

Country/entity Iraq

Region Middle East and North Africa

Agreement name Constitution of Iraq

Date 15 Oct 2005

Agreement status Multiparty signed/agreed

Interim arrangement Yes

Agreement/conflict level Intrastate/intrastate conflict

Iraq Wars and the Iraqi Insurgency (1989-1990) (2004 -)

In the aftermath of the Iraq-UN conflict following President Saddam Hussein's invasion of Kuwait in 1989, the UN enforced no-fly zones and set up a monitoring commission of the arms capacity of the Iraqi government. By the late 1990s, Iraqi officials had increased their resistance against the implementation of these programmes. In the aftermath of the 2001 terrorist attacks on New York, the U.S. accused the Iraqi government of having weapons of mass destruction. In 2003, a U.S.-led coalition overthrew the government of Saddam Hussein, but failed to maintain security in the country as ex-Bathist and Islamist groups launched a counter-campaign. Violence reached a peak in 2006 as the conflict took on sectarian traits leading to mass human rights violations by domestic Sunni and Shi'a groups, as well as occupying forces. Despite the failure to stabilize the country, the U.S.-led forces withdrew in December 2011. Since then Iraq has effectively been split into three territories based on ethno-religious identity including the Shi'a in the south, the Kurds in the north, and a Sunni band in the middle, which is currently occupied by the organisation known as the Islamic State (formerly of Iraq and the Levant).

Close

Iraq Wars and the Iraqi Insurgency (1989-1990) (2004 -)

Stage Framework/substantive - comprehensive

Conflict nature Government

Peace process Iraq peace process - second Iraq war

Parties The committee drafting the Consitution is headed by Dr. Hamam Hamoudi and includes secular and religious Shi'a and Sunni, the two major Kurdish groups, women representing both the conservative Islamic tradition and the more secular liberal tradition, Turkmen, and other minority groups.

Third parties

-

Description

More of a General Framework Agreement than a traditional legalistic constitution. The Constitution will sets forth a number of principles and themes that will guide the next Iraq Assembly, to be elected on Dec. 15, as it implements laws and regulations which find a proper place for Islam in a modern democratic state, protect human rights, especially those of women, and secure the autonomy of Kurdistan. Does NOT provide for rotating presidencies, set-aside seats in parliament and the judiciary for specific ethnic groups, sectarian distribution of executive offices, or direct international participation in the governance of the state.

Agreement document

[IQ_051015_Iraqi Constitution.pdf \(opens in new tab\)](#) | [Download PDF](#)

Women, girls and gender**Participation**

Participation→Gender quotas

Page 15, Article 49 (Fourth):

The elections law shall aim to achieve a percentage of representation for women of not less than one-quarter of the members of the Council of Representatives.

Participation→Effective participation

Page 9, Article 20:

Iraqi citizens, men and women, shall have the right to participate in public affairs and to enjoy political rights including the right to vote, elect, and run for office.

Participation→Citizenship

Page 7, Article 18:

First: Iraqi citizenship is a right for every Iraqi and is the basis of his nationality.

Second: Anyone who is born to an Iraqi father or to an Iraqi mother shall be considered an Iraqi. This shall be regulated by law.

Equality

Equality→Equality (general)

Page 2, Preamble:

We, the people of Iraq, who have just risen from our stumble, and who are looking with confidence to the future through a republican, federal, democratic, pluralistic system, have resolved with the determination of our men, women, elderly, and youth to respect the rule of law, to establish justice and equality, to cast aside the politics of aggression, to pay attention to women and their rights, the elderly and their concerns, and children and their affairs, to spread the culture of diversity, and to defuse terrorism.

Equality→Social equality

Page 11, Article 30 (First):

The State shall guarantee to the individual and the family - especially children and women – social and health security, the basic requirements for living a free and decent life, and shall secure for them suitable income and appropriate housing.

Particular groups of women

No specific mention.

International law	International law→General IHRL, IHL and IL Page 2, Preamble: We, the people of Iraq, who have just risen from our stumble, and who are looking with confidence to the future through a republican, federal, democratic, pluralistic system, have resolved with the determination of our men, women, elderly, and youth to respect the rule of law, to establish justice and equality, to cast aside the politics of aggression, to pay attention to women and their rights, the elderly and their concerns, and children and their affairs, to spread the culture of diversity, and to defuse terrorism.
New institutions	No specific mention.
Violence against women	Violence against women→Sexual violence Page 13, Article 37 (Third): Forced labor, slavery, slave trade, trafficking in women or children, and sex trade shall be prohibited. Violence against women→Gender-based violence/VAW (general) Page 13, Article 37 (Third): Forced labor, slavery, slave trade, trafficking in women or children, and sex trade shall be prohibited. Violence against women→Protection (general) Page 11, Section Two: Rights and Liberties Chapter One [Rights]; Second: Economic, Social and Cultural Liberties Article 29: ... B. The State shall guarantee the protection of motherhood, childhood and old age, shall care for children and youth, and shall provide them with the appropriate conditions to develop their talents and abilities
Transitional justice	No specific mention.
Institutional reform	No specific mention.
Development	Development→Health (general) Page 11, Article 30 (First): The State shall guarantee to the individual and the family - especially children and women – social and health security, the basic requirements for living a free and decent life, and shall secure for them suitable income and appropriate housing
Implementation	No specific mention.
Other	No specific mention.
