



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

October 26 and 27, 2023

Women Empowerment Organization, in partnership with the American Institute of Peace, sponsored by the Judicial Council of the Kurdistan Region, and in cooperation with the Supreme Council for Women and Development and the Department of Foreign Relations of the Kurdistan Regional Government, held a two-day workshop on the Women, Peace and Security Agenda within the international and local framework .

24 judges and public prosecutors participated in the workshop (they were appointed in August 2023 to work in the judiciary and public prosecution), including 18 judges affiliated with the presidencies of the courts of appeal for the regions (Erbil, Sulaymaniyah, Dohuk, Garmian, and Rabarin), as well as 6 public prosecutors under the general prosecution authority.





The first day, October 26, 2023

The session began with the Women Empowerment Organization's president extending a warm welcome to all participants. During the introductory segment, the entities supporting this workshop were elucidated. The objective of this workshop was to provide an overview of the Women, Security, and Peace agenda and its potential influence on the enhancement of the judicial system. This would be achieved through the active involvement of women in ensuring access to justice for female victims and by incorporating the agenda into the workings of the courts.

The workshop further aimed to spotlight the impact of conflicts and wars on women, in addition to strategies for addressing and assisting the victims in accordance with the fundamental principles of the agenda. The significance of UN Resolution 1325 was analyzed, alongside the presentation of both the Iraqi national plan and the Kurdistan Region's plan for its implementation. The emphasis was placed on the pivotal role played by the Judicial Council and the Public Prosecution in the execution of this plan, which was discussed at length. Moreover, participants were encouraged to share their insights and perspectives on the challenges associated with implementing this agenda within the judicial system. Their valuable contributions were considered integral in formulating legal solutions that would seamlessly integrate the agenda into local legislation. The proposals and recommendations offered by the participants would be duly collected and considered as part of this collective effort.

The representative of the Kurdistan Regional Judicial Council presented the Judicial Council's speech. In her speech, she thanked Women Empowerment Organization (WEO), the American Institute of Peace, the Department of Foreign Relations, and the Supreme Council for Women and Development in the Kurdistan Regional Government for organizing the workshop. She stressed in her speech that the Judicial Council emphasizes the importance and necessity of judges' participation in training workshops. She considered it an important step to identify women's security and peace agenda and fill the gaps and gaps in the implementation of Resolution 1325.

After that, the representative of the Department of Foreign Relations gave a speech in which he referred to the memorandum of understanding between the Kurdistan Regional Government, the American Institute for Peace, and the Supreme Council for Women and Development in the Kurdistan Region. He stressed the commitment of the Department of Foreign Relations in the Kurdistan Regional Government to implement the contents of the two memorandums of understanding, and they also intend to support government institutions in implementing The National Plan for Resolution 1325.

The representative of the US Institute of Peace gave her speech, and the speech of the Director of the Middle East Programs at the US Institute of Peace was presented.



First session:

The trainer presented a general idea about the training workshop and what will be presented and discussed during the two days according to the agenda. She tries as much as possible to link the topic of the women's agenda, security, and peace to the work of the Judicial Council and the Public Prosecution, their role in implementing the agenda, and the challenges facing the work of the courts in implementing the agenda.

The session began with an introduction to violence against women in peacetime and the role of the international community in putting an end to the violence against women in peacetime. A video was shown about violence against women, its images, forms, and context in peacetime.

After showing the video, the forms of violence against women were discussed, where violence occurs, and who commits it. In this session, a discussion took place between the trainer and the participants, and as a result of the discussions, the participants pointed to the images and forms of violence; physical violence, sexual violence, economic violence, psychological violence, social violence, and legal violence.

Violence can occur within the family framework, the community framework, violence committed or permitted by the official institutions of the state, whether direct, such as the presence of discriminatory laws, or indirect, through the prevailing tolerance of violence against women, and the state is usually responsible for it, impunity and the absence of deterrent measures. male dominance, weak formal institutions to deal with victims of violence.

The focus of the discussion was on legal discrimination against women, which falls within the jurisdiction of the judiciary. Despite numerous amendments to the laws, it can be said that some of the prevailing laws in the Kurdistan Region have taken positive steps towards addressing the issue of legal discrimination. However, discrimination still exists in law enforcement, and women face barriers in accessing the judiciary due to the absence of protection for abused women and a lack of a safe environment to protect their lives.

