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**QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS IN ANY PART OF THE WORLD**

**Written statement* submitted by the Institute for Women's Studies and Research
a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[7 February 2004]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Situation of Women in Iraq

1. The Institute for Women's Studies and Research as a non-governmental organization that works to promote the status of women in the region of West Asia, believe that the Iraqi women, like all women in the world, should have a voice in their country, especially now after the fall of Saddam Hussein's regime. The experts of the Institute believe that women are currently underrepresented in this historical period of Iraq and therefore, the United Nations should guarantee that women can play a major role in all decision making process, in planning and in reconstruction programs. The women's issues in Iraq is not just an issue that can be discussed in another time when the situation is stabilized in this country, but rather is an important issue that should be dealt in any measure or plan (that are now under discussion) and through participation of women and by women themselves. The Institute is concerned about this matter that must be regarded by the Commission on Human Rights as an issue of high priority.
2. Women, who are at least fifty-five percent of Iraq's population, in this new situation, are facing structural challenges. During the past two decades, the society has been demolished, and now to improve the lives of Iraq's women, there should be more strength and energy by Iraqi people. The most critical needs of Iraqi women should be identified by themselves, the priorities should be clarified. Maybe, a glance of the status of women in the last ten years teaches us to focus on educational needs and health care as the first priorities. It seems gender mainstreaming has to be considered as the main tools in planning the future of Iraq. From another point, in absence of a sustainable democracy movement shaped from down to up by the people and not by the governing regimes, this is the people and especially the civil society that should participate in the process of rebuilding the society.
3. However, it seems that best way for women in Iraq is to shape their own movement - in their own local way based on the existing capacities - so that they can institutionalize their needs. Such a movement has never been self-initiated and it is time for women to move forward. The movement should find its own appropriate mechanisms to define itself. This can also affect the women's movements in the region. The role of non-governmental organizations in Iraq can be vital in this regard. However, those involved in the reconstruction of Iraq, should bear in mind that in absence of a powerful women's movement in Iraq, women should find ways to be included in the process of planning for the future of their own country.
4. Here, we would like to draw the attention of the members of the Commission on Human Rights to the recommendations of the Committee on the Elimination of Discrimination Against Women when it considered the combined second and third periodic reports of Iraq (CEDAW/C/IRQ/2-3) at its 468th and 469th meetings, on 14 June 2000 (See CEDAW/C/SR.468 and 469). In this document, the Committee referred to a long list of the principal areas of concern and recommendations, while taking into consideration the effects of sanctions and embargo are reflected in the difficult economic and social situation prevailing in the country, which has had repercussions on the advancement of women and on their socio-economic well-being. While we accept that the present situation is different with the situation in 1999, still we think that the most important recommendations by CEDAW that should not be disregarded, are as follow:

- a) Existence of discriminatory views and attitudes that impede women's enjoyment of their rights.
- b) Existence of discriminatory legislative provisions (creating a de facto environment for women).
- c) Criticism of the Article 19 subparagraph (a) and (b) that deals with the equality of women before the law which seems to be conditional in one way or another.
- d) Iraq's nationality law, which is based on the principle that the members of a family should all have the same nationality and that none should have dual nationality or lose their nationality, does not grant women an independent right to acquire, change or retain their nationality or to pass it on to their children.
- e) Situation of particularly disadvantaged groups of women, especially women belonging to ethnic minorities, including Kurds, Turkmens and Assyrians.
- f) Overall health situation of women.
- g) Lack of a comprehensive approach to the issue of violence against women, especially honor killings.
- h) Level of illiteracy among women, the increasing rate at which girls drop out of secondary and higher education, and the low representation of women in technical schools.
- i) The prevailing view that emphasizes women's stereotypical role in the family and in private life to the detriment of establishing equality of women in all spheres of life. The Committee notes with concern that insufficient attention is being given to modifying harmful traditional and cultural practices, such as polygamy, and stereotypical attitudes that perpetuate discrimination against women.
- j) The continuing low representation of women in public life.
- k) Women's low participation in the labour market, the absence of a law establishing minimum wages, which makes it extremely difficult to determine whether women are being paid equal pay for work of equal value, and also the flexibility granted to employers in labour relations has a negative impact on women's employability and security of employment. Differences in maternity benefits granted to women in the public and the private sector.

5. These points are so important for shaping any future strategy for the reconstruction of Iraq. Meanwhile, such reports are useful for determining the main areas of human rights violations and as Amnesty International holds, "This legacy of abuse will be a major factor in post-conflict Iraq. There is an urgent need to address past violations, investigate and bring to justice those found responsible for committing crimes against humanity, genocide and war crimes, and provide compensation and restitution to victims."
