



المرأة والسلام في العراق الفرص والتحديات والتوقعات من أجل مستقبل أفضل

د. الهام مكي حمادي

د. زينب كايا

وزارة التربية-الكلية التربوية المفتوحة

جامعة لندن SOAS

z.kaya@sheffield.ac.uk

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المخلص:

يستند هذا البحث على (٩١) مقابلة من ناشطين/ات وممثلين/ات من المجتمع المدني وصحفيين/ات وخبراء/خبيرات قانونيين/ات وأكاديميين/ات في خمس محافظات بغداد والبصرة وأربيل وكركوك والنجف ونيوى. ركز البحث على عرض مفهومهم/نّ الخاص عن السلام والعدالة، والتحديات القائمة لتحقيق ذلك، وكيف يمكن التغلب على التحديات والتصدي لها. اعتمد البحث المقاربة الجندرية/النوع الاجتماعي لدراسة اوضاع النساء في عمليات بناء السلام الرسمية وغير الرسمية والعدالة الانتقالية.

أظهر البحث أن الناشطين/ات في العراق لديهم/نّ رؤى قيمة ليقدموها عندما يتعلق الأمر بقضايا السلام والعدالة في العراق. كما أظهر البحث ان هناك نشاط مدني جدي، بل يفوق بشكل كبير جهد الحكومة في هذا المجال، ويحدثون/يحدثنّ تغييراً حقيقياً على ارض الواقع. ومع ذلك، على الرغم من تأثير هذا النشاط وقيّمته، إلا أنه لا يزال لا يرتقي لمتطلبات وحاجات المجتمع ولا يلاحظه أحد لأنه يواجه " سلسلة متصلة من العنف والعقبات القانونية والمؤسسية، والسياق الهيكلي الجندري التمييزي، والأعراف الاجتماعية الخاصة بالنوع الاجتماعي والمؤسسة السياسية التي تتمسك بنفسها بحافظ وأبوي للمعايير الدينية والقبلية. إن العوائق والقيد التي تعترض مشاركة المرأة في بناء السلام هائلة ومتعددة، لكنها لم توقف النساء العراقيات في الماضي ولن تمنعهن اليوم أو في المستقبل أيضاً

الكلمات المفتاحية

السلام

المرأة

العراق

Women and Peace in Iraq

Dr. Ilham Makki Hammadi

Dr. Zeynep N. Kaya

SOAS University of London- UK

Ministry of Education/ The open Educational college

Abstract:

We talked to 91 women (and some men) activists, civil society representatives, journalists, legal experts and academics in Baghdad, Basra, Erbil, Kirkuk, Najaf and Nineveh. We listened to what they had to say about peace and justice, existing challenges to achieving these, and how the challenges can and should be overcome. We adopted a lens that focuses on women and gender and through this lens we looked at the processes of formal and informal peacebuilding and transitional justice.

As expected, the research showed that Iraqi activists have valuable insights to offer when it comes to issues of peace and justice in Iraq. It also showed that Iraqi peace activists work hard, indeed harder than the government, and make real change and impact on the ground. However, despite the impressiveness and value of this work, it remains small-scale and unnoticed as it is surrounded by a large web of ‘continuum of violence’,ⁱ legal and institutional obstacles, long-term gendered structural context, social gender norms and a political establishment that adheres to a conservative and patriarchal interpretation of religious and tribal norms. The obstacles and limitations to women’s participation in peacebuilding are immense and manifold, but these have not stopped Iraqi women in the past and will not stop them today or in the future either

Several important insights and lessons emerged from our conversations. It is impossible to do justice to all that rich and incredible knowledge, experience, and wisdom. However, here is an attempt to summarise the most important messages to emerge out of these:

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1. INTRODUCTION

The insights and background in this report are based entirely on data collection undertaken by a fantastic group of Iraqi women. What made this research particularly valuable is that it was collectively designed with the research team in Iraq led by Dr Ilham Makki, an ethnographer, researcher and a women's rights activist, and her team of researchers composed of young women's rights activists and feminists. The team led by Dr Makki conducted the interviews in an intuitive and flexible manner, gathering insights that move our understanding beyond mere generic information. Indeed, the interviews unpacked the meaning of the processes of peace, conflict and gender relations on the ground, and the conversations engaged deeply with the meaning of 'peace', 'reconciliation', 'violence', 'rights' and the nature of the relationship between gender and peace in Iraq today. Therefore, their work shines a light on the situation in Iraq to help us better understand peace, women and gender in Iraq.

This research report seeks to provide an analysis of women's involvement in formal and informal peacebuilding and transitional justice processes, examining how these processes are impacting women. The research for this report was conducted in six provinces: Baghdad, Basra, Erbil, Kirkuk, Najaf and Nineveh, which were chosen to reflect the variety of gender, peace and conflict processes in a comprehensive manner throughout Iraq. The research conducted for this report sought to reflect the varied experiences of women, their access to rights, participation in peace processes and transitional justice. It also looked at the impact of different types of conflicts, processes and dynamics of displacement of women from different geographic, socio-economic, religious, sectarian and ethnic backgrounds and types of peacebuilding processes that are present or lacking in each context.

After providing an explanation of methodology for data collection and assessment of the research methods and challenges in the first chapter, the second chapter of the report provides a discussion of the concepts of peace and women and their inter-relationship. This discussion critically engages with the concept of peacebuilding and how international peacebuilding has incorporated gender into its agenda, as well as the implications of this incorporation for women's rights activism. The third chapter, 'Women and Women's Rights in Iraq', offers background about women historically and the state of women's rights activism today. This chapter then provides an account of the challenges women and women's rights activists have faced in Iraq since the invasion in 2003. These include the Iraqi governments' approach to women's rights and to political participation, legal and judicial issues embedded in Iraqi institutions and their practices, a lack of trust



among citizens in the state's institutions, sectarianism and divisions, gender and sexual-based violence, conflict, and displacement.

Next, the report shifts to providing an account and analysis of what the 91 respondents shared with the research team in relation to formal and informal peacebuilding mechanisms in Iraq, transitional justice and what should be done. Chapter 4 offers some background on the six provinces where research was conducted and Chapter 5, 'The Impact of Customary Rule and Tribal and Religious Authorities', provides an account of the impact of tribal and religious authorities on women's status and their inclusion in peacebuilding processes. Chapter 6, 'Formal Peacebuilding and Women', assesses the work of the Committee for Coexistence and Community Peace and the Iraqi National Action Plan on 1325, and the role of women in these mechanisms and the impact these are making on Iraqi women. Chapter 7, 'Informal Peacebuilding and Women', provides an account of the informal peace processes and their difference to formal peace mechanisms as described by the respondents. Chapter 8 focusses on transitional justice, assessing the existing mechanisms and discussing the relationship between justice and peace, and the situation of women in transitional justice based on the respondents' accounts of justice. The final chapter of the report then offers recommendations on what needs to be done according to the 91 interviewees.

2. METHODOLOGY

The research for this report was conducted between September and December of 2020. A qualitative methodology was adopted with two components: a comprehensive and systematic survey of the empirically grounded academic literature and grey literature (policy reports, research reports, issue papers, government reports, fact sheets, newspaper articles, conference proceedings, etc.) from a variety of national and international resources; and semi-structured interviews with women's rights activists, peace activists, civil society actors, academics, researchers, journalists, protesters and state officials. The research for this report was conducted in six provinces of Iraq: Baghdad, Basra, Erbil, Kirkuk, Najaf and Nineveh. In each province, 15 interviews (16 in Baghdad) were conducted for a total of 91 interviews. In each governorate, a local researcher was responsible for carrying out the interviews. Each researcher was a women's rights or peace activist, a volunteer from local civil society organisations (CSOs), and/or a research student. Due to restrictions deriving from Covid-19, researchers were not able to hold focus group discussions with women in different geographical areas, as originally hoped. However, despite the difficulties posed by Covid-19, most of the interviews (90 per cent) were conducted face-to-face and some via telephone.

1.1. Selection of Provinces

The reason for conducting the research in six different provinces was to avoid presenting a narrow and singular view of peace and women's position and roles in peace processes in Iraq and to reflect a variety of perspectives and experiences in different political, social and security contexts. Iraq has a diverse ethnic, religious and ideological composition. Different regions and provinces have experienced conflict, displacement, instability and political tensions in different ways. Each province also has its own characteristics and internal political contexts that differ from others.

We chose *Baghdad* as it is the centre of political power in Iraq and a key location for women's peace activism. *Basra* was chosen as it offers a representative example of the southern provinces and due to its role in the protests. *Najaf* is the heart of the Shi'a community and political organisation, and the main Shi'a religious sites are located in this province. *Kirkuk* is the only province in Iraq where no single ethnic group is in the majority; Kurds, Arabs and Turkomans, as well as other minority religious and ethnic communities constitute the demography of the region. Kirkuk also has rich oil resources, and its governance is a source of contestation and tension between the Kurdistan Regional Government (KRG) and the Government of Iraq. *Erbil* is the political centre of the Kurdistan Region of Iraq (Kurdistan Region), populated mainly by Kurds but with substantial numbers of ethnic and religious minorities. *Nineveh*, the province with the largest proportion of religious minorities in Iraq with a majority Sunni population, was the main battleground of Islamic State of Iraq and Syria's (ISIS) attacks.

1.2 Research Team

In each governorate, the interviews were conducted by a researcher that lives in that governorate and speaks the local language. They were all female activists with experience in building peace. Therefore, the researchers that conducted the research can be considered as "cultural insiders".² Working with cultural insiders helped conduct the interviews in "location". It helped to obtain in-depth understandings of issues around gender, peace and peacebuilding in each individual province (with its specific social, political and conflict-related characteristics). It also enabled the researchers to carry out research more sensitively.

After recruiting the researchers in each province and forming the research team, Dr Makki provided online training about conducting ethnographic research, interview techniques, ethics around data collection, personal safety, data security as well as a detailed introduction to the goals of the research project. After each researcher had their first interview, they were given feedback to address the issues that might have emerged. After the initial set of interviews, the research leads in Baghdad and London adjusted



the semi-structured interview content and schedule and incorporated insights and insider perspectives to develop a more reflexive analysis. The researchers provided the research lead in Baghdad with transcripts of the interviews, who then either translated the interviews themselves or had them translated. All the data and documents were encrypted, and the data was immediately anonymised after transcription. All recordings were deleted after transcription.

1.3. Selection of Participants

The researchers approached potential interviewees whose experience would be relevant for the topic of the research. Using snowballing, the researchers reached out to other potential interviewees recommended or referred by the participants they interviewed. Researchers communicated with the research lead in Baghdad regularly to discuss potential interviewees and agree on who to approach, paying attention to include a diverse range of participants based on gender, ethnicity, religion, class, occupation and education. Therefore, it can be said that the method used for recruiting participants was non-probability snowball sampling. Findings included in this report have been anonymised to protect the identities of informants. A portion of the data collected has been excluded from the report due to the personal nature of the information and the sensitive nature of the security context where participants work.

One thing that was common among all participants was that they were involved in an area of work, voluntarily or as a profession, related to peace, peacebuilding, or reconciliation. Most of the participants were involved in work related to women and gender. Talking to interviewees who have informed perspectives on issues around peace and gender enabled us to access to first-hand knowledge and in-depth information needed for the research. This resulted in a comprehensive and detailed understanding of issues and enabled generating relevant recommendations based on interviewees' insights. Interviewees were deliberately not asked to reveal their ethnic, religious and sectarian identity unless they voluntarily shared this information. Therefore, it is difficult to neatly categorise the participants based on their work field but the categorisation below was made based on the work respondents said they were doing at the time of the interview and the work they most associated with.

