

Joint Statement by the Special Representatives of the Secretary General on Sexual Violence in Conflict and for Children and Armed Conflict Regarding Proposed Amendments to the Iraqi Personal Status Law

New York, 4 December 2017

The Special Representatives of the United Nations Secretary-General (SRSG) on Sexual Violence in Conflict (SVC), Pramila Patten, and for Children and Armed Conflict, Virginia Gamba urged Iraq to reconsider the draft amendments to the Personal Status Law that alter fundamentally the legal provisions governing marriage. It is a matter of concern that these draft amendments are silent on the minimum age of consent to marriage and do not apply to all components of Iraqi society.

“On 23 September 2016, H.E. Dr. Ibrahim Al-Eshaiker Al-Jaffari, the Minister of Foreign Affairs of the Republic of Iraq, signed with the United Nations a Joint Communiqué formally committing to prevent and address conflict-related sexual violence in the wake of Da’esh’s sexual violence crimes that shocked the world’s conscience. One of the key pillars of the Joint Communiqué is to ‘support legislative and policy reform to strengthen protection from and service response to sexual violence crimes.’

My Office was repeatedly assured by H.E. Prime Minister Haider al-Abadi and the Speaker of the Council of Representatives Salim al-Jabouri that the fulfilment of each of the pillars of the Joint Communiqué are essential to Iraq’s post-Da’esh reconstruction,” SRSG Patten stated. “The boys and girls of Iraq, already victims of grave violations resulting from years of conflict, are now at risk of being deprived of their childhood. The Government of Iraq must take all necessary actions to protect every child by preventing the adoption of policies that can harm children already exposed to armed conflict,” SRSG Gamba added. “The Iraqi Council of Representative’s approval in principle of a draft law that does not explicitly set the minimum age of marriage to eighteen-years- for both women and men would represent a significant step back from those commitments. It could also increase divisions at a time when Iraq is recovering from the impact of the conflict with Da’esh as well as conflict-related sexual violence,” Patten and Gamba added. They further noted that these proposed legal amendments could lead to possible breaches of Iraq’s legally binding commitments under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) as well as the Convention on the Rights of the Child.

SRSG Patten and Gamba concluded by strongly “urging the Government of Iraq to reconsider these proposed amendments to the Personal Status Law” and reaffirming their commitment “to stand with both the Government and people of Iraq to ensure that the scourge of sexual violence is eliminated and that children affected by armed conflict are protected.”

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