



## IRAQ

### MENA Gender Equality Profile

Status of Girls and Women in the Middle East and North Africa

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## 1. BACKGROUND

Demographics	Value	Year
Total population (000)	30,747	2009
Total adolescent (10-19) population (000)	7,199	2009
Total under-18 population (000)	14,672	2009
Total under-5 population (000)	4,491	2009
Population annual growth rate (%)	2.8	2000-2009
Total fertility rate (births per woman)	4.0	2009
Under-five mortality rate (per 1000 live births)	44	2009
Life expectancy at birth (years), male	65	2009
Life expectancy at birth (years), female	72	2009
Singulate mean age at marriage, male	28	2004
Singulate mean age at marriage, female	23	
<b>Economic indicators</b>		
GNI per capita (current US\$)	2,340	2010
% share of income held by lowest 20 %	-	2007
% share of income held by highest 20 %	-	
<p><b>Sources:</b> UNICEF, The State of the World's Children 2011. Life expectancy and economic indicators from The World Bank, Data Catalog, <a href="http://data.worldbank.org/">http://data.worldbank.org/</a>, [accessed in July 2011]            Marriage data from UNPD, World Marriage Data 2008, <a href="http://www.un.org/esa/population/">www.un.org/esa/population/</a></p>		

<b>Gender Gap Index 2010</b>		
<b>For overview of the region, Iraq is not included</b>		
Rankings of MENA countries with available data	Score	Rank
United Arab Emirates	0.6397	103
Kuwait	0.6318	105
Tunisia	0.6266	107
Bahrain	0.6217	110
Lebanon	0.6084	116
Qatar	0.6059	117
Algeria	0.6052	119
Jordan	0.6048	120
Oman	0.5950	122
Iran (Islamic Republic of)	0.5933	123
Syrian Arab Republic	0.5926	124
Egypt	0.5899	125
Morocco	0.5767	127
Saudi Arabia	0.5713	129
Yemen	0.4603	134
<p><b>Source:</b> World Economic Forum, The Global Gender Gap Report 2010 (rankings of in total 134 countries)</p>		

## 2. LEGAL FRAMEWORK

**Legal system.** According to the Iraqi Constitution of 2005, Islam is the main source of legislation and laws that contradict Islamic provisions may not be enacted. Article 41 of the constitution allows for personal status matters (such as marriage, divorce and inheritance) to be governed by the rules of each religious group in the Iraqi society. This article, some fear, opens the door for male religious leaders to infringe on women's rights and can potentially increase sectarian divisions. Article 41 also conflicts with article 14 of the constitution, which calls for non-discrimination and equality before the law. Due to the controversy of article 41, it has not yet been put into effect. Until the dispute is resolved, a unified personal status law remains in place that builds on the 1959 personal status code. At the time of its enactment, the 1959 personal status code was considered progressive with regard to women's rights. Since 1959, several of the provisions of the code have been altered. Before a court the worth of a woman's testimony is in some cases half of that of a man, and in some cases it is considered to be equal.<sup>1</sup>

**Convention on the Elimination of All Forms of Discrimination against Women.** Iraq acceded to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1986 and maintains reservations to several articles: 2 (f) (g) (policy measures; modification of laws that discriminate against women), 9 (1) (2) (equal rights with regard to nationality), 16 (equality in marriage and family life) and 29 (1) (related to the administration of the convention; arbitration in the event of dispute).<sup>2</sup> Several of these articles contain provisions that are at the core of the purpose of the convention and the CEDAW Committee has indicated that: "...reservations to article 16, whether lodged for national, traditional, religious or cultural reasons, are incompatible with the Convention and therefore impermissible..." and that article 2 is central to the purpose and objective of the convention.<sup>3</sup>

<sup>1</sup> Freedom House, Women's Rights in the Middle East and North Africa 2010 (report, online version, [www.freedomhouse.org](http://www.freedomhouse.org))

<sup>2</sup> See United Nations Treaty Collection (<http://treaties.un.org>) for declarations and reservations made by State Parties

<sup>3</sup> Report of the Committee on the Elimination of Discrimination against Women, Eighteenth and Nineteenth Session, A/53/38/Rev.1, 1998, p.49

**Convention on the Rights of the Child.** Iraq acceded to the Convention on the Rights of the Child (CRC) in 1994 and to the two CRC optional protocols in 2008. Iraq maintains its reservation to the CRC on article 14 (1), which relates to the freedom of religion of the child, since according to Islamic law a child is not allowed to change his or her religion. Iraq has not made any reservations to the optional protocols.

