



UNITED STATES
INSTITUTE OF PEACE
Making Peace Possible



Workshop on the Agenda of Women Peace and Security within the International and Local Framework

August 26-27, 2022

Women Empowerment Organization, under the authority of the Supreme Judicial Council in the Kurdistan Region, in cooperation with the Department of Foreign Relations, with the partnership and support of the American Institute of Peace, held a two-day workshop on the agenda of women, peace, and security within the international and local framework.



A group of judges from the Kurdistan Regional Judicial Council and the Presidency of the Public Prosecution participated in the workshop, in addition to two members of the Legal Committee of the Parliament of the Kurdistan Region, with a total of 20 judges (female and male). Two Parliament's legal committee.

Initially, the session was opened by the head of the Women Empowerment Organization, and after welcoming the participants, the supporting bodies for this workshop were clarified, then the objectives of this workshop were clarified.

The representative of the Kurdistan Regional Judicial Council, represented by Judge Nigar Ahmed Muhammad, a member of the Appeal Presidency of Erbil district, gave the speech of the Judicial Council.



educational, and media. Her Excellency also referred to the importance of the women, security, and peace agenda, and touched upon Resolution 1325 issued by the Security Council in 2000 and its subsequent resolutions, and after more than 20 years of the issuance of the resolution, positive changes occurred in the implementation of the resolution and many efforts were made and several barriers were removed from the In order to implement the decision, whether from the federal government or the Kurdistan Regional Government, despite the efforts made, there are still gaps and weaknesses For this purpose, efforts, attempts, and work must be intensified in order to define the importance of implementing the decision and work for equality and justice for women in all fields and at all levels in general, and in the political field, leadership positions and decision-making positions in particular.

Finally, the representative of the Judicial Council hoped that this workshop would be an important step in order to identify the peace and security agenda of women and fill in the gaps and loopholes that exist in the implementation of Resolution 1325.

After that, the representative of the Department of Foreign Relations welcomed the participants and the importance of the Women, Security and Peace Agenda and Resolution 1325 and the implementation of the national plan in raising the status of the government internationally. She also praised the role of the American Institute of Peace and its partnership with the Department of Relations in implementing the agenda of women, security, and peace.

In the first session of the first day, trainer Dr. Ibrahim Al-Daraji started by presenting the background of violence against women, the forms and context, and its impact on the whole world, in addition to presenting images and forms of violence in times of peace and war, explaining (physical violence, sexual violence, economic violence, psychological and moral violence, and legal violence) and where That violence occurs and who perpetrates it (violence that takes place within the family, violence that occurs within the community, violence that is condoned by state institutions, whether directly through (discriminatory laws) or indirectly through the prevailing tolerance of violence against women and the escape of perpetrators of violence from Punishment and the absence of official institutions to take care of victims of violence against women.



Dr. Ibrahim Al-Daraji gave a detailed explanation of violence in times of peace and war and how the international community took care of this issue, pointing to the stages it went through, starting with the issuance of the Universal Declaration of Human Rights in 1948, and how the international community tried with great importance to define violence against women through the Declaration on the Elimination of Violence against Women. The Declaration provided a definition of violence against women that transcended the traditional duality of the public and private spheres.

Then he presented the effect of armed weapons on women and girls, both during the conflict (women and girls were exposed to all forms of violence, their responsibility to provide for the family and the risks of detention and disappearance) or after it (the damage to laws and policies in the asylum and displacement paths, the denial of health services). They are subjected to violations in times of war, but there is discrimination against women over other civilians as victims of conflicts by noting the number of women and girls' victims as a result of wars.

The impact of conflict on societies and its impact on causing disturbances at the level of social structures, especially with regard to the roles and responsibilities of men and women, and the relationships that link them, has been clarified. The explanation of the topic was based on the guide

(Framework and Theory concerned with equality and justice inclusion) issued by the American Institute of Peace.

Monitoring and stages of development of the course of the international framework were presented by presenting the stages that the international community went through by referring to the four Geneva Conventions and the two protocols annexed to these conventions and the presentation of the violence that women were subjected to in all its forms during conflicts around the world after the wars and after which the historical background for the issuance of a resolution was presented The Security Council on Women, Peace and Security 1325 Starting with the establishment of the Commission on the Status of Women and the Convention on the Elimination of All Forms of Discrimination against Women and civil society activities in the establishment of the Committee on Women's Affairs and the Beijing Conference until the decision was issued in March/2000.

The guide to transforming theory into practical practice within the framework and theory concerned with equality and justice between men and women mainstreaming from the publications of the American Peace Institute was also referred to. The discussion was conducted by the attendees on the topics raised.