GENDER	Baghdad	Basra	Erbil	Kirkuk	Najaf	Nineveh	Total
<i>Women</i>	13	11	10	11	14	10	69
<i>Men</i>	3	4	5	4	1	5	22

AGE	Baghdad	Basra	Erbil	Kirkuk	Najaf	Nineveh	Total
20-29	0	4	2	3	3	7	19



30-39	3	4	0	5	6	6	24
40-49	6	4	7	5	6	2	30
50-59	5	3	4	1	0	0	13
60-69	2	0	2	1	0	0	5

Area of work/institutional affiliation	
Leaders or employees in Iraqi civil society organisations	42
Civil activist (did not want to reveal institutional affiliation)	14
Government official	15
Legal expert (usually working for the Courts or Ministry of Justice)	4
Working for International Non-Governmental Organisations	6
Working in the media sector	4
Business	2
Academic	3
Police (female)	1

1.4. Challenges and Difficulties During Fieldwork

The process of conducting the interviews took place during the open period when Covid-19 curfew was partly lifted by the government. Therefore most of the interviews could be conducted face-to-face (under Covid safe conditions). Nine interviews were conducted over the phone because the respondents did not want to meet face-to-face due to Covid-19 related concerns. However, it was not possible to conduct focus groups discussions due to Covid-19 restrictions. The security situation greatly affected the conduct of the interviews. Women's rights issues are highly controversial and several women in Iraq have been publicly humiliated, assaulted and murdered. Women working on women's rights can be labelled as agents of foreign actors and threats to Iraqi culture and customs. Some of those approached did not accept the invitation for an interview as they believed that the researchers were affiliated with women's activists, whom some consider as non-patriotic or *safara* – people of the embassies. Some of the potential respondents declined to participate in an interview due to their fear that this research might be supported by external parties hostile to the political blocs and parties. The security-related constraints were most influential in Basra Governorate. Some of the respondents did not want the interviews to be recorded or required further assurance that their audio record would not be shared and deleted as soon as the transcript was complete. The researchers being insiders helped give confidence and assurance to interviewees in the data protection protocols of the project.

The interviews were translated from Arabic into English. The translation also took longer than initially anticipated because of the long duration of some interviews. However, this assured us that the data collection process was comprehensive in scope. Overall, the transcribed interviews came to more than 320,000 words. Unfortunately, it was, therefore, impossible to do justice to all the themes that came up in this rich spate of data.

1.5. Data Analysis

It is important to start this section by stating that the findings in this report should not be taken as generalisable information. Some informants did not fit the target profile as closely as anticipated prior to the interview, or security-related and political concerns prevented the researchers from reaching all relevant participants, particularly those from religious and tribal backgrounds and those that are critical of women's rights movement but who are involved in 'peace' activities. Therefore, their conceptions of peace, security and gender are not fully represented in the report. Moreover, each respondent had their own view of the situation, had gaps of knowledge about ongoing gender- or peacebuilding-work in Iraq. Therefore, the interviewees' thoughts about the work they do is best thought of as a representation of their view of the situation on the ground in that particular context and area of work, offering privileged insights from this perspective. Therefore, the account of the information provided here should be read with this in mind and the findings presented here should be taken as suggestive themes.

Given the diversity of the respondents and the geography covered, the aim of the data analysis was not to draw on generalisations, but instead to contextualise a variety of themes and experiences related to gender and peace work in Iraq, while also highlighting some general themes across the six provinces to illustrate in what specific ways they played out in each context.

2. WOMEN AND PEACE

Women's rights activists and feminists across the world have campaigned for the recognition of women's roles in building peace, preventing conflict, humanitarian support and post-conflict reconstruction since the beginning of the twentieth century.³ One of the recent achievements of this work is the launch of the United Nations Security Council (UNSC) Resolution 1325 in 2000. Since then, an additional nine resolutions have been passed by UNSC and together these resolutions constitute the Women, Peace and Security (WPS) agenda. WPS is comprised of four pillars: participation, prevention, protection, and relief and recovery. The focus in this report is on the participation pillar, although it is important to note that these pillars are interlinked, and it is hard to analyse any of these

in isolation from the others. Participation – women’s meaningful and equitable representation and identification of their interests and needs in peace processes – is essential for achieving the goals of other pillars.⁴

Women’s participation in negotiations and political processes has been largely neglected despite the multiple ways women contribute to peace. Instead, at both international and national level gender programming, the ‘protection’ element of the WPS agenda has dominated others.⁵ Actually, UNSC Resolutions 1889 (2009) and 2122 (2013) have highlighted this issue and encouraged actors to include women in peace processes. Still, women’s participation in formal peace processes has remained low. According to data collated by the Council on Foreign Relations, between 1992 and 2019, only 13 per cent of negotiators, 6 per cent of mediators and 6 per cent of signatories were women in formal and major peace processes across the world. Moreover, 7 out of 10 peace processes did not include women at all.⁶

The reasons for the necessity of including women in peacebuilding processes from governmental-level decision-making, to negotiations, to being part of security forces, post-conflict political processes and peacebuilding activities during and after conflict are manifold. This is not only a rights issue, but also there is reliable evidence that meaningful and non-tokenistic participation of women increases the likelihood of durable peace and helps to prevent violence and conflict (Perry 2020: 3). Scholars and activists have repeatedly stated that women have certain capacities that render them valuable as agents of peace and reconciliation. For instance, women peacemakers tend to focus on the root causes of instability and long-term solutions; they usually have access to diverse social groups that make them ideal mediators and that enable them to connect elites and grassroots and different ethnic, political and religious positions; and they inspire more trust and confidence than men.⁷ Women’s inclusion in a peace process increases the likelihood of reaching a peace agreement, as well as making that agreement last, be more successfully implemented and prevent relapse into conflict.⁸ According to O’Reilly, if women are part of the development of peace agreements, agreements are 35 per cent more likely to last at least 15 years. There are several of examples and experiences of women across the world being involved in “brokering ceasefires, coordinating humanitarian support, shaping peace negotiations and leading reconciliation efforts”⁹ but these remain limited in scope and localised and are not built upon sufficiently. In Iraq, for example, there is a tendency to overlook women’s small or large peace initiatives.¹⁰ However, this does not stop Iraqi women activists and men from working on these issues as the fieldwork conducted for this research shows.

Women's inclusion in peacebuilding and post-conflict contexts is presented by international actors as an opportunity to empower women economically, socially and politically¹¹ and, as mentioned above, including women in peace processes is believed to make peacebuilding more effective and long-lasting. Efforts at gender mainstreaming, increasing gender equality and involving women in peace processes and conflict prevention (and statebuilding in general) has become integral to peacebuilding as we saw in the statebuilding work after international invasions in Afghanistan and Iraq. Today, the UN promotes women's participation in peacebuilding by positing that engaging women is not only a rights issue but also because "it makes for lasting peace", as coined by Hiba Qasas, Chief of UN Women's Humanitarian Action and Crisis Response Office in Geneva.¹² Therefore, there is a clear effort by the international community to include women to create durable peace. For instance, peacebuilding after the defeat of ISIS has heavily focused on stabilisation, which leads to short-term and limited funding for peace initiatives.¹³

However, these prevalent views about 'peacebuilding and women' and the work promoted by international actors along these lines are rarely discussed among policymakers and organisations that promote and implement peacebuilding principles and policies. This work is actually imbued with cultural stereotypes and generalisations about women's situations in specific contexts, for instance, in Iraq. There is a tendency to treat the Middle East as somehow different when it comes to gender issues. These assumptions lead to inaccurate conceptions of problems and their causes, and therefore in turn lead to ineffective strategies and policies. There should be more work done to understand the conditions of women and gender norms and relations to challenge misconceptions, stereotypes, and civilisational explanations that are rooted in western colonial approaches that devalued the 'non-western', 'the Islamic' or 'the underdeveloped'.¹⁴

3. WOMEN AND WOMEN'S RIGHTS IN IRAQ

3.1. Historical Context: Women's Situation and Violence Against Women

Understanding the position of Iraqi women in private and public life requires a look at the history of the Iraqi state's treatment of women. This section provides a brief overview of this historical context and shows that the status of women has not improved for the better. The roots of the problem were seeded during the British Mandate rule in the early twentieth century (1920-1932). The British Mandate's decision to maintain existing social hierarchies based on supposed religious and customary rules led to the institutionalisation of patriarchal and patrimonial gender hierarchies. Based on these divisions, women's legal rights fell under different family laws

based on particular customary and religious rules. Their issues were dealt with by religious courts in urban areas and by tribal courts in rural areas, leading to the 'tribalisation of women' under British rule.¹⁵ This status continued under the monarchical rule in Iraq from 1932 to 1958, which ended with General Qasim's takeover of the state.

Under General Qasim's new Iraqi Republic (1958-1963), huge progress was made regarding women's rights. Improvements to the welfare state, land reform and the creation of a more unified and civic law led to the weakening of tribal, religious and sectarian affiliations, which duly improved women's positions. The 1959 Personal Status Code offered a more unified and egalitarian family law on issues pertaining to marriage, divorce, inheritance and custody. However, legally, women were still considered as inferior to men, despite the provision of gender equality in the constitution.¹⁶

The Ba'ath regime (1968-2003) initially pushed for female empowerment, such as encouraging and creating opportunities for women's education and employment, under the premises of an Arab nation-building effort. However, the 1969 Penal Law authorised domestic violence as 'domesticating the wife' and positioned men as the head of the family.¹⁷ Moreover, after the 1980s, during the Iran-Iraq War in 1980-88, the Gulf War in 1990-91 and the international economic sanctions that followed it, the regime increasingly reinforced militant and hegemonic masculinity and a patrimonial nationalism. It reinforced conservative and traditional gender norms intersecting with religious and sectarian hierarchies. A combination of gender and identity hierarchies began to manifest itself in increasingly violent forms, especially for women caught in such intersections. Gendered violence became a core component of the discriminative, exclusionary and unfair practices under the Ba'ath regime in its later years.

This gendered and identity-based violence took place against the backdrop of increased discrimination and violence against women, and validation of militant and hegemonic masculinity in general. For instance, early marriage was encouraged, polygamy was revived and honour killing was briefly legalised.¹⁸ The regime provided financial rewards to families who gave birth to a fourth child and defined the 'good' Iraqi women as the mother of future soldiers.¹⁹ This reinforced the idea that women's main role is reproduction and objectified their bodies as tools for this. The Ba'ath regime used sexual violence against women and men who opposed the regime.²⁰ Abduction, rape, harassment and other crimes against women became widespread after 1991. The deterioration of security, the large-scale destruction caused by coalition bombings, the impact of sanctions and the violent suppression of the Shi'a uprising in 1991 created a trauma across Iraqi society, hardened divisions and 'normalised' violent acts.²¹

3.2. Women's Rights Activism in Iraq

Women's rights activism in Iraq goes back to the birth of the state and this struggle has sought to challenge women's exclusion from politics and the customs and laws that are coercive and discriminative. Women's rights activists' efforts today are connected to this long history and they focus on ensuring women's meaningful participation in politics, protecting and amending the Personal Status Law that governs marriage, inheritance, divorce, citizenship, custody issues, changing the laws and regulations that discriminate against women, and preventing discriminative and coercive interpretations of customary and religious rules.²² Both men and women intellectuals have been long-standing critics of the subordination of women to second-class citizens since the British Mandate and Hashemite Monarchy, during which the institutionalization of pre-existing tribal law and the increased dominance of religious interpretations into law prevented women from being a part of political life.²³

During the period of Hashemite rule (1932-1958), political and social activism that was critical of the system grew, including activism on women's issues. Under the Hashemite Monarchy different discourses of women's rights began to circulate; one based on the principles of equality and justice and the other based on the principles of national progress and women's role in this.²⁴ The Women's Awakening Club was the first women's organisation in Iraq. It was established in 1923 by a group of middle and upper middle-class women and supported the education of women, including their right to vote and work.²⁵ Women were also part of the independence struggle in the 1920s and 1930s. They established charitable organisations focusing on education, poverty and health, and in the 1940s women activists began to form organisations with more political goals, such as the Women's League Against Nazism and Fascism.²⁶ Two prominent women's organisations were the Iraqi Women's Union (IWU) (established in 1945) and the underground League for the Defence of Women's Rights (LDWR) (founded in 1952). Each of these organisations had different approaches: the IWU tried to unite all women's organisations under one umbrella and was hesitant to be critical of the government; the LDWR was formed by leftist and communist women, some were activists excluded from IWU after government crackdown, and worked underground for political and social change.²⁷

Women's activism, campaigning and lobbying in the 1950s played an important role in shaping the more progressive discourse adopted by the new regime that came to power after the 1958 coup. The new regime passed a progressive Personal Status Code in 1959 and introduced changes to

previous laws that were less discriminative.²⁸ When the Ba'ath regime took over in 1968, the educational, economic and social emancipation of women moved into a more central place in the regime's policies, especially in its early years. The General Federation of Iraqi Women, established in 1968, was the key organisation that facilitated this process with the support of the regime.²⁹ These changes were intertwined with nationalist goals like the goal of creating 'Iraqis', as well as to the need for creating a labour force in a growing economy.³⁰ However, the regime rejected demands by women's rights activists for a deeper transformation, such as secularising the legal system, and avoided challenging gender relations.³¹ In its later years, the regime became less progressive and began to work with tribal and religious elements in Iraqi society to consolidate its position in the face of challenges posed by the 1980-88 Iran-Iraq War, 1991 Gulf War, economic sanctions and the deterioration of the economy and living standards.