Furthermore, there is a deficiency in services available to abused women, preventing them from accessing legal services. Often, women lack financial resources and the ability to reach the judiciary, primarily because of the absence of regulatory frameworks for protection and access to services. The government must regulate these matters through legislation and allocate a budget accordingly.

The absence of stringent laws to deter perpetrators of violence is another issue, as many criminals escape punishment, leading to the recurrence of violence due to lenient sentencing or a lack of evidence to prove the crime. In such cases, the executive or judicial authorities bear responsibility.

Violence against women during peacetime is directly related to violence against women during conflicts. It is essential to address the root causes of the issue during peacetime to prevent violence against women in times of conflict.

Given the significance of the topic of violence against women, the international community has been actively involved in this matter since the establishment of the United Nations in 1945. In 1946, the Commission on the Status of Women was formed to serve as the United Nations entity responsible for equality and justice and women's empowerment. Since its inception, this commission has played a pivotal role in the development of international instruments to combat discrimination against women. Notably, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) was adopted in 1979, and the United Nations General Assembly issued the Declaration on the Elimination of Violence Against Women in 1993.



Second session:

The session delved into the impact of armed conflicts on women, with a particular emphasis on the unique dimensions of these conflicts concerning women. It also discussed the evolution of the international discourse on violence against women, ultimately leading to it becoming a prominent element of the Women, Security, and Peace agenda.

The effects of conflicts on civilians, especially women and girls, were a focal point. Many women endure sexual violence during armed conflicts, resulting in increased female mortality rates. Girls are often denied their right to education, leading to higher rates of child marriages. Women activists face assaults, violence, and arbitrary detention. Refugee women find themselves working in unofficial sectors, and there is a decline in women's participation in decision-making positions.

The conflicts also lead to significant consequences, including the exacerbation of human trafficking, sexual and economic exploitation of women, and a decline in essential services to the population, which affects women and girls' access to resources. Girls face obstacles in obtaining education, and women encounter difficulties accessing healthcare services, particularly reproductive health. Internal displacement, migration, and refugee status often strip women of their rights and the right to live in dignity. Sexual violence against women and girls, including rape, sexual assault, forced pregnancy, sexual slavery, harassment, and sexual exploitation, becomes more prevalent during conflicts.

These conflicts result in the destruction and disintegration of communities, causing disruptions in social structures, especially concerning the roles and responsibilities of men and women. Women often find themselves burdened with increased responsibilities and face an elevated risk of violence or deprivation of their rights. To prevent violence against women, it is imperative to address the impact of war and conflicts on women and girls and protect them. The role of the law is vital in achieving this objective.

To mitigate the impact of war and conflict on women and girls and ensure their protection, the use of international laws and a global perspective is crucial. If we aim to curb violence at the local level, it is essential to have domestic legal frameworks to reduce violence against women during conflicts, protect them, and punish the perpetrators.

The discussion drew on examples from countries such as Rwanda and Iraq that have resorted to international courts. The reasons behind this practice were identified as follows:

1. Local governments often lack the resources to address post-war and post-conflict issues due to the weakened state of the judicial system. This deficiency sometimes leads to seeking redress through international courts.
2. Many of the crimes committed during conflicts are of an international nature, and there is no domestic legal framework to deal with these issues. Local laws may lack specific provisions for war crimes, crimes against humanity, rape, or genocide. The participants discussed the prosecution of individuals involved in crimes committed by groups like ISIS due to the absence of specific legal provisions in Iraq's laws, with some trials conducted under terrorism laws.
3. Local governments may be incapable of creating a secure environment for the protection of victims, judges, investigators, and witnesses or lack the capacity for conducting investigations and gathering evidence.