In the second session of the first day, the trainer Judge Nigar Ahmed presented Resolution 1325 in detail, including that the decision was a turning point from looking at the stereotypical vision of women and changed the conviction that efforts to combat violence against women and girls will only succeed with a comprehensive vision of their role in society, changing roles and recognizing what women offer After her liberation from violence during conflicts and that the resolution was an essential step by the Security Council as the highest international body and the international community, they recognized that international peace and security depend on equality and justice between men and women, and the trainer also clarified all the resolutions complementing Resolution 1325.

The legal force of Resolution 1325 and the resolutions complementing it was explained because the Security Council is the main organ of the United Nations and its main function is to maintain international peace and security. It is binding on all member states, in addition to issuing recommendations to states in the form of expressing advice, a desire, or an invitation, which has no legally binding force.

The main pillars of Resolution 1325 consist of:

- ***Participation:*** emphasizes the promotion and increase of women's participation in all decision-making forums, including in the defense and security sector as it clarified that Resolution 1325 addressed two critical issues namely the excessive impact of violent conflict and war on women and girls, as well as the critical role that women must play in preventing Conflicts and peacebuilding. It also indicated the importance of women's full participation from all sides in achieving and sustaining peace and stability within society, and that the resolution urged all actors to increase women's participation and include equality and justice between men and women perspective in all United Nations peace and security efforts.
- ***Protection:*** emphasizes the protection of women and girls from all forms of violence against women and girls during and after conflict, such as sexual violence, especially in emergency and humanitarian situations, as is the case in refugee camps.

- **Prevention:** emphasizes the prevention of violence against women and girls, including sexual violence, by integrating women's perspectives into early warning systems, public education, and prosecution of violators of women's rights, in addition to improving intervention strategies in preventing violence against women and girls, by prosecuting those responsible according to International law, promoting women's rights under national law, and supporting local women's peace initiatives in conflict resolution processes.
- **Relief and Reconstruction:** emphasizes strengthening the role of women in peacebuilding and conflict resolution and ensuring women's participation in all areas of planning and development, as part of economic growth and through equality-responsive budgeting. It also calls for the advancement of relief and recovery measures to confront international crises through equality and justice perspective and respecting the civilian and humanitarian nature of refugee camps and taking into consideration the needs of women and girls in designing refugee camps and settlements.

The topic of transitional justice and the agenda of women, peace, and security was another focus in the training workshop. The concept of transitional justice was explained by the trainer as the full range of processes and mechanisms associated with the attempts made by society to understand a legacy of large-scale past abuses, in order to ensure accountability, establish justice, and achieve reconciliation. How to link justice closer to the sustainable development plan that calls for "a world based on justice, equity, tolerance, openness and social inclusion for all, and in which the needs of the most vulnerable groups are met.

From here, the lawyer and consultant at the Women Empowerment Organization (Nermin Hama Ahmed) intervened, "because of the importance of the issue and its direct connection to Resolution 1325." She explained the importance of the sustainable development goals that were set in the sustainable development plan adopted by the member states of the United Nations in 2015 consisting of 17 goals and indicated in the preparation of plans The national implementation of resolution 1325 must take into account the fifth goal related to achieving equality and justice and eliminating all forms of violence against women and girls and the sixteenth goal, which emphasizes

the promotion of peaceful societies in which no one is marginalized in order to achieve sustainable development, and provide access for all To justice, promoting non-discriminatory laws and policies, strengthening the rule of law, ensuring access to justice for all, and building effective, accountable and inclusive institutions at all levels.

On the mechanisms of transitional justice, the trainer clarified the mechanisms consisting of:

- Fact-finding by investigating past violations of human rights.
- Prosecution by ensuring the prosecution and punishment of those responsible for committing gross violations of human rights.

Institutional reforms by transforming public institutions that helped perpetuate the conflict into just and equitable institutions that protect human rights and promote a culture of respect for the rule of law towards reform in the justice and security sectors.

Reparations through reparation for the harm caused by systematic violations of human rights, by providing a range of material and symbolic compensation to the victims (commemoration and celebration of past events - response, compensation, satisfaction, and rehabilitation – memorials, etc.)

Reconciliation is a set of processes that involve building or repairing relationships, often in the wake of widespread human rights abuses. It may occur at the individual, personal, social, political, or institutional levels.

The attachment of Resolution 1325 and some of the complementary resolutions to transitional justice mechanisms were clarified. Resolution 1325 elaborated precisely on these mechanisms, stressing the responsibility of all states to end impunity and to prosecute those responsible for genocide, crimes against humanity, and war crimes, including those related to what they are exposed to. women and girls from sexual and other forms of violence and stresses the need to exclude such crimes from the provisions of the amnesty.

