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**Joint written statement* submitted by the MADRE,
Women's International League for Peace and Freedom
(WILPF), non-governmental organizations 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.

[29 August 2014]

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

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The threat of ISIL and the situation of Women in Iraq*

Distinguished members of the United Nation's Human Rights Council,

As the Council debates the human rights implications of the violence and displacement in Iraq, MADRE, the Organization for Women's Freedom in Iraq (OWFI), the Women's International League for Peace and Freedom (WILPF) urges members to consider the particular impact of the current situation on women, in particular in areas under the control of the Islamic State of Iraq and the Levant (ISIL).

In recent weeks, Iraq has witnessed the takeover of several major cities and a sharp increase in sectarian violence in Baghdad. ISIL immediately moved to impose its fundamentalist agenda directly on the bodies of women. Even as its jeeps were still rolling into Iraq's second largest city, Mosul, ISIL fighters were ordering women to cover themselves fully and stay at home. Within days, credible reports began emerging of ISIL fighters abducting and raping women in the territories they control. ISIL militants have performed grave human rights violations including execution, cutting-off hands, rape, sexual slavery, and flogging. Fatwas have been issued calling for sexual slavery in the form of "gifting" women for the new Caliphate fighters, under the ISIL decree imposing "Jihad Al Nikah." If the occupiers' mission succeeds, a large part of Iraqi society would be ruled by a brutal Islamic state that uses murder, torture, and cruel, inhuman and degrading treatment, against those it deems as not adhering to a narrow religious extremism.

As men have heeded calls to fight ISIL, women have become the heads of hundreds of thousands of households. Women and the children in their care are also the majority of the 500,000 people who have fled their homes in fear of ISIL and airstrikes. While political advocacy needs to expand, safety mechanisms for women and girls fleeing violence must also increase. As gender-based violence (GBV) escalates in the growing sectarian conflict, it is critical to establish and maintain safe housing, and to promote women's rights to physical security. Linking this imperative to the creation of lasting positive change requires strengthening the capacity of progressive Iraqi citizens and organizations committed to ending GBV and building a rights-based society in which democratic norms, including gender equality, can supplant sectarianism.

The threats to civilians, including women and girls, posed by ISIL and other militia groups should be understood as a continuing outgrowth of the deterioration of women's human rights over the last couple decades in Iraq. In Iraq today, women contend with myriad forms of discrimination and GBV. While all Iraqi citizens face daily insecurity due to terrorism and civil strife, women and girls experience additional and unique forms of violence and discrimination because of their gender. Despite numerous provisions under Iraqi law that aim to protect women's human rights, violence against women remains egregious and widespread. Iraqi women and girls have become increasingly vulnerable to rape and sexual slavery both within Iraq and neighbouring countries. Gender-based violence remains pervasive within Iraq, including forced, under-aged, and temporary marriages, and honor killings.

A. Gender-Based Violence and Discrimination

Reports from the region indicate that ISIL militia have gone door to door, forcing their way into homes, killing the men and male children and abducting women and girls in Mosul and Tel Afir. Once detained, women must convert to ISIL's extremist interpretation of Islam. They are then sold as brides to Islamist fighters in an open market held in former bazaars and cinema buildings. Prices range from \$100 to \$1,000 USD. If they refuse to convert, the punishment is daily rape---in some instances by dozens of men over the course of only a few hours---and a slow death. Some women have managed to hide their cellular phones and call family members while detained. Once sold they are not heard from again.

In the absence of Government sponsored services and legal remedies to address GBV and discrimination, local Iraqi women's NGOs are at the forefront of providing the necessary services for those escaping gender-based violence. However, even before ISIL's invasion, Iraqi NGOs and women's rights defenders that seek to assist women and girls have encountered regular harassment, arbitrary surveillance, and warrantless searches. Many human rights organizations are forced to operate illegally and clandestinely, especially those who shelter women fleeing violence, which remains illegal for NGOs in Central and Southern Iraq.