The participants were presented with three key issues to work on as working groups, and their conclusions and recommendations were as follows:

1. The absence of a clear and defined definition of sexual violence in local legal texts that delineate harmful actions and practices. It is essential to amend the law and introduce a clear definition of sexual violence, encompassing all harmful actions and practices committed against women during times of war and conflict. This should be considered a war crime and an act that generates criminal liability according to international standards.
2. The enactment of laws to protect witnesses and victims.
3. Excluding sexual violence crimes against women from amnesty and legal mitigating factors and statutes of limitations.
4. Enhancing the investigation and criminal evidence system, along with establishing police units trained to deal with victims following international standards.
5. Reforming the police and security system and promoting equality and justice within law enforcement agencies, ensuring equal opportunities for men and women.
6. Legislating or amending laws to impose stricter penalties for crimes related to sexual violence.
7. Protecting and rehabilitating women and granting them a role in society.

Third session:

The challenges of accountability for sexual violence against women during conflicts were explained and discussed, concerning international resolutions in the Women, Security and Peace Agenda related to how to address these challenges, which are: -

- Challenges associated with legal frameworks, represented by the absence of a legal text on criminalization in domestic laws, the absence of a definition of sexual violence in legislation according to international standards. Also, the lack of compatibility of local legislation with international laws, the presence of gaps in local laws, and looking at crimes of sexual violence against women in times of conflict, and the connection of perpetrators of crimes to government entities and authority, leads to impunity.
- Challenges associated with reporting and registering the complaint; represented by fear of social stigma, compliance before the court and procedures for registering the complaint, and not creating an appropriate situation for the victim that matches the psychological state she experienced as a result of her exposure to sexual violence, civil documentation, and the financial cost of registering the complaint.
- Challenges associated with the investigations; multiplicity of parties in collecting information and documenting evidence, confidentiality and secrecy, competence of investigators, specialized experience in investigation, lack of female cadres in investigating victims, diversity of evidence, and equality and justice analysis. It was mentioned to benefit from the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict.
- Challenges related to redress, compensation, and providing services; lack of psychological, social, economic, health, and legal support for survivors.

To facilitate the identification of challenges, the participants were presented with three issues concerning international and local war crimes that took place in Yugoslavia, Bosnia, and Rwanda. These issues were then discussed by the participants in three separate working groups. Each group presented the identified challenges and linked them to relevant local legislation.



The second day, October 27, 2023

First session:

Recapping what was explained and discussed on the first day of the workshop, and the session started with explaining the WPS agenda, which includes Resolution 1325 issued by the Security Council and its complementary resolutions, and the importance of the agenda for women and girls. The resolution passed by the Security Council was a turning point in moving away from the stereotypical view of women as victims and recognizing their vital role in society. It was acknowledged that efforts to combat violence against women and girls cannot succeed without a comprehensive vision that includes changing societal roles and recognizing the contribution women can make after their liberation from violence during conflicts. This includes their participation in decision-making, settlements, peace negotiations, and peacebuilding. The international community has realized that equality and justice is crucial for international peace and security.

The legal force of the Women, Peace, and Security agenda and its comparison with the resolutions and recommendations issued by the United Nations, predating Resolution 1325, is obligatory. This is due to its issuance by the Security Council, imposing a mandatory commitment on states. The positive and negative impact is contingent on the states' adherence or non-compliance with its implementation..

The resolution and its fundamental pillars have been clarified;

- **Effective participation of women** at all levels of decision-making and the security and defense sector, and their participation in preventing conflict and building peace, in addition to the full participation of women in all aspects in achieving and sustaining peace and stability within society.
- **Protection:** emphasizes the protection of women and girls from all forms of violence during and after conflict, such as sexual violence, especially in emergencies and humanitarian situations, such as in refugee camps.
- **Prevention:** emphasizes the prevention of violence against women and girls, including sexual violence, by incorporating women's perspectives into early warning systems, public education, and prosecuting violators of women's rights, in addition to improving intervention strategies in preventing violence against women and girls, by prosecuting those responsible by International law, promoting women's rights under national law, and supporting local women's peace initiatives in conflict resolution processes.
- **Relief and Reconstruction:** emphasizes enhancing 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 setting equality-responsive budget. It also calls for the advancement of relief and recovery measures to confront international crises through the equality and justice perspective and respect. The civilian and humanitarian nature of refugee camps and taking into account the needs of women and girls in designing refugee camps and settlements.

The Security Council monitors the implementation of the resolution to identify and address defects and remind countries of their obligations.