Resolution 1820 requires the Member States to comply with their obligations to prosecute persons responsible for acts of rape and other forms of sexual violence that may constitute a war crime, a crime against humanity, or an act constituting an act of genocide; To ensure that all victims of sexual

violence, in particular women and children, enjoy equal protection under the law and equal access to justice; It stresses the importance of preventing impunity for the perpetrators of such acts.

Resolution 2122 emphasizes exerting more effort to ensure that transitional justice measures address violations and abuses of women's human rights and address the different effects on women and girls as a result of these violations and abuses, the issue of forced displacement, enforced disappearances, and the destruction of civilian infrastructure. Finally, Resolution 2106 draws attention to the importance of developing a comprehensive approach to transitional justice in armed conflict and post-conflict situations, encompassing the full range of judicial and non-judicial measures, as appropriate.

These mechanisms and the challenges that exist were discussed by the participants and participants and they all confirmed that they were not aware of the importance of Resolution 1325 and that the discussion revolved around national mechanisms that are not based on international mechanisms, for example, discriminatory legislation that does not comply with international conventions, which leads to the existence of many gaps, and work must be done to integrate National laws with international laws in addition to the impunity of the perpetrators of violence and the weakness of the executive institutions due to the lack of efficient material and human resources.



The second day/ the session started with the topic of the legal framework for the crime of sexual violence against women in conflicts, which was presented by the trainer Dr. Ibrahim Al-Khafaji, through the PowerPoint, referred at the beginning to the resolutions issued by the Security Council related to the prevention of conflict-related sexual violence, especially Resolution 1325 and complementary resolutions, highlighting the contents of the resolutions and the Security Council's concern about cases of violence committed against women during the armed conflict, despite calls to stop these acts, However, these acts are still committed in an organized and widespread manner, reaching horrific levels of cruelty, and with impunity at times, they are committed in a systematic and widespread manner, reaching appalling levels of brutality, and these acts are still committed all over the world.

Women are more affected by sexual violence in situations of armed conflict, and that sexual violence against women in times of war begins in peacetime, while prevention of it in times of war begins in peacetime, and this violence exacerbates for many reasons, including (discriminatory opinions about women or men and women roles in society, norms and practices Harmful social activities, equality-biased enforcement and implementation of applicable laws, the impact of discriminatory laws and the under-representation of women in decision-making roles and leadership positions, in addition to the lack of access to services for survivors).

After that, the trainer presented three issues in order to work on them with the participants through groups, and the participants were divided into three groups.

1st Group

Some see that “sexual violence against women in conflicts” is a phrase “strong, beautiful, influential,” but it does not carry any legal dimension because it is a phrase (ambiguous in meaning and content)!!

There is no legal qualification for it, nor a precise definition that expresses it, in addition to the fact that the acts and practices covered by this “alleged crime” are not known at all, which prevents accountability for it in accordance with the principle of legality of crimes and punishments.

What do you personally think about this? And how can we dispel these fears, by trying to define them, to enable survivors of conflict-related sexual violence to access the desired justice?

2nd Group

With the ambiguity of the term “conflict-related sexual violence” and the absence of many international precedents that strengthen the mechanism of prosecution of it, many defenses and pretexts are presented to deny responsibility for perpetrating sexual violence in wars and conflicts.

In a famous case related to sexual violence committed in an armed conflict, some people admitted their responsibility, while the rest argued that they were not responsible for a variety of reasons. Khaled and Salim stated that they did not commit this crime. Youssef maintained his immunity resulting from the official status he enjoys, while Barwa stated that A leader and not responsible for the actions of his subordinates, and Aziz confirmed that he actually carried out the orders of his direct superior, at a time when Ahmed admitted to committing that crime, expressing his remorse for that and pledging not to repeat it, especially since his crime had fallen into the statute of limitations, due to the passage of a long time since its perpetration, In addition, he had already obtained a general amnesty for the fighters who participated in that armed conflict.

How will you deal with this situation? Who will you condemn and who will you admit to being irresponsible?

3rd Group

The country / Q / is witnessing a bloody conflict that witnessed and continues to commit many crimes of sexual violence against women and girls.

As you/become experts and experts with proven expertise, knowledge, and competence in addressing sexual violence against women and girls in armed conflict:

What are your suggestions to stop, deter, and ensure that such crimes and violations are not repeated and to protect their victims?

To whom will you direct these proposals? That is, what are the bodies, countries, or organizations, concerned with adopting and implementing your recommendations and suggestions.