**Nationality rights.** Every child born to an Iraqi father or mother has the right to Iraqi nationality. Foreign husbands of Iraqi women may apply for Iraqi citizenship after 10 years of residence in Iraq. Foreign wives of Iraqi men may apply after 5 years.<sup>4</sup>

**Divorce rights.** An Iraqi man can “unilaterally” divorce his wife. In this case a court can award damages to the wife worth up to two years of financial maintenance, depending on the circumstances. Either spouse can also seek divorce based on one of a number of specified reasons, including an unspecified “conflict” between them. If the wife is considered to be responsible for a conflict, she may have to return all or part of her dowry. Another form of divorce available to women is that the woman pays the husband a sum of money in exchange for divorce.<sup>5</sup>

**Guardianship and custody rights.** The father is the guardian of the children.<sup>6</sup> According to the personal status law, the mother may be granted custody of her children upon a divorce until they reach the age of 10. A court can extend this period until the child is 15, if it is in the interest of the child. The father is obliged to pay child support during the period the mother has custody. Other than child support, a divorced woman is not entitled to any alimony.<sup>7</sup>

**Inheritance rights.** The original 1959 personal status law gave women and men equal inheritance rights. The law has since been amended and Shari’a rules now apply, where in general a woman will receive a share that is half of that of a man.<sup>8</sup>

**Freedom of movement.** Despite constitutional guarantees, Iraqi women’s freedom of movement is restricted. Following a short period after 2003 when it was not required, a law amendment in 2004 now requires women to get their guardian’s approval to obtain a passport. In general, the poor security situation in the country affects all citizens’ freedom of movement.<sup>9</sup>

**Protection from child marriage.** The minimum age of marriage for both sexes is 18. Marriages between the ages of 15 and 18 are not illegal but require special authorization from a judge. Marriage before the age of 15 is illegal.<sup>10</sup> Polygyny is legal in Iraq.<sup>11</sup> According to the 2006 Multiple Indicator Cluster Survey (MICS), 17 per cent of young Iraqi women aged 20-24 were married before the age of 18. Among young women residing in urban areas, 16 per cent were married before 18, and in rural areas 19 per cent were married before the age of 18. The MICS did not collect information on the prevalence of polygyny.

**Protection from gender-based violence.** While the constitution bans violence in the family, the penal code gives a husband the legal right to “punish” his wife. Rape is an offense, but the penal code allows the possibility of a rapist escaping his punishment by marrying his victim. There is no law against spousal rape. The years of war and violent conflict have subjected women to increased violence. Women are attacked for not wearing hijab (head covering) and for walking with or talking to unrelated males. Women have been raped, tortured and suffered other forms of inhuman treatment. After 2003, “honour killings” have increased, according to the 2010 Freedom House report Women’s Rights in the Middle East and North Africa. Although honour killings are punishable under the law, the penal code allows a lenient sentence to a man who kills his wife, or a close female relative, who is caught in the act of “unlawful sexual relations”<sup>12</sup>

4 Freedom House, Women’s Rights in the Middle East and North Africa 2010 (report, online version, [www.freedomhouse.org](http://www.freedomhouse.org))

5 Ibid.

6 Women in the Law in Iraq, Institute for International Law and Human Rights, 2011

7 Freedom House, Women’s Rights in the Middle East and North Africa 2010 (report, online version, [www.freedomhouse.org](http://www.freedomhouse.org))

8 Ibid.

9 Ibid.

10 State Ministry of Women’s Affairs and The United Nations Country Team in Iraq, Violence Against Women in Iraq Factsheet, November 2010 ([http://www.iauiraq.org/documents/1149/Violence%20against%20women%20Factsheet\\_Final.pdf](http://www.iauiraq.org/documents/1149/Violence%20against%20women%20Factsheet_Final.pdf))

11 Freedom House, Women’s Rights in the Middle East and North Africa 2010 (report, online version, [www.freedomhouse.org](http://www.freedomhouse.org))

12 Ibid.

**Female genital mutilation/cutting.** According to Human Rights Watch, several studies have found that FGM/C is a quite common practice in Iraqi Kurdistan and that the prevalence is at least 40 per cent. In an effort to combat the practice, the Kurdistan Regional Government approved a law in June 2011 that criminalizes the FGM/C.<sup>13</sup>