3.3. Post-2003 Invasion: Issues and Challenges

This section summarises the issues and challenges Iraqi society in general and women in particular have been facing in Iraq since the invasion of Iraq in 2003 by the US-UK coalition forces. The volatile and unstable political and security context this generated, increased sectarianism and divisions exacerbated the on-going issues faced by women and added new problems.

a. Lack of Trust in the State

A key big challenge Iraq faces is the government's inability to generate trust among citizens towards its governance, institutions and political decisions. The Iran-Iraq War, Gulf War, the 2003 invasion, sectarian conflict and ISIS's insurgency in Iraq have weakened the state institutions, the rule of law and infrastructure significantly. International sanctions – the harshest sanctions in diplomatic history – and an internationally imposed regime, in combination with conflict, sectarian politics and corruption had a destructive impact on state-society relations in Iraq.³² This creates significant challenges for women in terms of enjoyment of their rights. The weakening of the rule of law, institutional rules and regulations and prevalent impunity exposes women to all types of risks, fails to provide protection that experienced unfair treatment and sexual and gender-based violence and prevents their full participation in public life.

Ongoing protests since 2015 across the country, especially in Baghdad and Basra, are an indication of the collapse of the state-society relations. These protests are results of long-standing issues Iraqi people have been experiencing and grievances in response to a seeming lack of interest among policymakers to address these issues. These are lack of basic public services, collapsed economic infrastructure, corruption, and sectarianism that

has been deliberately institutionalised and politicised. The Iraqi state has been heavy-handed in its response to protests, further undermining trust in the state.³³

The collapse in citizens' trust in the state and its institutions are caused by multiple interconnected reasons. Poor governance is a key factor, which has not only led to grievances among the population but has also fuelled violence and corruption. The government is unable to assure its citizens that stability and better provision of services will happen one day. The institutional and political system that is still based on political sectarianism, issues with public service delivery, poor quality education in conflict-affected areas, corruption, patronage, questions around the independence of the judiciary, arbitrary arrests and killings and a context of negligence and exploitation have all combined to lead citizens to question the government.³⁴

The government and its institutions are not held accountable and are not inclusive of different political positions, young people, women and minorities, and the Shia-led government excluded and marginalised the Sunni communities under the pretext of De-Ba'athification policies. Existing institutions require urgent investment, revitalisation and reform. For instance, the education system is underfunded and archaic, failing to prepare children and young people adequately for the future or to equip new generations to contribute to Iraq's social and economic development.³⁵ All these factors, and the grievances these generated, prepared the conditions for ISIS. If they are not addressed, there is the risk the past might repeat itself.³⁶

b. Sexual and Gender-Based Violence

Iraqi women have become direct targets and have experienced specific challenges during the period of sectarian conflict and extremist violence. Such violence was perpetrated by militias and gangs as well as the Iraqi police and occupation forces – the infamous US-run Abu Ghraib facility is a case in point. According to an Oxfam survey, by 2009, 55 per cent of Iraqi women experienced violence after 2003.³⁷ Sexual and gender-based violence in its many forms, including harassment, human trafficking, forced prostitution, temporary (pleasure) marriages, rape, kidnapping and femicide, became rampant, especially during the sectarian war.³⁸ Increased insecurity and religious extremism made Yezidi women (as well as Shi'a, Shi'a Turkmen, Christian, Shabak and Kaka'i women) direct targets before and during the ISIS insurgency in disputed territories.³⁹ Women of all backgrounds, especially Yezidis, were killed, raped or exploited by ISIS systematically. ISIS severely restricted women's movements, imposed strict

dress codes, pushed women away from public life, and forcefully married women to ISIS fighters.⁴⁰

Sexual violence is typically justified using specific gender norms in intersection with perceptions and prejudices towards specific religious or ethnic minorities,⁴¹ and ISIS was no exception to this. Indeed, sexual violence can be used as a deliberate and systematic tool in acts of genocide and ethnic cleansing against religious and ethnic minorities in several contexts and women and girls who experience sexual violence face stigma on top of the trauma they experience.⁴² Other forms of gender-based violence are so-called honour killings, early marriage, and domestic violence sanctioned by tribal and religious practices. These tribal rules, and interpretations of religious rules in particular, are also used to allow polygamy and informal marriages and marrying girls to settle disputes between tribes.⁴³ Early marriage has increased as a result of physical and economic insecurity and high dropout rates from school.⁴⁴ Lack of impunity leads to increased violence against women and harassment in public and private life and assassinations, attacks and blackmailing of women significantly increased.⁴⁵

c. Displacement and Minorities

Displacement due to war, conflict and economic deprivation has been a recurrent theme throughout Iraq's history. The displacement caused by ISIS's insurgency and later by the war against ISIS is the most recent case of displacement in Iraq. Iraq has a long history of conflict-related displacement cases, caused by the Iran-Iraq War in 1980-88, the Gulf War in 1991, the 2003 invasion and the sectarian war that followed it. Since the defeat of ISIS in December 2017, 4.6 million internally displaced persons (IDPs) returned to their areas of origin. As of February 2020, 1.3 million IDPs remain displaced while many returnees are living in conditions with severely limited access to basic services, livelihoods and safety.⁴⁶ This is mainly the result of the government's camp closure policy in the second half of 2020 to force IDPs to return without first ensuring safety and access to services and livelihood in place of return.⁴⁷ Tensions remain between those affected by ISIS violence and those that are seen as affiliated to ISIS. Syrian refugees in the Kurdistan Region, around 250,000 people, live in poor conditions and insecurity.⁴⁸

Displaced women are severely affected by the circumstances created by conflict and displacement. The government has failed to address the situation of displaced women and girls during and after conflict. These women, including those that experienced sexual violence, live in inhumane housing conditions without access to basic services, to education and health services and living with restrictions to their freedom and mobility. Syrian

refugee women in camps have been subjected to sexual exploitation, forced into prostitution and sexual trafficking and camp protection personnel either do not take sufficient precautions to prevent this exploitation, or in some cases play a role in facilitating it.⁴⁹

Moreover, many of the displaced families are female-headed households with little opportunities for livelihood generation.⁵⁰ Poverty and unemployment have significantly increased in areas that were under the control of ISIS. Government has failed to provide sufficient protections for women that experienced sexual violence, their children, or women who were married to ISIS members and their children. These women and their children face discrimination and marginalisation and reside in camps rejected by the wider community. Social and legal obstacles for children born from forced marriages and sexual violence are significant. Since the documentation provided for these children by ISIS are not valid, their citizenship is in question. The legal obstacle for women to pass their nationality to their children without proof of marriage is rendering the status of these children precarious.⁵¹ Some Yezidi women have left their children behind and some decided to stay with their children in camps in Syria.⁵²

d. Legal Discrimination Against Women and Coercive Customary Rules

The Iraqi state introduced a range of legal changes and policy initiatives to further women's rights – such as the introduction of the National Strategy to Combat Violence Against Women in 2013, the launch of INAP in 2014 and the Strategy for the Advancement of Women in 2014. After ISIS's insurgency and as a result of the large-scale displacement, massacres and sexual violence, the Iraqi government also launched an emergency plan for implementing UNSC Resolution 1325 in May 2015. In August 2015, the Iraqi government abolished the Ministry of State for Women's Affairs and formed the National Multisectoral Team to implement Resolution 1325. However, these institutions have overlapping mandates and compete for resources.⁵³ These new regulations are not implemented fully or, in some cases, even at all. Discriminative laws continue to exist in the legal system along with customary laws that not only violate women's rights to equality but also create significant impediments for improving women's socio-economic status and participation in politics.

There are legal provisions in Iraqi law that condone violence against women. Iraq's Penal Code does not criminalise violence against women and several provisions create impunity for these crimes. For instance, Article 41(1) of the Penal Code provides that "the punishment of a wife by her husband, the disciplining by parents and teachers of children under their authority within certain limits prescribed by law or by custom" is the

exercise of a legal right and as such, is not a crime. Articles 128(1), 398 and 409 of the Penal Code also condone violence against women.⁵⁴ Penal Code No. 111 and the Code of Criminal Procedure No. 23 perpetuate violence and discrimination against women and impunity for crimes against women. Article 128 provides justification for crimes that are the result of “provocation” and protection of “honour,” and Articles 130 and 131 provides mitigations for related felonies and misdemeanours.⁵⁵ Prostitution and sex work are harshly penalised – at least 15 years’ imprisonment or death penalty.⁵⁶ The very small number of shelters is not sufficient, and many victims are sent to stay in prison temporarily.⁵⁷ The number of shelters are small because the government does not provide funding for establishing and maintaining shelters. Most shelters are founded and supported by NGOs. There is only one government shelter in Baghdad and one shelter in each of the three cities (Erbil, Sulaimniyah and Duhok) in the Kurdistan Region. Women have access to these only through a court order.⁵⁸ The lack of laws against domestic violence in Iraq (Kurdistan Region has laws against violence against women) is the main reason for the lack of shelters and as a result, most shelters are established and run by NGOs.

In addition, Article 41 of the Constitution provides for the possibility of advocating sectarian personal status law, including early marriage.⁵⁹ The Anti-Violence Against Women Strategy (2013-2017) and the National Strategy on Advancement of Women in Iraq (2014) called for legislation on domestic violence/violence against women.

e. Pressure on Women’s Rights Activists and Civil Society

The conditions in Iraq for women peace workers and women’s human rights defenders are dangerous. Women’s rights activists, organisations and women who are in the public eye face significant challenges. This takes different forms from online defamation and harassment, threats and assassinations. Women civil society actors can sometimes be seen as allies of international actors. Conservative sections of society and most of the political actors consider the ideas of equality and women’s empowerment advocated by these women as part of a western agenda and sometimes consider them as ‘traitors’ or *safara* (embassy people referring to having connection with foreign staff in the embassies). Moreover, civil society organisations receive a substantial amount of their funding from international donors and this further increases the suspicion towards these women. Yet, ironically, the same individuals that criticise women for receiving funding from international donors conveniently overlook the even greater amounts of international funding, political support and technical assistance that has gone to reforming and redesigning Iraqi institutions, particularly the security sector and military equipment.

f. Justice and Reconciliation

In Iraq, the justice system is perceived as lacking fairness and the justice and reconciliation processes in Iraq has significant limitations. The mechanisms established after the collapse of the previous regime – the Martyrs Foundation and the Prisoners Foundation – focused on correcting the crimes committed by the previous regime. These were part of the de-Ba'athification process policy adopted by the Coalition Provisional Authority and the Iraqi governments that followed it. The effort to deliver justice to the victims of the previous regime went hand in hand with sectarian attitudes. This led to new victimisations and new injustices, such as the treatment of the Sunnis in the new Iraqi regime. The outcome has been a political process rather than a judicial process. The compensations provided by the Martyrs or Prisoners Foundation and other mechanisms introduced do not cover a large section of the society that suffered new injustices since the establishment of the new regime due to conflicts, de-Ba'athification, sectarian violence, ISIS among others. As discussed extensively by respondents to this research, the Community for Coexistence and Community Peace (CCCP) and its programmes have failed to prioritise victims' rights and only investigate and prosecute crimes of one party to the conflict, leaving others with criminal activities go unpunished.⁶⁰ When it comes to reconciliation efforts, there is a disconnect between community-level initiatives and formal processes that take place at the national level. The latter is typically obstructed by conflict or trust issues between political leaders.⁶¹ Another issue is the duplication of efforts in relation to the work carried out by the National Reconciliation Committee, where the support provided by United Nations Assistance Mission for Iraq (UNAMI)'s and United Nations Development Programme (UNDP) has been uncoordinated.