The work of the three groups was presented and the answers to the three examples related to the lack of a definition of sexual violence, the lack of identification of forms of conflict-related violence, and the absence of texts related to crimes of sexual violence in local laws, which affects the difficulty of legal adaptation of crimes of sexual violence in conflict, which makes it difficult to adapt cases according to standards international law and resorting to existing texts in domestic laws, in addition to impunity for perpetrators of sexual violence.

Then the trainer clarified the definition of conflict-related sexual violence and its forms in accordance with international law and its impact on international peace and security.

The Rome Statute of the International Criminal Court, adopted in 1998, was explained, as crimes of sexual violence against women during conflicts were considered a crime against humanity, a war crime, and an act of origin crime related to genocide. The contents of the Rome Statute of the Criminal Court were clarified and explained in light of the examples that the groups worked on.

Among the topics presented were discussions and suggestions that Iraq did not ratify the Rome Statute, and this constitutes a major obstacle to adapting conflict-related sexual violence crimes, despite the Yazidi women's exposure to the worst forms of violence as a result of the ISIS war.

The participants referred to some of the legal texts found in the Penal Code, the Human Trafficking Law, the Yazidi Survivors Law, and the Terrorism Law, but these laws lack many texts that are consistent with international laws and the Rome Statute.

After a short break, the second session began, which included presenting the national plans for Resolution 1325, strategies, what are the national plans for Resolution 1325, and the importance of national plans to implement the resolution as a strategic tool for countries to translate international commitments related to the Women, Peace and Security Agenda (WPS) into the local context.

It also indicated that 42% of UN member states - or a total of 82 countries - had issued at least one national action plan as of August 2019.

The formulation and release of the national plan for women, security, and peace constitute the first step for implementing regional and international decisions into practice.

The main pillars that must be included in the national plans were clarified according to the pillars referred to in Resolution 1325, which were explained on the first day of the workshop.

Then, the Iraqi national plan to implement the resolution in 2014 was discussed and the importance of this plan, given that Iraq is the first country in the Middle East and North Africa to issue a national plan, how to develop it, and the role of civil society organizations in issuing and implementing it. It also referred to the sources of the plan (international covenants - the Iraqi constitution - national legislation - National strategies and plans - and reports issued by civil society organizations) and indicated the importance of promoting the decision by mainstreaming and integrating the concept of



Emergency plan: In view of the repercussions of the security and political situation as a result of the fall of Nineveh city, the 1325 Alliance, in coordination with the Ministry of Women's Affairs, developed an emergency plan based on the first national plan to implement the urgent priorities at the time, and the decision was adopted in May 2015. Women belonging to ethnic and religious components were subjected to serious violations, including kidnapping, deprivation of liberty, exclusion, humiliating treatment, and forced conversion to another religion. Among the most serious was sexual violence, which was described as unique and unprecedented in the world.

The plan included only two pillars: participation and protection, in order to quickly respond to the needs of women and girls, and a timetable (one year) was set for implementation.

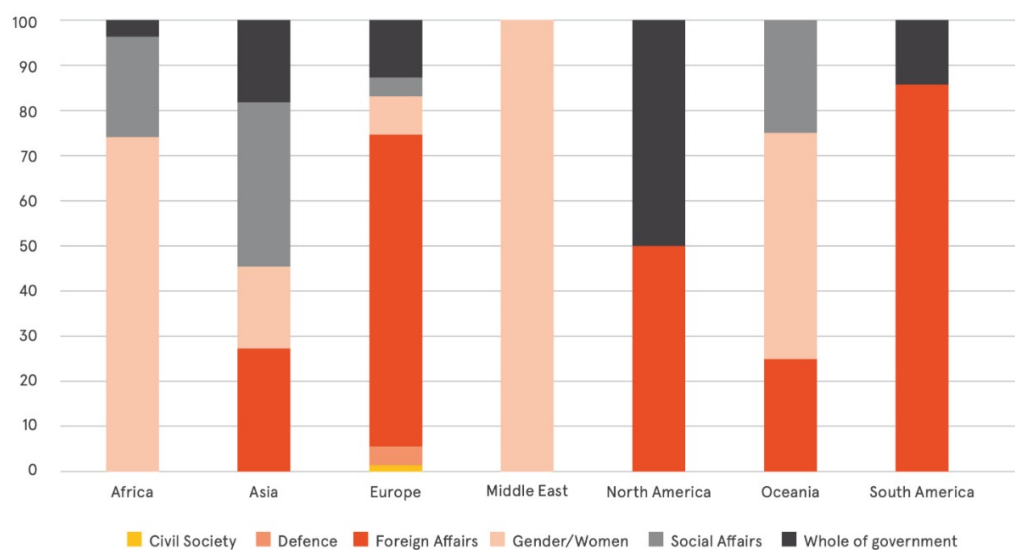
She pointed to the importance of preparing the unified executive plan to implement the decision issued in 2016 by presenting the structure of the multi-sectoral work team in the central government and the Kurdistan Regional Government.