### 3. INSTITUTIONS AND MECHANISMS

**Governmental response.** The main governmental body responsible for promoting and protecting women's rights is the State Ministry of Women's Affairs in Baghdad. In Kurdistan, the main body for women's affairs is the High Commission for Women. The government of Iraq is developing a national strategy for the advancement of women and is drafting a domestic violence bill. It is also establishing an inter-ministerial committee to address issues of violence against women.<sup>14</sup>

**Strategies and services responding to gender-based violence.** The Iraqi government is working to develop policies and to build the capacity of the government to combat violence against women and to support victims, with the assistance of a number of UN agencies.<sup>15</sup> The Kurdish authorities have also made efforts to support women who are victims of gender-based violence. The Kurdish authorities have helped establish shelters for victims and have supported NGOs that work against gender-based violence. Within the police force in Kurdistan, family protection units have been created where women can file complaints of abuse.<sup>16</sup>

### 4. WOMEN'S POLITICAL PARTICIPATION

**Political representation.** Women occupy 82 out of 325 seats in the lower house of parliament following the 2010 elections (25 per cent of the seats).<sup>17</sup> Women gained the right to vote and stand for election in 1980, and that same year the first woman was elected to parliament.<sup>18</sup> Iraq has introduced legislated quotas to increase women's representation in the lower house of parliament.<sup>19</sup> The electoral laws that govern the provincial elections also include provisions to encourage women's representation in provincial councils. Among the country's 18 governors there are no women.<sup>20</sup>

**Representation in the legal system.** Women in Iraq have been active in the legal field since the 1920s. The first female judge was appointed in 1959. In 1976 women were admitted to the Judicial Institute in Baghdad. In 1984 Saddam Hussein stopped women from entering the Judicial Institute and the women that were serving as judges at the time, were retrained. Women could still work as lawyers and prosecutors. Since the fall of the Ba'athist regime in 2003 women are again serving as judges, but they are few in number (as of 2006 there were 16 female judges in the whole of Iraq).<sup>21</sup>

**Civil society.** Women's organisations in Iraq face security risks and have faced bureaucratic obstacles in, for example, establishing shelters for battered women. Yet women's rights activists have been successful in blocking the implementation of the constitutional article which would allow personal status matters to be governed by the rules of each different religious group. NGOs are making efforts to increase women's civic participation but the difficult security situation in Iraq and the lack of protection against violence limit women's participation.<sup>22</sup>

<sup>13</sup> Human Rights Watch, Iraq: Kurdistan: Law Banning FGM a Positive Step (news article, 25 July 2011, <http://www.hrw.org/news/2011/07/25/iraqi-kurdistan-law-banning-fgm-positive-step>)

<sup>14</sup> Information provided by UNICEF Iraq

<sup>15</sup> Ibid.

<sup>16</sup> Freedom House, Women's Rights in the Middle East and North Africa 2010 (report, online version, [www.freedomhouse.org](http://www.freedomhouse.org))

<sup>17</sup> Inter-Parliamentary Union, <http://www.ipu.org/wmn-e/classif.htm> (data updated as of 30 June 2011) [accessed in July 2011]

<sup>18</sup> UNDP, Human Development Report 2007/2008

<sup>19</sup> The Quota Project, [www.quotaproject.org](http://www.quotaproject.org) [accessed in July 2011]

<sup>20</sup> Freedom House, Women's Rights in the Middle East and North Africa 2010 (report, online version, [www.freedomhouse.org](http://www.freedomhouse.org))

<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

## 5. EDUCATION AND ECONOMIC PARTICIPATION

**Education.** Iraq has not achieved gender parity in primary and secondary school. Only 82 per cent of girls and 93 per cent of boys are enrolled in primary school, according to UNESCO Institute for Statistics (UIS) estimates from 2007. Girls are at even greater disadvantage in secondary school (where the gender parity index is 0.81 compared to 0.88 in primary school), with a net enrolment ratio of only 38 per cent compared to 48 per cent for boys, according to UIS estimates (also from 2007). The youth literacy rate is 85 per cent among men and 80 per cent among women (15-24 years).