Additionally, the Penal Code in Iraq states that perpetrators of crimes involving sexual violence may be exonerated if they marry their victim. In cases where rape results in the death of the victim, the Penal Code does permit a maximum sentence of life imprisonment, though this is rarely enforced. At present, there are no reliable estimates of the incidence of rape in Iraq or the effectiveness of Government enforcement of the Penal Code.

B. Honor Killings

Traditional notions of “honor” have led to calls from some Iraqis for the government to bomb the schools and hospitals that serve as makeshift ISIL prisons, and that are holding women and girls who are raped, in order to kill the rape victims and thus “save the honor” of the people from besieged towns. The Penal Code furthermore permits honor considerations to mitigate sentences. This clemency on the part of the justice system sends a message to Iraqi women and society at large that such gross acts of violence are tolerated. In the absence of protection mechanisms and legal remedies, people threatened with honor crimes have limited recourse; some are forced to flee cities under siege with no guarantee of safe haven. Additionally, the women fleeing from attempted honor killings, domestic violence, trafficking, forced prostitution or forced marriage cannot obtain legal identification in the absence of a male family member to verify her identity. Without such identity women cannot travel, find housing, obtain employment, get health care services, or enrol into education institutions. In such cases, women become stateless and are left more vulnerable to violence and discrimination. According to reports on the ground, thousands of stateless women reside in every major city in Iraq.

C. Forced, Under-Aged, and Temporary Marriages

Financial desperation and the absence of breadwinners in households where men have gone off to war has also led to a rise in forced, temporary and under-aged marriages. Temporary marriages had previously been very rare in Iraq, but have re-emerged under the growing influence of certain religious leaders. In these controversial marriages, women and girls are “married” in the presence of a religious figure for a fixed period of time, which can be as short as several hours. In many cases, the marriage is a mere cover up for prostitution which lasts a few hours or a few months, as the man is obliged to pay a “dowry” to the woman. It does not protect women from honor killings if the relationship is disclosed; neither does the man acknowledge his children who are born in such an arranged “marriage.” Suicides, especially by self-immolation, have spiked as young women protest forced marriage arrangements.

The pending Ja’afari draft law threatens a number of women’s rights. It includes provisions that would lower the marrying age for girls to 9 years old, and would legalize marital rape by stating that a husband is entitled to have sex with his wife regardless of her consent. The draft law would also prevent women from leaving the house without permission from their husband, automatically grant custody for children over two years-old to the father in divorce cases, and significantly limit women’s rights in matters of inheritance. Justice Minister Hassan al-Shimmari introduced the draft law to the Council of Ministers on October 27, 2013 and it is still currently pending, despite strong opposition from Iraqi civil society, including some religious leaders.

We urge the Human Rights Council to make the following recommendations:

1. Increase support to grassroots Iraqi women’s NGOs. Local women’s Iraqi organizations are mobilizing an emergency response to protect people at severe risk as the threat of sectarian violence grows. They are in the best position to reach displaced families and to provide shelter and aid.
2. Call on the Government of Iraq to amend the shelter law to allow NGOs to run private shelters for displaced families and individuals.
3. Establish an immediate, international and independent fact finding mission to investigate ISIL for widespread and systematic use of rape and enslavement, which constitute genocide under the Rome Statute and under the Genocide convention. This body should also recommend urgent action to the UN Security Council, including ensuring individual accountability before the International Criminal Court.
4. Withdraw the pending Ja’afari legislation that would change the legal age of marriage for girls to 9 years old, allow marital rape to go unpunished and limit women’s rights in custody, divorce and inheritance. Instead the

government should amend the Personal Status law to ensure that Iraq's legal framework protects women and girls in line with its international obligations.

5. Amend the honor crimes law to equate killings motivated by "honor" with all murder under law, in compliance with international law.

* Organization for Women's Freedom in Iraq (OWFI), a non-governmental organisation without consultative status, also shares the views expressed in this statement.