Moreover, reports by UNAMI, civil society organisations, the Convention on the Elimination of Discrimination Against Women (CEDAW) Shadow Report 2019 and Human Rights Watch show that post-ISIS trials have not respected basic fair trial standards. These reports argue that the 2005 Anti-Terrorism Law has been used freely, and in many cases, unfairly against Sunnis.⁶² In most cases, adequate time and circumstances were not provided for defence. For instance, defence lawyers were appointed at the beginning of a trial without getting a chance to familiarise themselves with the case and prepare a defence and court-appointed lawyers were not actively engaged with the case. The primary evidence used in prosecutions was confessions, however, there are allegations and credible reports of torture or ill-treatment during interrogations.⁶³

Those who are perceived to be associated with ISIS face stigma, isolation, harassment, sexual violence, and deprivation from basic services in isolation

camps. In some cases communal judgements and punishments (such as confiscation of property), preventing from going back to the place of origin, and in some cases revenge killings, take place.⁶⁴ This is made worse by the legal proceedings and the way Anti-Terrorism law defines ‘terrorism’ and ‘terrorist acts’, which lead to the conviction of a wide range of people including family members and children. The definition of ‘terrorism’ and ‘terrorist acts’ are not clear in this law and focuses on ‘membership’, ‘support’, ‘sympathy’, ‘assistance’ or ‘association’ without specifying criminal acts.⁶⁵

g. Political Representation

In Iraq, the constitution guarantees 25 per cent gender quota at the parliamentary and provincial levels. The KRG increased its gender quota to 30 per cent in 2009. However, despite the quota, women’s meaningful participation is far from being achieved and their needs and voices remain marginalised.⁶⁶ The Government of Iraq established the Ministry of State for Women’s Affairs to facilitate coordination at the national level, however this was abolished in 2015. The KRG established the High Council of Women Affairs (HCWA) in 2012 to advise the government on gender-mainstreaming policies and to develop appropriate strategies to achieve this.

Women who join formal politics face several challenges. Most recently, during the 2018 elections, women who participated in politics as electoral candidates or members of parliament faced character assassinations and defamatory sexist false claims on social media. In the absence of political parties, female candidates and politicians are not able to receive institutional support. In many cases, many women end up having to withdraw their candidacy to protect their reputations.⁶⁷

The political elite and parties in Iraq tend to understand the participation of women in terms of representative participation rather than substantive participation. Women remain underrepresented in political parties, political and public institutions, ministerial bodies, unions and the media. The role of women who get elected to the parliament and councils remain limited and ineffective. They usually take administrative roles without access to decision-making processes.⁶⁸ There are no women in the cabinet formed after the 2018 election. In the previous term, there were only two female ministers (Ministry of Health and Ministry of Housing) out of 33 ministries.⁶⁹ Moreover, women are not included in processes that inform policies and decision-making and in the national reconciliation processes⁷⁰ and they represent 7 per cent of the total number of judges (1,090 judges).⁷¹

4. CUSTOMARY RULES AND RELIGIOUS AND TRIBAL AUTHORITIES

4.1. The Impact of Customary Rules on Women's Position in Family and Society

Customary rules and gender norms, and their impact on women's participation in peacebuilding, were discussed and defined in multiple ways by the respondents. These definitions paralleled the themes covered in Section 3 on normative and institutional reasons for sexual and gender-based violence and legal discrimination against women. Respondents talked about how these limit women's participation in public life around the following categories: the priority given to women's domestic roles, sexist views of women's ability to take responsibility and leadership roles, women's lack of economic power, sexual and gender-based violence, legal rules and norms that discriminate against women, and the lack or weak implementation of gender-equality laws due to customary norms. All these factors are intertwined with each other, particularly how customary rules and the legal system create and perpetuate violence against women.

a. Women's Domestic Roles and Questions About Their Ability for Public Roles

Many of the respondents talked about sexism as an attitude that defines women's roles in public and private spheres in Iraq. Sexism towards women presents itself in different ways. First, many in society are not convinced about women's mental capabilities, for instance, their ability to lead, to have authority, and even to drive [BS3, BS6]. They are seen as emotional and not capable of making appropriate decisions or they are expected to prioritise their marital and maternal responsibilities rather than taking administrative, management and political roles [K8, NF3]. While women are seen as 'naturally' capable in domestic duties, authority in the public realm is typically associated with men [BS3, E3, E11, K1, K12, K14, NV7]. One of the participants said, in an office environment, men and sometimes women have difficulty in accepting a woman "as a manager who gives orders. He does not want to see the woman as his manager at work" [NF3]. In politics, women rarely hold leadership positions, and they are usually found in lower positions with little responsibility or authority [K1, K3]. According to K9, this is because men fear that women will threaten their position in society. Male politicians are not convinced about including women and they do not take them seriously, therefore exclude them and their voice [BD11, BS2, BS3].

One of the respondents, a female government employee in Basra, talked about her experience of sexism in the workplace: "colleagues, even bus drivers, challenged me in all respects and in the simplest and smallest matters, even with regard to the way I walk, my clothes, the colour of my clothes, my dress, even though it was modest ... They want to control

everything” [BS9]. She reported that the trainer of a workshop she attended at work said “women are weak and should not work in government institutions, or any institution. And, if she wants to work, she must first get married.” BS9 also said that she worked in the private sector and experienced harassment by the staff and managers.

b. Silencing of Women: Violence, Harassment, Defamation and Lack of Protection

The respondents drew clear connections between sexism, economic disempowerment and violence against women. Sexism and economic disempowerment facilitate and/or lead to violence and violence against women, in turn, is as a key factor in hindering women’s participation in peace processes [BD4, BD6, BS4, BS6, E4, E15, K4, NF13, NV6, NV7]. This becomes a reinforcing cycle where the lack of women’s participation leads to violence because women and their voice are overlooked, and they become “an easy prey to violence” [E4]. Therefore, there is an intrinsic relationship between the silencing of women and the barriers to their participation in peace work.

Respondents defined sexual violence in broad terms to include not only physical violence, but also emotional, social and legal violence as well as the silencing of women by preventing their participation in public, politics and peacebuilding [NV1, NV7, NV13]. In this context, they also touched upon the violence against other marginalised and disempowered sections of society such as the disabled, children, elderly, displaced, widows and divorced women whose experience of violence is exacerbated by hunger, poverty, drugs, and so on [K7, K9, NF10, NF14].

The silencing of women was described in multiple ways by the respondents. First, harassment and defamation, which can escalate to physical attacks and killings, are prevalent forms of violence against women. Publicly visible women are being harassed or defamed, especially through social media, which leads women to refrain from joining in public activities, including peace-related processes [BS2, BD7, K3, K14, NV8]. Certain sections of society believe that if women want to avoid being harassed or attacked, they should stay at home; “most people, even women themselves, consider harassment and violence as normal” [BD10, K14]. On the other hand, “men can do anything they want” including harassing women on the street, which is considered “manliness” [K12]. Assassinations and attacks against women during the protests have pushed women away from the streets [BD7, BD11, K8, NF2, NF6].

Second, online defamation was described as a widespread phenomenon by the respondents and there is no legal mechanism to protect women against it [BS4, K2, NV5]. Activists working in organisations and



women protestors “suffer from defamation, scandals” [BS15]. The society criticises, defames, bullies, demoralises women candidates in elections and their personal lives are publicly discussed and connected to their political career. However, male candidates are not exposed to such treatment. As a result, many female candidates withdraw from elections or do not join elections to protect their ‘reputation’ because their ‘honour’ is brought into question [K9, K10]. Under these circumstances, a respondent asked, “how can a woman raise her voice, participate in public activities, work?” [BS6].

Third, community judgment is another form of violence against women that silences women and prevents them from seeking their rights. Community judgment derives from gender-discriminative customs and traditions prevalent in society. Many women who experience domestic violence choose to stay married and endure abuse rather than face social stigma around being a divorced woman [BS6, BS5, NF2]. One of the participants, a divorced woman and mother of three daughters, said “when I go to the court for procedures, they look at me as if I am flawed and should be ashamed. My daughter is 13 years old. When she goes out to the street without a hijab, they say to her, ‘What is this, are you a Christian?’” [BS15]. One of the respondents in Kirkuk said “you do not have the same freedom that your younger brother does. I see my 15-year-old brother leaving the house at night and no one tells him not to go out. But I am 30 years older than him, and I still cannot leave the house at night. Is this not violence?” [K2]. Women’s mobility is particularly restricted in more conservative governorates, such as Najaf, and in rural areas.

Fourth, and linked to the previous point, those that adhere to traditional customs and gender-discriminative norms consider women’s desires to be active outside the home and to participate in political and peace processes as ‘dishonourable’ acts. Society believes that women imbue men with a source of ‘honour’ and men are considered as protectors of this ‘honour’. Therefore, “women are expected to obey the men, and if she disagrees with him, he has the right to use violence against her to protect his honour.” [E2] “Everything that concerns women is sacred to them” [NF1].

c. Weak Implementation of Gender Equality Laws and Existing Laws That Discriminate Against Women

The gender-discriminative legal system, and the weak (or no) implementation of laws that provide for gender equality, strengthen gender-discriminative customary norms. Many respondents defined the issues in the legal system, combined with the government’s lack of will to address these issues, as key underlying structural problems that hinder the possibility of changing customary norms.

The Iraqi government is not serious about ensuring women's rights and always talks about having other priorities (such as security concerns, economic crises, etc) that they believe trump women's issues [BS10]. The embedded gender-bias in the minds of the political elite and in-state institutions impact the laws and their implementation. They do not genuinely try to change discriminative laws or introduce gender-equal ones [K15, NF4]. Political parties that are dominated by men "have a problem with women having an equal status and do not understand the needs of women" [E9]. For instance, the domestic violence law is still waiting to be adopted, and even if it is adopted, it is very likely that it will not be properly implemented [NF2, NF5].

Judges interpret laws based on their perceptions of women's position in society and the customary rules and traditions. E12 said even in the case of female judges in the Kurdistan Region "most of them unfortunately think like men because she was brought up like this." [E12]. Moreover, respondents talked about several specific laws that are discriminatory against women: according to Article 380 of the Penal Law a woman is a criminal when she cheats on her husband, but not the man if he cheats on his wife [BS2]; men can marry multiple wives and if a woman is divorced, her children can be taken from her [E13]; civil laws give guardianship of the child to the father, then to the grandfather or the uncle, not the mother, and a woman lives under the order of a male guardian (brother, father, husband or other male relative), "who might be less educated than her, or could be a criminal in some cases" [BS11, E13]; if a daughter wants to marry, her father must be present, not the mother [E9]; the testimonies of women and men in courts are not treated as equal [E13]. One of the participants said "I saw with my own eyes in 2012. A woman who brought her son and daughter as witnesses to her divorce hearing because her husband left her 20 years ago. The judge accepted the testimony of the boy but did not accept the testimony of the girl" [E9]. Indeed, some of the discriminative laws in the Penal Code – those related to wife discipline, marital infidelity, and 'honour' killing – have been changed in the Kurdistan Region [E12, K8]. The Directorates for Combating Violence, established in the Kurdistan region played a big role in raising awareness and reducing violence by working with police stations, which resulted in positive outcomes for women who reported domestic violence at home [E11]. A respondent in Erbil suggested that appointing women in police stations would further improve the support women would receive [E4].

4.2. Religious and Tribal Authorities

Tribal sheikhs and religious clerics were defined by most of the respondents as key forces that restrict women's roles in the public realm and

hinder women from reaching their goals and raising their voices [BD3, BD5, BD14, BD15, BS6, E4, E5, E8, K1, K5, K7, K12, K13, K14, NF2, NF4, NF10, NF14, NF15, NV1, NV7]. They play a key role in promoting customary rules on women's position in the family and in society. They are the most conservative forces and most resistant to change and are strongly committed to their interpretations of religious rules, customs and traditions [NV4]. The respondents observed that the influence of religious and tribal authorities since the invasion of Iraq has further increased. However, respondents also talked about exceptions to this general trend and gave examples of more moderate religious clerics and tribal sheikhs that are open to the idea of women's participation in public, albeit in limited forms, and collaborating with CSOs. However, they said, the number of such examples are very small [NF2].