**Access to financial credit.** Iraqi women have access to bank loans and other forms of financial credit and the permission of their husband or male relative is not required.<sup>23</sup>

**Participation in the labour market.** Iraqi women's economic participation is low. The labour force participation rate (that is, the proportion of the working-age population that actively engages in the labour market either by working or looking for work) among young women aged 15-24 is 8 per cent, while the corresponding percentage for young men is 48 per cent. For women aged 15 years and above, the labour force participation rate is only 14 per cent (compared to 69 per cent for men). Globally, the labour force participation rate of women is 52 per cent.<sup>24</sup> In the 1980s the Iran-Iraq war led to a great lack of manpower in the labour market and women were performing the jobs that had earlier been performed by men. Once the war ended women's economic participation again decreased, as women were encouraged to make way for returning soldiers. After 2003 and to date, the general lack of security as well as targeted attacks, including kidnappings and killings of female professionals by extreme religious militias who try to dissuade women from working, have had a negative impact on women's economic participation, according to the 2010 Freedom House report.<sup>25</sup>

## 6. REPRODUCTIVE HEALTH

**Maternal health.** The 2008 Maternal Mortality Estimation Inter-agency Group (MMEIG) MMR estimate for Iraq is 75 maternal deaths per 100,000 live births.<sup>26</sup> The overall antenatal care coverage (at least once) is 84 per cent, with marked differences between urban and rural areas (90 and 75 per cent coverage, respectively). The coverage in skilled attendance at delivery, which is one of the most critical interventions for safe motherhood, is 80 per cent, with marked disparities between urban and rural areas.

**Early childbearing.** In Iraq, the adolescent birth rate is 68 births per 1,000 adolescent girls aged 15-19.

<sup>23</sup> Ibid.

<sup>24</sup> United Nations, DESA, *The World's Women 2010*, p. 76

<sup>25</sup> Freedom House, *Women's Rights in the Middle East and North Africa 2010* (report, online version, [www.freedomhouse.org](http://www.freedomhouse.org))

<sup>26</sup> See WHO, UNICEF, UNFPA and The World Bank, 2010, *Trends in Maternal Mortality: 1990-2008*. The report categorizes countries' progress towards MDG5. (Countries with MMR  $\geq$ 100 in 1990 are categorized as "on track" if there has been 5.5% decline or more annually, "making progress" if MMR has declined between 2% and 5.5%, making "insufficient progress" if MMR has declined less than 2% annually, and having "no progress" if there has been an annual increase in MMR. Countries with MMR <100 in 1990 are not categorized) Since Iraq had an MMR which was <100 in 1990 it is not categorized.

## 7. KEY INDICATORS ON THE SITUATION OF GIRLS AND WOMEN

MATERNAL AND NEWBORN HEALTH	YEAR	TOTAL	URBAN	RURAL	POOREST 20%	RICHEST 20%	SOURCE
Contraceptive prevalence (%)	2006	50	53	44	-	-	MICS3 2006
Antenatal care coverage at least once by skilled personnel (%)	2006	84	90	75	-	-	UNICEF global database/ MICS3 2006
Skilled attendant at birth (doctor, nurse or midwife) (%)	2006-2007	80	86	71	-	-	UNICEF global database/ IFHS 2006-2007
Adolescent birth rate (number of births per 1,000 girls aged 15-19)	2005	68					UNFPA, UNPD, MDG database <a href="http://unstats.un.org">http://unstats.un.org</a> [accessed in July 2011]
Maternal Mortality Ratio (adjusted) (maternal deaths per 100,000 live births)	2008	75					WHO, UNICEF, UNFPA, World Bank, Maternal Mortality Estimation Inter-agency Group (MMEIG) / UNICEF global database
Lifetime risk of maternal death, 1 in:	2008	300					

EDUCATION	YEAR	MALE %	FEMALE %	GENDER PARITY INDEX (F/M)	SOURCE
Net enrolment ratio primary school (%)	2007	93	82	0.88	UIS, online database, <a href="http://stats.uis.unesco.org">http://stats.uis.unesco.org</a> [accessed in July 2011], UIS estimates
Net enrolment ratio secondary school (%)	2007	48	38	0.81	UIS, online database, <a href="http://stats.uis.unesco.org">http://stats.uis.unesco.org</a> [accessed in July 2011], UIS estimates
Youth (15-24) literacy rate (%)	2009	85	80		UIS, online database, <a href="http://stats.uis.unesco.org">http://stats.uis.unesco.org</a> [accessed in July 2011], UIS estimates
	YEAR	TOTAL			SOURCE
Share of females among teaching staff (%) in primary education		-			
Share of females among teaching staff (%) in secondary education		-			

CHILD PROTECTION	YEAR	TOTAL	URBAN	RURAL	POOREST 20%	RICHEST 20%	SOURCE
% of women aged 20-24 who were married/ in union before the age of 18	2006	17	16	19	-	-	UNICEF global database/ MICS3 2006
Female genital mutilation/cutting among women 15-49 (%)		-	-	-	-	-	
	YEAR	TOTAL	MALE	FEMALE			SOURCE
% of children aged 5-14 engaged in child labour	2006	11	12	9			UNICEF global database/ MICS3 2006