The topic of transitional justice and its connection to the Women, Peace, and Security agenda was another focal point in the training workshop. It encompassed the entire spectrum of operations and mechanisms related to societal efforts to understand the broad-ranging legacy of past transgressions. This aims to ensure accountability, establish justice, and achieve reconciliation. The training elucidated how justice is closely linked to the Sustainable Development Goals.

The significance of transitional justice processes and their key components were discussed. Participants engaged in a dialogue exploring the mechanisms comprising transitional justice, including truth-seeking, judicial prosecution, institutional reforms, reparations, and reconciliation. Special emphasis was placed on institutional reforms within the judicial systems.

Moreover, the importance of transitional justice and its connection to the Women, Peace, and Security agenda were explained, drawing on the experiences of countries that either failed Iraq or succeeded South Africa in the transitional justice process.



Second Session: National plans for Resolution 1325

To implement Security Council Resolution No. 1325, countries had to begin developing national plans. The importance of the plan lies in that it is a strategic tool for countries to translate international commitments related to the WPS agenda into the local context. Given the importance of the plan, 42% of member states issued a The United Nations - or a total of 82 countries - has at least one national action plan by August 2019.

The Iraqi national plan to implement Resolution 1325 was presented and the stages that passed in writing and issuing the national plan since 2014. Iraq has the distinction of being the first country in the Middle East and North Africa to develop a national plan that was prepared by a variety of sources, including international conventions, the Iraqi constitution, national legislation, national strategies, and plans, as well as reports issued by civil society organizations. The importance of promoting the resolution by generalizing and integrating the concept of equality and justice into policies and processes related to conflict prevention and resolution and peacebuilding, as well as by increasing community awareness of the resolution and empowering women and enhancing their capabilities through a rights-based approach.

As the president of Women Empowerment Organization played a prominent role in developing the Iraqi National Plan, she discussed the Iraqi National Plan and the stages involved in its preparation. She also participated in preparing the unified executive plan to implement the resolution, outlining the structural framework, roles, and partnerships between government, judicial, legislative sectors, and civil society. Additionally, there was unified work between the two governments within the multi-sectoral national team. Due to the urgent need and the serious violations faced by Yazidi women, including abduction, freedom deprivation, exclusion, degrading treatment, and forced conversion, Alliance 1325, in coordination with the Ministry of Women's Affairs, formulated an emergency plan based on the initial national plan to address urgent priorities at that time. The resolution was adopted in May 2015.

The plan included only two pillars: participation and protection to respond quickly to the needs of women and girls, and a timetable (one year) was set for implementation. Then, the unified executive plan was prepared to implement the decision, which was issued in 2016 by presenting the structure of the multi-sector work team in the central government and the Kurdistan Regional Government, and then the second national plan was issued in 2021.

It also showed Iraq's progress in developing the second national plan compared to the countries that issued the first, second, and third national plans.

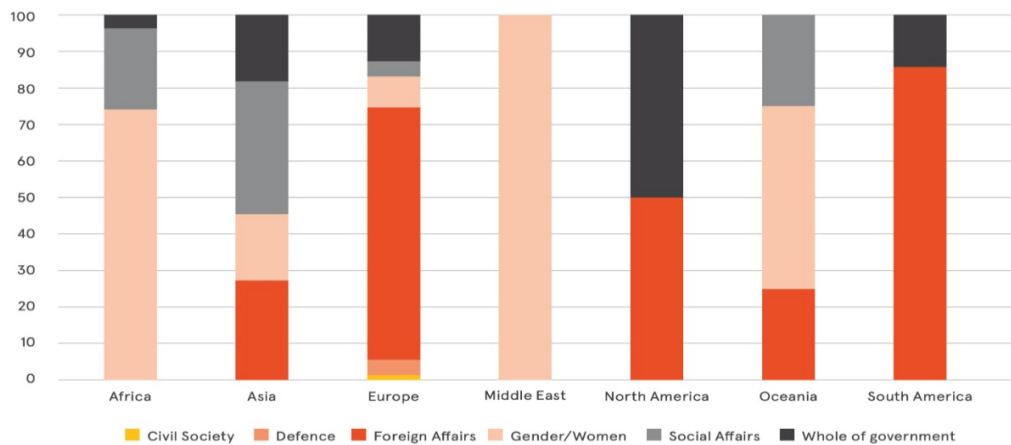
The plan for the implementation of Resolution 1325 in the Kurdistan Region of Iraq was presented, outlining its stages, pillars, and execution and monitoring processes. This was carried out through the High Council for Women and Development and the Ministry of Interior in the Kurdistan Regional Government, in coordination with the Implementation Board of the National Plan for Resolution 1325 in the Kurdistan Region and stakeholders.