The influence of tribal and religious authorities on women's participation in peace processes and their participation in public and political life differs from region to region. Their influence is particularly strong in the south and centre of Iraq [BD14, BS7]. Women are affected by tribal conflict and kidnapping in Basra, but this is less common but still present, in Mosul and Baghdad [BS3, BS12]. Religious authorities in Erbil, and the Kurdistan region in general, are less influential in public life compared to other parts of Iraq [E4]. There is also variation within each governorate. For instance, in Kirkuk, a more moderate religious discourse is prevalent in the city, mainly due to the Endowment Department's control of the clerics and the content of their sermons. However, outside the city, the Department's control is weaker and "so clerics say what they want" [K5].

a. Religious Authorities' View of Women and Women's Rights

Most of the religious clerics promote male-biased customary rules and traditions, including the idea of 'honour'. In their view, women and men are not equal and, therefore, women do not have the same participation rights as men neither in day-to-day life nor in the political arena [BD3, BD9]. They define a woman's place to be in the home and undervalue the role of women, limiting it to raising children and providing for the needs of their husband [NF6]. Clerics were reported to say, "a woman is a queen in her home ... So why would a woman participate, why would women go out?" They would justify this based on the argument that "Men are in charge of women so that they can take care of women and make sure all her needs are provided for, not to forbid her from going out" [NV7]. Religious leaders do not want women to mix with men and even argue that women's voices are shameful and should not be heard by those outside their household. One of the respondents said, "my father used to say that he heard an imam say [during Friday sermons] that a woman is never permitted to go out" [K7]. As a



result, women end up being isolated and unable to make their voices and needs heard [NF1, NV1, NV3].

Religious authorities also create obstacles to the adoption of laws that will benefit women, such as the draft Domestic Violence Law [BD3]. Clerics believe that women's rights are against religion and openly state that "equality of women is against religion" [BS7, BS8, E5, NF5, K14]. As a result, MPs in the parliament who listen to religious authorities "assume that religion does not allow activating the Domestic Violence Law" [BS8]. Respondents also said that the clerics claim that female activists are acting against religion and "in their sermons, clerics curse publicly visible women and consider the women who participated in the protests to be adulterous and immoral" [E4].

b. Why Are Most Religious Authorities Against Women's Equal Participation?

Clerics interpret religion based on their personal interests, goals and on what they want [BD8, BS15, NF5], therefore, as one respondent put it, "people do not follow religion; they follow whatever the religious leaders say" [E12]. Many clerics use religious rules in a selective way and rely on particular interpretations of religion to instigate sectarianism, discrimination and division, and incite violence, extremism and conflict. Therefore they "have a dangerous influence" [BD5, E5]. There are those who call for peace, love and acceptance of others, but most clerics "inflame people for setting up activities such as burning an embassy or a news channel office" [NF1]. Many of the respondents criticised the speeches and sermons of religious authorities as being far from religion [BD15, K3]. They said religious authorities exploit religion, they have connections with politicians and tribes; and in turn, politicians use this religious rhetoric for their political ends [BD15, E12]. Rather than raising religious and spiritual awareness, they use religion to launch attacks and criticism against the political or religious 'others' [K3]. As one respondent argued, "Everyone knows that the view in religion is completely different from what he says. They deceive people for political purposes through their platforms" [K8]. Participants said that after the war of Mosul the influence of the clergy has weakened "because the people now see that Allah doesn't accept these things ... After ISIS, people now see the clergy and their words for what they are." [NV15].

Finally, some of the respondents argued that most religious clerics are against women's equal rights to maintain their control over society [E10]. According to BD9, religious authorities think they are not ordinary citizens and that they have a right to decide how other people should live their lives. Their authority and the validity of what they say are rarely questioned [BD11, BS1, E5]. One of the respondents said "we are in a society that

listens to the priest and the sheikh more than her/his father. For example, my father and mother go to the sermon and listen to his speech. If I tell them that this is a mistake, they say, ‘no, the sheikh said this’” [E12]. Another respondent said, “people see the mosque is the house of God and say ‘who are we to reject his word?’” [K4].

c. Tribal Authorities’ View of Women and Their Rights

Respondents described the attitude of most of the tribal leaders towards women and their rights in a similar way to that of the religious authorities and considered them also as one of the main forces that hinder women’s participation in politics and peacebuilding. Tribal customary law is called *urf*, which is a combination of tribal customs, interpretation of religious rules.⁷² Tribal leaders are particularly influential in rural areas and they oversee civil and criminal matters from disputes over land and property, inheritance, ‘honour’ crimes, fraud, murder among others. Tribal leaders

Most tribal leaders adhere to customary tribal rules and traditions. These rules and traditions consider family, individual and community honour to be held and protected by men. Women are seen as a source of honour. In tribal communities, women do not take leadership roles. They need male intermediaries, usually a male relative or an elder community member, to be able to approach the tribal leadership.⁷³ This leads women to have limited access to mediation, justice or reconciliation.

Tribal customs limit women’s mobility that consider women leaving the house alone as a shameful act, even for education or work, as a damage to their ‘honour’. They do not want women to raise their voices and contribute to decision-making [BS6]. Most tribal leaders “block women’s roles due to tribal code which denies women the right to education and work” and use religion, ‘honour’ and the perceived authority of men over women as reasons for this [E9, BS14]. In rural areas, tribal communities consider women “like maids” who clean, cook, look after children and provide for their husbands and others in the family – “they do not have any respect towards her and for this reason they do not allow women the freedom to do anything she loves” [BS15]. The respondents described most tribal leaders as rigid and not open to conversation about including women because “they believe they are right and have authority” [NF14]. One of the respondents who is part of the Al-Multaqa Peace Committee in Kirkuk said: “The tribal sheikh who is with us in the committee always used to mock my words because I am a woman” [K7].

Respondents said that tribal codes are some of the biggest obstacles to women’s participation. The tribal code prevents the implementation of governmental laws that introduce equality and fair treatment of genders [BD6, BS2]. Tribal leaders do not agree with laws that introduce gender

equality or agree with the work of women's rights organisations because they believe these threaten their authority and "their gender-exclusive tribal-based principles" [K8]. For instance, 'honour crime,' one of the tribal codes, allows the brother or cousin of a woman to kill her if she commits a 'mistake'. However, when a man commits the same "mistake", "no one will hold him accountable, while women are considered guilty everywhere and are punished." [BS2]. A tribal code called *nahwa* allows "marrying a girl to her cousin by force when she's little. No one has the right to object to this phenomenon" [BS2]. *Kessa bi kessa* (woman for a woman) is a tribal code where a man does not pay dowry to the family of the bride if he marries his sister to the brother of the bride.⁷⁴ *Faslia*, another tribal code that is common among Shia tribes in the South,⁷⁵ allows exchanging women for compensation to resolve issues and conflicts between tribes and families [BD12, NF1]. Women living in tribal communities rarely file a complaint with the Family Protection Police because of the fear of their husbands, in-laws or their own families [BS3].

d. Is It Possible to Work with Religious and Tribal Authorities to Enhance Women's Participation?

The respondents said religious and tribal leaders have enormous influence on people and if they adopted the agenda of women's rights, their words would have a huge positive impact in removing the obstacles to women's participation [BD10, BS4, BS12, BS13, NV12, NV13]. As BD2 said, Iraqi society has changed "but it remains a society that counts on the opinions of religious leaders and tribes. If Sistani gives a fatwa, everyone will implement it, exactly like what happened with the fatwa of Hashd Al-Shabi [Popular Mobilisation Forces]." [BD2]. Therefore, some of the respondents suggested, and emphasised the need for cooperation with tribal and religious authorities to get them to agree with women's rights and thus benefit from their influence [BD11, BS3, E12, E14, NV12, NV13]. K4 said "I think winning them to our side is better than them being against us, we just need to change their mindset" [K4]. They emphasised that there are moderate clerics and tribal leaders that can be convinced through dialogue, seminars and training who can then promote these ideas through sermons and speeches [BS5, BS6, NF2, NF12, NV9, NV11]. They said "we can show them that women's rights are not contrary to Islam and that we are not trying to defy them" [NV3] and talk about known women in religion such as Maryam, Khadija,⁷⁶ Umm Musa (Moses' mother) [NF6].

5. FORMAL PEACEBUILDING AND WOMEN

The failure to include women in formal decision-making processes was considered to be one of the reasons for the failure to achieve peace in Iraq: Respondents said that most of the formal processes failed to include



women or if they included, women's roles were limited and tokenistic. The main formal peacebuilding mechanisms raised by the respondents were the CCCP (Committee for Coexistence and Societal Peace), INAP, the Peaceful Coexistence Pacts for Tribes (that seeks the reconciliation of conflict between different tribes in Basra and Nineveh) and some activities connected to the Ministry of Youth and Sports.

CCCP was mentioned the most in Baghdad and Erbil, whereas in Kirkuk, Najaf, Basra and Nineveh a large number of respondents either complained about its absence or were highly critical of the existing mechanisms in their governorates. Several of the respondents openly stated that there is no formal peacebuilding in Iraq [K2, K7, NF7, NF8, NF11, NF15, NV5, NV7, NV11, NV14, NV15], or said that there are mechanisms on paper, but nothing meaningful was implemented on the ground [BS1, BS3, BS7, BS10, BS15, NV6]. As one respondent put it, "the government doesn't seek to find any peace mechanism and their sole interest is politics and gaining positions, for instance, how to control a party or specific ministry" [BS1]. Another stated that "The mechanisms of peace are found in laws, legislation, decisions but not on the ground. On the ground there are no peace tools" [BS3]. Moreover, official mechanisms were seen as disconnected from the communities and did not emanate from the public [BS10].

Regardless of this pessimistic portrayal of *formal* peacebuilding mechanisms, respondents reported a plethora of *informal* peace activism in Iraq, which continues despite lack of government support. However, their impact is very limited due to their small capacity and the lack of support from the government. Many believed that unless government takes the issue of peace seriously, no matter how hard activists, volunteers and organisations work, the situation will not improve [NV4, NF7, NF1, NF6, E10]. This is because the impact of these initiatives are limited and the government does not support them. One respondent noted that, "There are no peacebuilding initiatives in Iraq. If there are any, these are some initiatives by CSOs. This country suffered wars and sectarianism, it needs to take more measures so we can say there are peacebuilding mechanisms in Iraq, the existing mechanisms do not respond to any of the issues Iraq has and is still suffering from." [BS6] Instead, the government's peace processes heavily focus on security, control and military measures [NF1] and its public initiatives, such as large gatherings, conferences and seminars, remain cosmetic measures with no meaningful dialogue or reconciliation [NF6, NV14]. The way the government handled the 2019-21 protests was particularly criticised by the respondents in this respect: "The government does not engage in dialogue. The evidence is the October demonstrations

that took place last year and this year. The government did not fulfil any of our demands because it did not negotiate with the protesters and only implemented the demands that serve its interest” [NF6].

INAP was another formal peace mechanism discussed extensively by some of the respondents, particularly those in Baghdad and Erbil. However, a large number of respondents in other governorates said they either have not heard of INAP or know it only in name but have not seen any implementation. The general idea that came through the interviews was that the government was interested neither in ‘peace’ nor in increasing women’s participation in peace processes and in political and socio-economic life in general. As stated by one of the respondents, “Our peacebuilding mechanisms at the national level are very limited despite the presence of slogans calling for the role of women in society. In reality, we find that this is just ink on paper” [NF5].

5.1. Committee for Coexistence and Community Peace

When respondents talked about existing peace mechanisms in Iraq, CCCP was mentioned as a key example of peacebuilding mechanisms led by the government. CCCP was established by the Prime Minister’s Office in 2017, where it replaced the National Reconciliation Committee (NRC), which had been established in 2004. One of the respondents, also a member of the CCCP, said that NRC had “done nothing but waste unimaginable sums of money on nothing”, and that partisan conflict (Fatah and Nasr Alliances) played a key role in its dissolution [BD5].