ATTITUDES TOWARDS DOMESTIC VIOLENCE	YEAR	% WHO AGREE WITH AT LEAST ONE SPECIFIED REASON	SOURCE
Women (15-49) who think that a husband is justified in hitting or beating his wife under certain circumstances (%)	2006	59	UNICEF global database/ MICS3 2006
Adolescent girls (15-19) who think that a husband is justified in hitting or beating his wife under certain circumstances (%)	2006	57	SOWC 2011

HIV/AIDS	YEAR	TOTAL	MALE	FEMALE		SOURCE
HIV prevalence among young people (15-24)		-	-	-		UNICEF global database/ MICS3 2006
% of young people (15-24) who have comprehensive knowledge of HIV	2006	-	-	3		



USE OF ICT	YEAR	TOTAL		SOURCE
% of young women (15-24) who used a computer during the last 12 months		-		
% of young women (15-24) who used the internet during the last 12 months		-		

WOMEN'S POLITICAL PARTICIPATION	YEAR	TOTAL		SOURCE
Number of women in parliament (single/ lower house)	2011	82		IPU, <a href="http://www.ipu.org/wmn-e/classif.htm">http://www.ipu.org/wmn-e/classif.htm</a> (data updated as of 30 June 2011) [accessed in July 2011]
% women in parliament	2011	25		
Legislated quotas for women for single/ lower house (yes/no)	*	Yes		The Quota Project, <a href="http://www.quotaproject.org">www.quotaproject.org</a> [accessed in July 2011*]
Quota type	*		Candidate Quotas	
Number of women in ministerial positions	2010	4		DAW/DESA, IPU, Women in Politics: 2010 (reflecting appointments up to 1 January 2010)
% women in ministerial positions	2010	10		

WOMEN'S ECONOMIC PARTICIPATION	YEAR	TOTAL		SOURCE
Labour force participation rate (%), male 15+	2009	69		ILO, Key Indicators of the Labour Market (KILM), 6th Edition <a href="http://kilm.ilo.org">http://kilm.ilo.org</a> Table 1a (ILO estimates), [accessed in July 2011]
Labour force participation rate (%), female 15+	2009	14		
Labour force participation rate (%), male 15-24	2009	48		
Labour force participation rate (%), female 15-24	2009	8		
Total unemployment rate (%), male 15+	2006	16		ILO, KILM, 6th Edition, Table 8a, [accessed in July 2011]
Total unemployment rate (%), female 15+	2006	23		
Youth (15-24) unemployment rate (%), male		-		
Youth (15-24) unemployment rate (%), female		-		

MATERNITY LEAVE	YEAR		SOURCE
Maternity leave duration	2004-2009	62 days	United Nations Statistics Division, <a href="http://unstats.un.org/unsd/demographic/products/indwm/tab5g.htm#tech">http://unstats.un.org/unsd/demographic/products/indwm/tab5g.htm#tech</a> , Table 5g, [accessed in July 2011]. Data compiled between 2004-2009.
% of wages paid in covered period	2004-2009	100	
Provider of benefit	2004-2009	Social security	

**Notes:**

DHS=Demographic and Health Survey

The UNICEF global databases are available on [www.childinfo.org](http://www.childinfo.org)

For indicator definitions and further information on data sources please see "Guide to MENA Gender Profiles"

n/a = not applicable

## 8. RATIFICATION OF TREATIES

TREATY	YEAR OF SIGNATURE	YEAR OF RATIFICATION, ACCESSION (A), SUCCESSION (S)	RESERVATIONS
Convention on the Political Rights of Women (1953)			
Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1962)			
International Covenant on Economic, Social and Cultural Rights (1966)	1969	1971	
International Covenant on Civil and Political Rights (1966)	1969	1971	
Convention on the Elimination of All Forms of Discrimination against Women (1979)		1986 (a)	Articles 2 (f) (g), 9 (1) (2), 16, 29 (1)
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (1999)			
Convention on the Rights of the Child (1989)		1994 (a)	Article 14 (1)
Amendment to article 43 (2) of the Convention on the Rights of the Child (1995)	n/a	2001 Acceptance	
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2000)		2008 (a)	
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000)		2008 (a)	
Convention on the Rights of Persons with Disabilities (2006)			

n/a = not applicable

Source: United Nations Treaty Collection, <http://treaties.un.org> [accessed in April 2011]



