriage and the issue of non-establishment of marriage for women in the event of the death of the husband. Therefore, the House of Representatives must amend the Federal Personal Status Law and embrace the principle of equality between men and women in many of its texts.

Recommendations

Based on the conclusions, the researcher came up with a set of proposals, which we hope will contribute to supporting the marginalized and vulnerable groups in society and including the needs and roles of gender within the state's general financial budget, in order to reflect on the welfare of the gender and achieve equal opportunities and sustainable development, which are divided into:

1- Recommendations addressed to the Council of Ministers in Iraq:

A- Establishing a program to protect victims and witnesses within Iraqi courts, in order to ensure and encourage women victims to file complaints related to sexual violence committed during crises and wars, especially those committed by influential parties, and to ensure the full and effective participation of victims in all procedures, including legal ones. related to crimes.

B- Providing human and financial resources, and political support for the implementation of the updated strategy to combat violence against women 2018-2030 through: procedures and measures for protection and capacity building, simplifying procedures for registering marriages, divorces and births in all regions, facilitating related administrative procedures and reducing bureaucracy, especially for those who have been subjected to for sexual violence by ISIS gang members or others.

C- The need to join the Rome Statute of the International Criminal Court, to ensure that trials are conducted for crimes committed against women, girls and children, which may be considered war crimes, crimes against humanity and genocide.

D- Training medical and psychological staff, school teachers, and caregivers on the human rights and special needs of children who have been or will be exposed to gender-based sexual violence. In particular, children born to ISIS fathers, as well as women survivors of rape and sexual and gender-based violence.

E- Providing safe havens and spaces for women and girls who are victims of violence, especially sexual violence and rape, in all parts of the governorates, ensuring the provision of psychological and legal medical support services for them, and providing them with rehabilitation and integration programs, provided that the government ensures adequate funding for these services, and regular monitoring of their quality.

F- Establish specialized training programs for judges, prosecutors, and law enforcement officials on international human rights law, international humanitarian law, criminal law, forensic methodology, investigation of crimes of sexual and gender-related violence, and how to provide the necessary protection for victims and witnesses of crimes of sexual violence and human trafficking.

2- Recommendations addressed to the Council of Representatives in Iraq:

A- Legislating the Law on Protection from Domestic Violence Based on Iraq's international obligations to join the international conventions and treaties on combating domestic violence and protecting women and children and Iraq's obligations in respecting human rights, it is necessary to take into account the legislation of the Law on Protection from Domestic Violence by the House of Representatives, and it is still The project is a (project) that is subject to political consensus and has not been activated, and that there is a priority for this important law because it is related to the protection of the Iraqi family, similar to the Law against Domestic Violence in the Kurdistan Region No. (8) for the year (2011), and it is important that the draft law includes points The following: prohibiting the marriage of minors, forced marriage, forced divorce, the husband's coercion of the wife into prostitution and prostitution, female circumcision, the criminalization of abortion, and the criminalization of beating family members.

B- Accelerating the legislation of the Domestic Violence Law to ensure compliance with international standards to reduce crimes of domestic violence, and the formation of a national mechanism concerned with women's affairs, which enjoys independence according to Article (108) of the Constitution, and includes the three authorities and the Women's Empowerment Department in the General Secretariat of the Council of Ministers in partnership with community organizations civil society, women's studies centers, and media institutions.

C- Demanding the House of Representatives to amend Articles (3) and (9) of the Personal Status Law No. (188) of 1959, in a manner that simulates the law to amend the Personal Status Law in the Kurdistan region in matters of marriage, divorce, and others.

D- Demanding the House of Representatives to amend Article (8) of the Personal Status Law, by specifying the minimum age limit for minors to marry, so that their age is not less than (15) years at least, and to intensify criminal penalties for those who marry a woman who has not reached this age outside the court Up to imprisonment for a period not exceeding (5) years, to limit the spread of this phenomenon.

E- Recommendations addressed to civil society organizations in Iraq:

A- Facilitate the establishment of support networks within communities for women who have been subjected to sexual and gender-based violence and other forms of violence, as a means of enhancing awareness and communication and facilitating their access to vocational, social and public support training.

B- Provide training to the judiciary, security and police on how to deal with sexual violence, and ensure that security personnel and police deal with cases of sexual violence in accordance with human rights standards.

F- Recommendations addressed to international community organizations:

A- Encouraging Iraq to hold accountable those involved in flagrant violations of international law, through the ratification of the Rome Statute of the International Criminal Court, among other international human rights treaties that

Iraq has not yet ratified.

B- Supporting long-term programs that empower civil society organizations and build their capacities to monitor and document crimes of sexual violence during and after conflicts, and enhance victim support services provided by these organizations on the psychological, health, social and legal levels.

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