Mrs. Suzan Aref clarified the work of a multi-sector working group, as she was a coordinator and participated in preparing the implementation of the unified executive plan for the implementation of the decision in terms of the work structure, roles, and partnership between the governmental and judicial sectors, the legislative authority and civil society, in addition to the unified work between the two governments within the multisectoral national team. And the achievements that have been made.

The second national plan for the implementation of Resolution 1325 in Iraq and the Kurdistan Region plan was presented and clarified by the trainer as well (working on the plan, sources of the plan, the main pillars of the plan, goals, indicators) and also showed Iraq's progress in developing the second national plan compared to the countries that issued the first national plans The second and third are Denmark, Norway, Asian and South American countries.

It also showed the largest role of the civil society organizations in the implementation of national plans by displaying a graphic model.



The challenges in implementing the first and second national plans for Resolution 1325 in Iraq were presented by the lawyer and consultant at the Women Empowerment Organization, Narmin Hama Ahmed, as she was an expert in preparing the second national plan for Iraq by presenting the most important challenges that obstructed the implementation of the first national plan and the emergency plan, in addition to the challenges that it may oppose the second and most important national plan.

1- Challenges related to the international framework

- Iraq's failure to join some international agreements, including:
 - The first optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women, which allows women to claim compensation through international mechanisms.
 - Convention on the Protection of Migrant Workers and Members of Their Families, Convention on the Status of Refugees.
 - Membership of the Rome Statute of the International Criminal Court, adopted in 1998

2- Challenges related to local legislation:

- 1- Lack of legislation regarding accountability for conflict-related sexual violence
- 2- The Iraqi legal system is devoid of provisions relating to crimes of genocide and crimes against humanity, including conflict-related sexual violence.
- 3- There is no legal qualification for such crimes. Also, there is insufficient law enforcement at the national level to ensure that the prosecution and prosecution of those involved do not allocate a budget for the plan.

Challenges related to non-implementation of the content of national strategies and plans.

- Not allocating a budget to implement the plan
- Ending the period specified for the implementation of the activities and they were not completed, which led to the failure to achieve some of the desired goals.

- The current situation in Iraq due to the ongoing political crises leads to obstructing the implementation of the plan, which causes the desired goals to be not achieved in the specified period.

On the evaluation of the workshop, the participants indicated that the workshop was very important, as most of them were not familiar with Resolution 1325 issued by the Security Council and were not aware of the importance of the national plans prepared by Iraq and the importance of the pillars included in the plans, especially the pillar of participation, but Failure to specify a budget for the implementation of this decision may lead to obstruction of its implementation.

Recommendations:

- Conducting training courses or consultative sessions with the Iraqi parliament and parliament in order to work on integrating international conventions with national laws at the level of Iraq and the region, because the courts implement the provisions of local laws and cannot resort to international conventions.
- Because of the importance of the Rome Statute of the International Criminal Court, adopted in 1998, and Iraq's failure to accede to this convention, it is necessary to work to influence the legislative authorities to join this convention and work to implement the recommendations of the United Nations committees not to join Iraq to this convention.
- Lack of awareness by the Judicial Council and the Public Prosecution of the importance of the role of the judiciary in implementing Resolution 1325. For this reason, more workshops must be held for specialized workers in the judiciary, as well as the participation of specialists in the Ministry of Interior because their work is linked to the judiciary.



They thanked the efforts made by the Women Empowerment Organization in organizing the workshop, which did not lack anything, but they criticized the time specified, so that the topics, despite their importance, were many that could not be covered in a short time, and that the workshop was organized on the judges' rest days (Friday and Saturday), but this was clarified to them that the workshop was organized at that time at the request of the relevant authorities (the Judicial Council in the Kurdistan Region and the Presidency of the Public Prosecution) so that the workshop would not affect the work of the courts.

In conclusion, the head of the Women Empowerment Organization extended her thanks and gratitude to the President of the Judicial Council of the Kurdistan Region for his support in sponsoring the workshop. She also thanked the president of Public Prosecutor in Kurdistan region for his support in the participation of female members and members of the Public Prosecution in this workshop and the Legal Committee of the Parliament of Kurdistan. Thanks, were also extended to the trainers and all participants in the workshop and their active participation in discussions and suggestions.





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