The main activity of the CCCP has been to establish local peace committees (LPCs) in collaboration with the UNDP in conflict-affected governorates (Nineveh, Anbar and Diyala). These were formed to promote peace, social cohesion and to build trust, and they mainly carried out awareness raising seminars, conferences and dialogue sessions between different communities [E5, BD10, BD14]. A member of an LPC in Nineveh and a CCCP member in Baghdad also defined LPCs as a bridge between society and the government, seeing the Committees as having the job of communicating local problems to the Prime Minister’s Office [NV3, BD14]. They are officially established but all their members are volunteers, mainly young men, who do not receive financial support from the government [NF13]. Their work entirely depends on funding from foreign organisations, such as UNDP, USAID and GIZ, and they collaborate with local civil society organisations in carrying out their work [E10, E15, NV8].

However, some of the informants reported that the work of CCCP has stopped “since the revolution of October 2019 and we have not heard nor received any information that these mechanisms are continuing to work” [BD4].

Yet like all formal peace activities mentioned by the respondents, rates of activity by LPCs differed from governorate to governorate. LPCs were mentioned often during the interviews in Nineveh. In Basra and Baghdad, respondents mostly talked about the committees that work to resolve tribal conflicts and also the work done to mediate between protestors and security forces. Respondents said that smaller peace committees were also established in the liberated areas as well as in the camps in the Kurdistan Region.

In Nineveh, three LPCs were established, two on the Left and Right Banks of Mosul and one in the Nineveh Plains. Again, these were only supported by international funding [NV11, NV4]. These LPCs organised dialogue sessions and meetings that brought together religious leaders and elders to build trust between Muslims, Christians, Yezidis and other communities in the Nineveh Plains [NV3] as well as cultural festivals to bring communities together [E3]. For instance, in Tal Afar, a project funded by ACTED, sought to open dialogue between Sunnis and Shias by bringing district and sub-district representatives together [NV7, LPC volunteer].

a. Assessing Official Peace Mechanisms

Most of the respondents were critical of the work of CCCP and its peace committees. They either did not consider official peace mechanisms effective and sufficient, or they reported that government-led peace work simply does not exist in Iraq.

i. Peace initiatives are not effective

Several respondents said there are no peace committees, particularly at the local level, apart from conferences and workshops. Particularly respondents in Basra, Baghdad, Kirkuk, Najaf pointed to the absence of local peace work [BD12, BD13, BS3, BS6, BS8, E2, K1, K4, K5, K6]. Some referred to the community police and the family police that work on community-level issues and domestic violence, but apart from these they have not heard of committees specialising in peace [BS8]. As explained in this section, some respondents rejected the idea that the work of Committees of Martyrs, Prisoners and Human Rights in the parliament could be considered to be peace work. This is mainly for two reasons, first, they are not seen as effective and second, they are perceived as connected to the society. Underlying these main factors was also the general feeling among the interviewees that any 'peace-related' work by the government does not appear to instil trust among the citizens as there is a lack of trust in government in Iraq among the society in general as discussed above in Section 3.

ii. Political issues as a huge obstacle



One of the biggest problems raised by respondents was the role of politics as a barrier to effective formal peace mechanisms. It was political party divisions that led to the abolition of the NRC and the establishment of the CCCP in the first place. NRC was described as having done nothing and being a centre of partisan competition (BD5), but CCCP was also described as a failure. According to BS14, CCCP's actual goal is not really peace; it is to achieve the political goals of its leaders related to elections and party alliances. It was argued that the CCCP does not carry out any serious work on peacebuilding; rather the political interests of the day drive its work [BS10]. Similarly, respondents in Kirkuk were also critical of formal peace mechanisms because political authorities dominate the public life and do not leave much space for peace work, instead sometimes wanting to maintain tension and conflict for their own interests [K1, K5].

b. Do Women Take Part in Formal Peace Mechanisms?

Many participants talked about how since ISIS's attacks there has been an increased realisation of the need to include women in peace processes. After its treatment of Yezidi and other women and the displacement it generated led to the realisation that women's needs should be taken into account and they should be included to properly instil and sustain peace [BD6]. A very small number of participants said that the government has done everything to ensure women's participation in politics and peace processes. They referred to the 25 per cent parliamentary quota as an example of government's support for women's participation in peace and decision-making processes and to the "government's hard work" to advocate for women's empowerment and inclusion in peace and security through symposia and conferences; but they blamed customs and traditions that lead men to dominate the field [BD14; NV2]

Most of the respondents, however, shared insights that directly contradicted these views. They said that women in general and women peace activists in particular are absent in these formal peace committees in Baghdad and at governorate levels and therefore are not able to contribute to peace and security (except one example mentioned in Nineveh in an LPC [NV3] and another around women's role in distributing food baskets and supporting communities during the pandemic in general). Formal peace committees' activities, such as meetings, talks, conferences, instead are dominated by the local police, tribal and religious sheikhs and civil society representatives who are men, and the government does not support women's inclusion [BS3, E15, NV3, NV4, NV6, NV11, NV12, NV15].

5.2. Iraqi National Action Plan on Resolution 1325

INAP was mentioned by almost all respondents as both the main potential tool to integrate women in building peace and as an important



peace mechanism in Iraq. Respondents reported positive things about the fact that INAP exists, that Iraq is the first country in the Middle East with such a plan and that this is a good thing for enhancing the role of women. But they also complained about the lack of implementation of the plan and raised concerns about it.

The first INAP was ratified in 2014 but was not implemented. After ISIS's attacks, its take-over of Mosul, its brutal attacks against the Yezidis and other minorities, and the humanitarian crisis and displacement this created led to the development of an Emergency Plan 1325 in 2015 [E13]. CSOs played a key role in the development of both INAP and the Emergency Plan. A respondent said "they (CSOs) are the ones who wrote the entire plan and they presented it on a golden plate to the government" [BD5]. However, the government removed two main sections (the legislation and the budget), before adopting it [BD5]. INAP's implementation was planned as a participatory process in which CSOs and the government would work together [E7]. However, by the end of its implementation period in 2018, it was evident that the plan was not actually implemented. A second INAP (2020-2024) has been written and was submitted to the Council of Ministers at the beginning of 2020. At the time of fieldwork for this report (October-December 2020), it was still under discussion and not yet ratified, a delay attributed to COVID-19, a change in the government and ongoing protests [BD5, BD7].

After the first INAP was adopted, a National Multisectoral Team was formed to lead on its implementation. This team worked with the federal government and the KRG to form implementation teams in each ministry [BD15]. It also initiated the development of the Emergency Plan 1325 following ISIS's attacks in an effort to prioritise the needs of displaced women and girls [E5], which was neglected in the original plan. Sectoral teams and mobile teams were established in each ministry and many conferences, workshops and training sessions were held to train and inform the staff and public about 1325 Resolutions, laws and practices, and the role of women [E5, E11, NF3, NF9]. The HCWA was established by the KRG to coordinate the work on women's rights, 1325 and women's political participation. Many respondents reported that the KRG took a more comprehensive approach to the implementation of INAP than the Government of Iraq.

a. Assessment of INAP

Almost all the respondents who knew about INAP described its implementation as non-existent, extremely weak, or something undertaken only in form but not substance. This was despite the huge efforts of the CSOs to push for meaningful implementation of the plan. For one

respondent, CSOs keep working and pushing for its implementation, but the government is not supporting these [K14]. Again, it was noted that very few government departments actually gave women leadership roles in its implementation [NF6]. As a result, INAP was seen as having failed to achieve its goal of promoting and achieving women's participation in peacebuilding [BS1, BS2].

It was also argued that INAP failed to reach the wider public and only remained known within CSOs and activists. Indeed, it was defined by some of the participants as an initiative led by elite women with no tangible work on the ground [E1, E4]. Indeed, there might be an issue of elitism in some women's organisations, but even then, these organisations work with a wide network of women and carry out activities in all sections of the society. There are also several small women's organisations that carry out important work on the ground in direct contact with the community. Most of INAP-related activities were described as those that do not go beyond training sessions or workshops for women and that do not lead to any real outcome [BS7, BS12, E10, NV10]. What they meant with 'real outcome' things such as change in legislation about women's status, prevention of violence against women, changes in customary rules that prevent women from accessing social, economic and political rights. However, the perception that, in relation to INAP, these organisations only organise events and do not do anything else is misplaced. This view overlooks the work they do in their day-to-day activities to support and protect women, advocacy with government bodies, putting pressure on officials and pushing for legislative change typically go unnoticed. Moreover, these organisations bear the burden of implementation, but they have not been given a budget. As a result, their public activities are limited to organising events to raise awareness and facilitate dialogue and exchange. Overall, the negative view that women's organisations inability to make tangible changes overlooks the structural barriers and obstacles for changing gender-related policies and transform gender norms without government support and political will.

b. Obstacles to the Implementation of INAP

i. Lack of political will

Respondents said that the government and political parties are typically more interested in their short-term political interests rather than long-term transformations and are more interested in stirring up sectarian strife than developing solutions [NF1, ND2]. While party leaders and representatives may talk about women's participation in elections, this was seen as only words and, in reality, they were not seen as seeking real change or being serious about enhancing women's status [K10, NV5]. The lack of trust in the government was widely mentioned by respondents. They said the

laws are not implemented, there is widespread corruption, both financial and administrative. As a result, people do not trust the political establishment, authority figures or political leaders and parties [BS10, E13].

Respondents defined the main obstacle to the implementation of INAP as political actors themselves and their lack of political will or interest in implementing it [BD1, BD10, BS11, BS12, E15, NF7, NV4]. According to respondents, political parties and their leaders do not view the implementation of the INAP as among their priorities [BD3]. Even though the ministries were given responsibilities to implement the plan, the government, especially in Baghdad, did not implement any of the identified strategies. The CSOs remained the bearer of this responsibility, but their activities could not go beyond awareness raising, forming specialised committees in advancing women's status and other activities [BD5, E5]. The policies and measures remained as formalities, but no serious steps have been taken for peace and for including women in key political processes. When included, women do not take roles as decision-makers but mainly as part of décor and without a voice. Their presence is just lip service to the 'democracy' talk by the government and its efforts to gain support from the international community [BD8, K5, K10].

Finally, a lack of awareness about the INAP and women's issues at the governmental (both national and local) level was reported as an obstacle to the implementation of the plan. It was said that the "government institutions are not familiar with the international laws that Iraq signed" [BS3]. E5, with her team, carried out a lot of activities in ministries but realised that many of them do not know what INAP entails, and she drew attention to the importance of raising awareness on this issue [E5]. It was mentioned that, whenever this issue is mentioned, "it falls on deaf ears" [BD12] and that the local government, central government and the House of Representatives do not understand the content of Resolution 1325, as a result INAP had no positive impact on women's inclusion in peacebuilding processes [BD7, BS10, NF1].

ii. Lack of budget and ISIS

As mentioned before, INAP as well as the Emergency Plan 1325 were approved without a ring-fenced budget nor was a budget allocated after being approved [E5]. The lack of a budget allocated for the implementation of INAP led to its failed implementation and inability to embed it in the governmental administration structure or to generate processes of evaluation and follow-up [BD7, BS12, E5, E7, E15, NV10, K1]. For K1, this starkly showed that the government "did not have a sincere desire to implement the plan in the first place" [K1].

In order to overcome budgetary limitations, the National Multisectoral Team for the implementation of INAP, the ministries and the team of CSOs decided that funding would be taken from the ministry budgets [E5]. This created a huge miscoordination and tension between overlapping roles and leadership. As a result, the work that emerged was not disconnected from each other and not complementary [BD4, BD7]. Moreover, ministries mostly included any kind of relevant activity and attributed them to INAP, which gave the impression that they did some work in the area while in reality they had not [BD4].

A large number of respondents also mentioned ISIS's attacks as a significant reason for why INAP was not implemented. It was said that the dangerous security situation caused by ISIS's invasion led to the prioritisation of security concerns [BD1, BD4, BD6, BS5, E7]. On the other hand, what happened in Sinjar and what Yezidi women went through led to the need for an emergency plan [BS13] and made this issue all the more important. According to BD7, thanks to the Emergency Plan 1325, CSOs worked on many of INAP's activities, especially regarding protection and prevention.

iii. Gender norms, customary rules and structural issues

Structural factors, customary rules and gender norms were mentioned as underlying obstacles to the implementation of INAP by nearly all respondents. It was clear that they thought the problems that hinder the implementation of INAP are deep-seated and grounded in wider norms and values [E9]. It was argued that gendered barriers in Iraq hinder the ability to put women and their views at the centre of politics and peace. Men occupy and dominate the political space and political parties, and most of the parties have connections to conservative religious currents [NF8]. The political establishment and religious and tribal authorities do not accept the INAP because it goes against their interests and their conceptions of religious and customary rules. This matters greatly because without the approval of tribal leaders and religious authorities, INAP and its goals are not accepted by ordinary citizens either [NF10].