The challenges facing its implementation were addressed, emphasizing the need for dedicated attention and support for successful execution. This includes areas such as enhancing the capacities of governmental

institutions overseeing the implementation of the national action plan in the Kurdistan Region, capacity-building for non-governmental organizations and civil society as partners, mobilizing resources to support the Women, Peace, and Security agenda, and advocating for funding from donors, UN agencies, and the international community.

In another segment, the fundamental criteria for a successful action plan were explained, encompassing strong leadership and effective coordination, comprehensive design, budgeting for implementation, monitoring and evaluation, and flexibility.

The significance of the plan for countries was highlighted by elucidating the interest of nations in implementing the national plan for Resolution 1325. The roles of governments and civil society organizations in its execution were emphasized by presenting examples of national plans from other countries. This included the roles of government, relevant institutions, and civil society organizations, drawing comparisons with the roles of the government and civil society in developing and implementing the national plan for Resolution 1325 in Iraq and the Kurdistan Region.



The trainer also focused on the role of the judiciary in implementing the agenda because women's right to resort to the judiciary is an essential element of the rule of law and good governance. For this, it must:

1. Women be able to resort to the judiciary without obstacles, in addition to having the ability to demand their rights and being empowered to do so, considering these matters as legal rights.
2. Establishing courts and quasi-judicial bodies, or other entities, throughout the parties' state in urban, rural, and remote areas, and ensuring their sustainability and funding.

3. That all justice systems, both formal and quasi-judicial, be guaranteed, affordable, and effectively accessible to women, and adapted and made appropriate to the needs of women, including those facing intersectional or complex forms of discrimination.
4. All components of the judicial system adhere to international standards of efficiency, effectiveness, independence, and impartiality.
5. The judicial authority provides continuous protection for women and that they are adequately compensated for any harm caused to them.
6. The judicial authority should follow up and monitor the actions of employees at all levels and their legal responsibility when they violate the law.
7. Addressing corruption in the judicial system is an important element of eliminating discrimination against women regarding access to justice.
8. Confronting and removing obstacles hindering women's participation in their professional capacity in all judicial and quasi-judicial bodies, as well as in providing professional services related to the judiciary. Ensuring women's equal representation with men in judicial implementation mechanisms and law enforcement, whether as judges, public prosecutors, lawyers, judicial investigators responsible within police centers, or in administrative and prison management roles, among other professional capacities

At the end of the session, a question was posed to the participants regarding the role of the judicial authority and the public prosecution in implementing the agenda and the national plan, and how it reflects in the work of the courts. The responses centered around the following points:

1. Iraq should align with the basic principles of the Rome Statute and the first optional protocol attached to the CEDAW agreement. International agreements rank lower than the Iraqi constitution, and direct reference to international agreements is not possible unless they are transformed into domestic laws through legislation. This requires political will and influence on the Iraqi Parliament and government.
2. Criticism of the Federal Court's role in canceling and annulling amended laws in the Kurdistan Region. The international community should pressure the Iraqi government to implement the content of agreements, treaties, and resolutions issued by the United Nations, especially Resolution 1325, in accordance with its commitments following the ratification of these agreements and resolutions.
3. Identification of judges willing to work in this field, preparing them to draft laws or amending existing ones in line with the agenda.

4. formation of a special court for crimes committed by ISIS.
5. Given that the participants acquired essential information about the agenda in this workshop, they proposed involving participating judges in more detailed workshops related to the agenda to better equip them.
6. Allocation of a special budget for the Judicial Council and the Public Prosecution to empower personnel in judicial systems and provide advanced technologies.
7. Seeking assistance and learning from the experiences of judicial authorities in countries that have successfully implemented the agenda.

At the end of the workshop, certificates were distributed to the participants, and an evaluation form was provided.





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