BD11 argued that the political elite still believes that "women lack the mental capacity or ability to understand political issues" and the fact that most peace committees lack women is an indication of this. Despite the Article 14 of the Iraqi Constitution, which states that all individuals are equal before the law, women are not treated equally. Moreover, legal protections for women either do not exist or are not implemented meaning that women are scared to go out because of security threats, and they fear harassment, assassination and kidnapping [BD14, K11]. All this prevents women from going out, participating, and taking their rights [NV7; K2].

6. INFORMAL PEACEBUILDING AND WOMEN

Informal peace mechanisms were extensively discussed by the respondents. These mechanisms were perceived as distinct from formal peace mechanisms – more connected to the community, more flexible and small-scale, but vitally important. Respondents also reported that women play a larger role in informal peace processes than formal ones. Tribal and religious authorities are also involved in informal activities, but most of the respondents in this research talked about individual peace activists and CSOs.

6.1. Informal Peace Mechanisms and Their Activities

Respondents talked about different activities under the umbrella of informal peace mechanisms. Most of this work is carried out by volunteer groups and civil society organisations, whose activities are mostly funded by international organisations [BD3, NF13]. Customary peace mechanisms were also mentioned by the respondents under informal peace mechanisms. These are processes in which community members resort to tribes, clerics, *mukhtars* and sometimes to civil society organisations. Respondents argued that these methods are preferred as they are less expensive and less time-consuming than the formal legal system often combined with a lack of trust towards state institutions [E9].

Respondents referred to several types of work carried out by volunteers as peacebuilding, for instance, supporting women by training them in livelihood-generation skills and other activities as well, such as attempting to establish a school for autistic children, and this is all important for achieving peace. These types of work were all seen important for achieving and contributing to peace because they provide a space for civil society and for women to have a presence in society and make a positive impact [NF14, NF10, NV11]. These activities were defined to facilitate coexistence, coherence and protect community peace, preventing the use of weapons, working with tribes to resolve issues, providing aid to injured and sick people in the displacement camps, organising festivals to cultivate peace among Iraqi people or between different regions, ethnicities, and nationalities of the Iraqi people [BD1, BD4, BD8, E3, NF8]. Some examples of these types of activities are those organised by Al-Amal Association, Al-Mawja Organisation and projects such as the Alternatives to Violence Programme [NF4, NV5].

In most cases informal peace activities have remained as small volunteer activities conducted by young volunteers (including women and men) in collaboration with CSOs [NF7, BS9, BS11]. In some instances, volunteers carry out such work without funding and support these activities with their personal income [BS9]. Activities of informal peace committees

are also supported by international organisations, such as UNDP, GIZ, ACTED, and others, but the government does not support or contribute to this work [BS6]. Some of the participants involved in peace work said that the government should play a bigger role and should plan larger-scale work and campaigns at national level. The work that was done by the government in Mosul was considered to be good but insufficient and small. These types of work have mainly stayed at local level and there is no such work or campaigns at national level [NV12, NV13, NV15].

6.2. How Different Are They from Formal Mechanisms?

A key difference indicated by the respondents between formal and informal peace mechanisms is that women play a more significant role in the latter. Informal peace committees are formed by both women and men who are civil activists and members of women's CSOs [BD7]. According to E1, only unofficial initiatives make a sustained effort to include women in their work. CSOs working on peace are more inclusive, cover a wider range of activities and are more focused on developing effective solutions relevant to the issues on the ground [BS5, NF9, NF15]. Informal peace committees in liberated areas in Diyala, Mosul and Anbar have women among them, and they are influential in their society. E5 said that women in these committees make their voices heard and they have an effective role in resolving conflicts and tensions within their communities. Women's organisations carry out work on peace and conflict resolution and provide training and seminars on these issues for young women and men, and there are examples of women legal experts working with families to resolve conflicts [BS3]. Women's rights activists carry out work in the fields of education, health and wellbeing; raising awareness of issues faced by women and leading on calls for peace.

Another significant difference between formal and informal peacebuilding activities raised by many respondents is that informal activities are considered to be more connected to the community. They have contact with the people on the ground and understand their needs, making them more capable of being flexible in their work, adjusting peacebuilding activities as needed according to age groups, cultural and social backgrounds, geographical location and educational background. In contrast, formal peace processes tend to "collide with the governmental authority" and other non-governmental and informal institutions such as the tribal or religious establishments [BS11].

6.3. Assessment of Informal Mechanisms

One of the main issues raised about the informal peace mechanisms is that they are short-lived and their impact, if any, lasts only for a limited period of time [BS11, NF10]. Many of the activities described by the



respondents were conferences and symposia and it was argued that these gatherings only affect their narrow surroundings and do not have widespread influence over society [BD7, E6, NF15]. As BS12 said “peacebuilding needs to be sustainable and it is not possible for one activity or a set of activities alone to build peace, nor from one program or from a number of people”. Similarly, in Najaf, civil peace work by women had an impact on the street but not at the required level. A respondent stated that the government carries out work through the committees, but this is only partial work, and the heavy burden of peace work falls on the shoulders of civil society [NV9].

On the other hand, some respondents considered peace activities, especially workshops and seminars, as useful and impactful. The work of CSOs in bringing different communities and perspectives together and closer was considered particularly valuable [NF6]. For instance, some of the respondents talked about a Peace Forum in Nineveh that was attended by a very large number of people, which in their opinion had a huge impact [NV9, NV10]. For these respondents, informal peace committees, in Nineveh and elsewhere, are seen as having greatly contributed to diagnosing and challenging the obstacles to peace and to restoring trust between different sections of the society.

6.4. Protesters and Peace

Respondents who are involved in the protest movement or those who talked about protests drew significant parallels between peacebuilding and the protest movement. They connected the protests to the right to freedom of opinion and the demand for civil peace and human rights, therefore defined the demonstrations as examples of ‘peace’ work. Protests were defined as a way for people to express their dissatisfaction with the direction of the political system [BD9].

BD9 described the work of protestors and activists as ‘peace work’ as a form of national duty that falls on all citizens to take a stance and call for civil peace. For instance, a recent campaign was launched by around 160 organizations, unions and newspapers, and coordinated protests took place in three governorates to “put an end to murders and assassinations of protestors, activists, media persons, bloggers and civil activists, as well as campaigns against kidnapping and enforceable disappearance” [BD9]. NF13 described the demonstrators’ methods and intentions in Najaf, as well as in other provinces, as peaceful and non-violent resistance. It was stated that these local youth groups are very effective in making peace “In Najaf, the majority of girls who participate from young ages of about twenty and less than 25, and most of their roles are voluntary [NF13].

Most importantly, it is getting increasingly difficult for activists to carry out their work in safety. The situation of peace activists working

informally is particularly risky. Some of their work is considered as outside the law and there is no protection for women activists and protestors from the threats they face. One of the respondents said the conditions for peace activists' work is getting harder. She said previously she was able to work in relative comfort and safety, however, now her and other women peace activists face problems and threats and they do not feel safe when they carry out their work or when they protest [BS9].

7. TRANSITIONAL JUSTICE AND WOMEN

Transitional justice, and justice in general, and the gendered dimensions of these processes were extensively discussed by the respondents in all governorates. In each governorate, different aspects of transitional justice were mentioned, but in all governorates the unfairness of the system in place or issues with implementation were common themes. For respondents in Baghdad and Najaf, the discussion mainly focused on the victims of the previous regime as well as women while in Nineveh and Erbil the focus was on those affected by ISIS's violence. Transitional justice was least discussed in Kirkuk, where when it came up respondents mainly talked about its absence and the negative impact of partisan politics on building a process of transitional justice.

7.1. Discrepancy between Existing Mechanisms and Justice in Iraq

Some of the respondents defined existing transitional justice mechanisms as implementing a hollow definition of justice that fails to promote social justice or to solve profound problems in society. BD1 said existing mechanisms heavily focus on financial compensation without addressing root causes of the problems. It was noted that existing processes overlook important components of transitional justice, such as uncovering facts, punishing the perpetrators, redressing the harm, or developing special programmes and reconciliation at local and national levels [BD1, BD5]. NV4 stated that "financial compensation and privileges are not enough" when real reconciliation is what is needed. It was said that there is a lack of awareness of what transitional justice is and it is entrusted to unqualified people who do not know what transitional justice, peace and reconciliation mean [BD11, BD5]. BS10 said there is no respect for human rights and added that "Today, when the human rights file is passed to the Governor of Basra, they will ridicule it because they do not believe in the full implementation of human rights." Perhaps most pessimistically, K5 said "there is no justice in Iraq, the strong eat the weak. This law of the jungle applies in Iraq with no justice for all."

Many of the respondents talked about the conception of justice in Iraq and how it mainly builds on the idea of justice as retribution, punishment,

revenge or a balancing act [BD4, BD5, NF13, NV8]. As a result, they believed that the avenging nature of transitional justice in Iraq cannot promote peace within society. BD4 said that the new regime wanted to avenge the previous regime and take back all of which they were previously deprived of. In contrast, respondents sought transitional justice mechanisms that could serve as tools for building peace and social justice. According to NF13, justice and building peace should entail restoring social cohesion, working on issues of truth, hearing from aggressors about their possible victimisation, understanding safety and security in non-military terms and creating a safe and secure environment. As BD8 said “the spiral of violence and revenge cannot be resolved unless the psychological trauma of victims is treated so that the spiral does not convert the victims into perpetrators of violence.” For instance, BD9 said the treatment of women and children perceived to be affiliated with ISIS – their rejection by society, poor living conditions and often being trapped in isolation camps in miserable conditions – does not look like transitional justice. Others mentioned sectarianism as constituting the existing political system in which one sect is trying to impose their vision on others and leading to constant rivalry between different factions. They defined this system as built on a “disfigured foundation” [BD9] or sitting on a volcano that can erupt anytime [E8]. As a result, injustices continuously increase, and disputes can erupt at any moment because there is no real radical solution being developed [E13].

7.2. Issues with the Implementation of Transitional Justice

The first parliament after the 2003 invasion adopted a number of laws for transitional justice, which covered the martyrs and victims of the former regime [BS7, BS2]. This law was later amended to include victims of terrorism and military operations, and those who died fighting for PMFs and their families as well [BD1, BD6, BS13]. These laws address issues related to compensation (in the form of land, salary, jobs) for victims, families of the martyrs and prisoners and address issues such as property and land disputes. These laws and the institutions established to implement them, such as the Martyrs Foundation (responsible for providing the rights of the families of salaries and sorting out inheritance issues, etc.) engaged in a process that is defined as “de-Ba’athification,” rather than a judicial process (BD5). E8 said that this legislation was “built with a Ba’ath mindset”. As a result, the institutions that govern politics and society, including the transitional justice institutions are formed of employees and directors from a particular group or party, making the Martyrs Foundation as an institution with no diversity among its employees [BD4].

The majority of respondents said that these laws need to be changed and updated to include those affected by violence in post-conflict contexts,

such as post-ISIS and post-liberation contexts. These laws should also address crimes committed during conflict, such as mass murder, genocide and sexual violence, and they should address the different stages of peace and conflict, displacement and its protracted nature [BD3, BD7, BS10, BS14]. E10 and E15 mentioned the international investigation team set up for ISIS crimes according to UNSC Resolution 2379 that is taking statements from victims and preparing a field report of mass killings, survivors and missing persons. However, this work is not connected to an Iraqi or international judicial process. Gathering evidence for the cases is difficult and complicated. The judicial process based on the Terrorism Law, which usually leads to a judicial process that results in the execution of the ISIS members, is preventing the possibility of gathering statements from perpetrators and hindering the ability of a judicial process for crimes that are not covered under the Terrorism Law [E10]. E15 added that the historical crimes of genocide and violence against the Kurds (Anfal, Halabja) have been overlooked in the current system.

Many of the respondents also stated that transitional justice can only work if its foundation is built correctly and if it compensates victims without discrimination. They pointed out that the compensation payments did not cover everyone. Many victims of murders and violence during and after the US invasion, the sectarian conflict and the protests demand their rights and justice [NF13]. There are no investigative committees to find the truth and provide compensation to the victims of these crimes and their families [BD8]. The transitional justice law also does not cover the victims of ISIS. There is no justice and no investigation for the crimes ISIS committed against women, men and children (BD3; BS14; BS14).

7.3. Women in Transitional Justice

Women and men have equal rights according to the law and many of the respondents (especially those in Baghdad, Basra and Najaf) stated that male and female victims of the previous regime were provided compensation without discrimination. However, one respondent in Basra, BS4, said that women affected by conflict including displaced women in northern Iraq are getting more justice and support compared to women in central and southern Iraq. Most of the respondents from Najaf described Najaf as a relatively safe province for women compared to other provinces in terms of being affected by conflict, displacement and sexual violence.

Several issues were raised about the treatment of women in transitional justice mechanisms or the lack of mechanisms and procedures that apply to women. These issues are embedded in the wider structural, institutional, social, economic and legal inequalities seen in Iraq. For instance, NV10 talked about the interconnection between sexual violence in conflict and



other forms of gender-based violence in relation to what happened to women during ISIS conflict. The experiences of women and the issues raised by the respondents show the extent of discrimination against women and the continuities between all types of gender-based sexual violence in ‘peace’ and ‘conflict’. Their comments and insights also indicate how women’s needs and the way they are affected by conflict vary based on the context in which they are located, their affiliation with a certain ethnic, religious or sectarian group, and their age, level of education and employment status.

a. Transitional Justice and Legislation

The legislation that was introduced after 2003 only focused on a specific group persecuted by the Ba’ath Party, but women were not mentioned in any of the articles even though they were directly affected by the oppression before and after 2003 [E7, BD5]. For instance, national strategies for combating corruption and extremism do not even mention women and how they are affected and what should be done to support them. All transitional justice mechanisms have been led by men until one female member joined the CCCP recently. BD5 noted that there are no female counsels and members of parliament in committees on the “basis that men are more capable, but the truth is they are worse”. BS11 said if there was legislation on transitional justice regarding women “we would have seen its positive impacts and results today”. Female members of parliament were criticised for not raising the issue of transitional justice for women affected by conflict, especially women who are displaced and women leading households after the death or injury of their husbands, brothers or fathers [BD3].

As such, administrative and financial corruption were seen as huge obstacles to achieving transitional justice and women’s ability to access compensation and other rights [E2]. Most women have few connections in public offices or among community leaders, therefore it is harder for them to use these tools to access their rights. Corruption and bribery create further barriers to women’s enjoyment of their rights and receive fair treatment [NV11]. Women are highly marginalised in society and often harassed, subjected to verbal violence, especially in government departments: “When they go to demand their rights, in fact, there are women who cannot claim their right as they do not have the money to go to the government department in the first place”. [NV12]

b. Justice for Women Who Experienced Sexual and Gender-Based Violence

Some of the respondents talked about justice for domestic violence and other forms of gender-based violence in the context of transitional justice. They talked about how women’s existing rights and certain laws



discriminate against them. This was brought up by respondents particularly in relation to violence against women and the lack of protection for these women [BS12, BS13, NF8, NF13]. When a person violates a woman's rights and treats her violently, they are not punished and, in Najaf, resolving the issue “is always left to the tribes; there are laws that are in place but not implemented” [NF8]. There is a law penalising harassment, but this law is not implemented and “even when a woman goes and complains, no one listens to her” [NF8]. There are no arrest warrants for crimes against women because the security files are controlled by parties and politicians [BS12]. The file says the killer is unknown, or women are killed in the name of ‘honour’ or most crimes are registered as suicide, despite meeting the legal criteria to be criminal cases [BS12].

In Basra and elsewhere women’s rights activists are murdered and threatened because they express their opinion, join protests and support the Domestic Violence Law. These women who speak up about women’s rights, engage in social media and work with local or international organisations are dismissed as “embassy girls” (a label implying they are not working in the interest of Iraq and are traitors) [BS12]. They are exposed to rumours, defamation, accusations and assassinations for defending the rights of women [BS12]. As result, as NF13 put it, women’s rights are violated in multiple ways, in the form of both direct and indirect violence. They experience direct violence, and legal and administrative violence due to a lack of protection, as well social pressure and threats for which the law does not provide any support. The net effect is that “all this builds, adds, and accumulates on top of the direct violence they experience” [NF13].

c. Sexual Violence in Conflict

The issue of women affected by violence and justice for these women was repeatedly raised by respondents, especially those in Erbil, Nineveh and Kirkuk. The need to provide legal, psychological, moral and material support and protection for all women affected by conflict was repeatedly emphasised [K5]. Many survivors of violence, Yezidi, Turkmen, Shiite, and Christian women, have not received support even in the form of compensation [E3]. What is more, E9 said what happened to these women and to their communities, the disintegration of an entire society, a family or a village – these issues require more than just financial compensation. The criminal code in relation to conflict under the Terrorism Law does not deal with crimes and violations during conflicts; there is no category for crimes committed against kidnapped and abused women and girls [BD7]. As a result, for example, women who were victims of ISIS’s violence, who were kidnapped and survived have not been allocated a continuous salary. Sometimes they receive a one-off sum of money, but this does not meet their

needs at all. As a result, women are not properly included in transitional justice and are not receiving the support they deserve in Nineveh [NV10]. A respondent in Basra mentioned women affected by armed violence and the lack of legal support for these women and tribes make decisions on behalf of these women most of the time and she ends up being persecuted despite being a victim [BS7].

There is a need to change the legislation to enable the provision of compensation and the right type of support for those subjected to sexual violence, whose families and communities were killed or displaced, whose houses are destroyed by ISIS and during the liberation war [BD4]. The Yezidi Female Survivors Law has been recently proposed in Parliament to redress the damage caused by ISIS to Yezidi women. This law is a good development as it tries to address the damage caused to the victims and treat the lasting trauma. Many respondents pointed that this law should not only focus on Yezidi women but also other women who experienced sexual violence such as Shia Turkmen, Christian and Sunni women.

d. So-Called ISIS Women and Children

Families suspected of having links to ISIS or considered as 'ISIS families' are in a difficult position, and according to some respondents the current situation of these women and children is appalling. These families are currently trapped in isolation camps living in miserable and harsh conditions. Because they were married to ISIS members, they "are exposed to violence and are often raped in the camps... They have children without identity, children born in the camps" [NV4]. BD9 said "women once again suffer violence, rape and intimidation by officials in these camps" and their children are not recognised by Iraqi authorities. The government arrests 'ISIS families' and does not release them until they disown their husband or son. There is a huge identification gap that affects a very large number of children, even beyond those in isolation camps. It was argued that this will create significant challenges for these children and their families, but the state does not appear to be willing to tackle this issue [BD4]. Most of the respondents defined these children as 'time bombs' as they grow up in these conditions. Being vilified, badly treated, and without an ID, they will not be able to register to a school, integrate, work or build a future for themselves.

Several respondents noted the importance of this problem and argued that the situation of 'ISIS families' should be addressed, where they should be supported and treated carefully and fairly before people end up trapped in camps all their lives [BS14]. It was noted that wives and children of ISIS members should be protected by the law and a well-thought-out solution should be developed that entails better treatment and economic support whether these women are criminal or not [NV2, NV4, NV5].

8. RECOMMENDATIONS: WHAT NEEDS TO BE DONE?

8.1. Training, Education, Advocacy and Women's Empowerment

By far the most common recommendation cited by a large majority of respondents was the need for extensive training and education programmes. Respondents cited a need for training to empower women, create women leaders, and train women to participate in peacebuilding processes and on how to act as advocates for women's rights. Respondents varied on the form such training should take – some argued that ideally it should be undertaken with girls in school at an early stage or in university, while others saw it as an important tool for training women in the community. Others also noted the need for training programmes for specific groups of women, such as those currently residing in camps. Recurring themes around what such training should cover included advocacy training, leadership skills, basic employment skills, and training for leaders on how to use the media to promote their message within wider society.

8.2. Improving Services Aimed at Women

While making women aware of their rights and services available to them was seen as an important component of training, others discussed the vital importance of ensuring that the services being delivered to women were actually effective in the first place. Many respondents noted that the services delivered, whether by the government or civil society and community groups, simply did not provide what was needed. The consequence of not providing relevant (or indeed any) services was that it forced women to leave Iraq or become internally displaced. As one respondent noted “immigrant women in general are far from government programmes” and “most who have been subjected to violence left Iraq as a result of the loss of services provided by the government” [BD1]. Another noted that organisations provided relief and aid but without providing for basic human needs of women, which were necessary to rehabilitate women and reintegrate them into society [BD2].

8.3. Increasing Women's Participation

The other most common theme from respondents on how the position of women could be improved was simply to increase the levels of women's participation, or more particularly, to increase the levels of women's meaningful participation in decision-making. This was seen as being necessary at the community level, governmental level and international level. As one respondent put it, what was required was the “inclusion of women in all fields, not only in training courses, but also in meetings and committees” [BS8]. It is one thing to provide training and empower women, but it was another to give women a meaningful voice in decision-making and governance.

9.4. Legal and Political Reform

Many respondents saw the core reason for the poor standing within Iraq of women's rights as lying in a weak legal framework and therefore a common recommendation was to strengthen the position of women through legislation. Such recommendations ranged from general calls for strengthening legal protections [BD3, BS2] to more specific recommendations, such as criminalizing *nahwa* and *faslia* [BS1], domestic violence legislation [BS2, BS4, K2, K4, K5], increasing the women's quota in parliament to 50 per cent or greater participation on legislative committees [BS2, K5], revitalising the Ministry of State for Women's Affairs [E7], abolishing articles hindering the participation of women in the full socio-economic and political life of Iraq.

8.5. Economic Empowerment

Respondents noted the importance of greater economic empowerment and economic independence for women was necessary for both women's empowerment and for them to be able to increase their participation in social and political life. As one respondent noted, "we need economic empowerment first, so the needs of life must be met. Only then can I participate and integrate into society" [BS15].

8.6. Changing Gender Norms in Society

A recurring theme was that women's rights activism and women's vulnerable position stemmed from patrimonial dynamics embedded in society. As one respondent noted "we are a society based on the fact that the authority is in the hands of the man, whether he is the father, brother or husband" [NV12]. The result was that empowering women was seen as provoking a backlash from such authorities. This was seen as particularly true for conservative religious leaders. Challenging these gender norms was seen as vitally important. For example, one respondent stated that "there must be awareness of men also to accept the presence of women and of women being leaders and having a role in society" [K2].

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ABBREVIATIONS

- CCCP: Community for Coexistence and Community Peace
- CEDAW: Convention on the Elimination of Discrimination Against Women
- CSOs: Civil Society Organisations
- GIZ: German Corporation for International Cooperation GmbH
- HCWA: High Council of Women's Affairs
- IDPs: Internally Displaced Persons
- INAP: Iraqi National Action Plan
- ISIS: Islamic State of Iraq and Syria
- IWN: Iraqi Women Network
- IWU: Iraqi Women's Union
- KRG: Kurdistan Regional Government
- LPCs: Local Peace Committees
- NDI: National Democratic Institute
- NRC: National Reconciliation Committee

LDWR: League for the Defence of Women's Rights

PKK: Kurdistan Workers' Party

PMFs: Popular Mobilisation Forces

PUK: Patriotic Union of Kurdistan

PVE: Preventing Violent Extremism

UN: United Nations

UNAMI: United Nations Assistance Mission for Iraq

UNDP: United Nations Development Programme

UNSC: United Nations Security Council

USAID: United States Agency for International Development

WPS: Women, Peace and Security

Interview Codes

BD: Baghdad ('BD1' refers to the interviewee number 1 in Baghdad)

BS: Basra

E: Erbil

K: Kirkuk

NF: Najaf

NV: Nineveh

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