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## The Right to Education in Iraq

### Part Two: Obstacles to Girls' Education after ISIL



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**United Nations Assistance Mission for Iraq  
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# Executive Summary

Iraq's Constitution and national laws as well as applicable international human rights standards, protect and promote access to inclusive and equitable quality education. While equality of access to education by Iraqi children serves to amplify long-term peace, stability and economic dividends, and despite the existing normative framework, significant barriers continue to limit girls' access to education. This report, *The Right to Education in Iraq - Part Two: Obstacles to Girls' Education after ISIL*, examines how traditional gender roles and norms, family levels of education, poverty, perceived protection concerns, and trauma continue to limit girls' inclusive and equitable access to education in Iraq, particularly in areas formerly under control of the so-called Islamic State of Iraq and the Levant (ISIL).<sup>1</sup>

The report is the second in a series of reports on the right to education in Iraq<sup>2</sup> prepared by the Human Rights Office of the United Nations Assistance Mission for Iraq (UNAMI) and the Office of the United Nations High Commissioner for Human Rights (OHCHR). It provides recommendations to the Government of Iraq, aimed at addressing barriers and creating an enabling environment for girls' education in accordance with Iraq's laws, human rights obligations and commitments to sustainable development. The recommendations are consistent with Iraq's pledges under the 2030 Agenda for Sustainable Development, the outcome of its 2019 Voluntary National Review (VNR), and the recommendations on quality education accepted as part of Iraq's third Universal Periodic Review.

## I. Introduction

Access to inclusive and equitable quality education and lifelong learning are fundamental human rights. They are also explicit goals of the 2030 Agenda for Sustainable Development<sup>3</sup>, and are essential requirements to build long-term peace, a stable security environment and a strong economy.<sup>4</sup> Investing in education is crucial to capitalize on Iraq's large youth population.<sup>5</sup> In 2020, 3.2 million school-aged Iraqi children did not have access to formal public education.<sup>6</sup> The figure includes 345,000 displaced children<sup>7</sup>. Notwithstanding the overarching challenges experienced by all school-aged children, girls face additional challenges and continue to be under-represented in primary and secondary schools.<sup>8</sup>

The present report examines girls' access to education in areas formerly under ISIL control in northern Iraq, and provides concrete recommendations to the Government, in line with Iraq's commitments under the 2030 Agenda for Sustainable Development<sup>9</sup>, including Iraq's voluntary focus on human

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<sup>1</sup> OHCHR, 'Realisation of the equal enjoyment of the right to education by every girl', p.23 (June 2017). [hereinafter OHCHR 'Right to education by every girl'].

<sup>2</sup> UNAMI/OHCHR report 'The Right to Education in Iraq - Part One: The legacy of ISIL territorial control on access to education' (February 2020). [hereinafter UNAMI/OHCHR 'The Right to Education in Iraq – Part One'].

<sup>3</sup> <https://sustainabledevelopment.un.org/post2015/transformingourworld> (last visited December 2020).

<sup>4</sup> Iraq: First National Voluntary Review on Sustainable Development Goals, 'Triumph of National Will' (2019) p.47 reaffirms "that quality education and lifelong learning are key prerequisites for sustainable development" <https://sustainabledevelopment.un.org>. (last visited November 2020). [hereinafter Iraq VNR 2019].

<sup>5</sup> Iraq VNR 2019, p.31 "The population dynamics will have a critical impact on the future development results. Iraq has one of the largest youth population groups in the world as the number of those under 19 years old accounts for about 50% of the population."

<sup>6</sup> <https://www.unicef.org/iraq/what-we-do/education>.

<sup>7</sup> OCHA, 'Humanitarian Needs Overview' (November 2019), p.43

[https://reliefweb.int/sites/reliefweb.int/files/resources/iraq\\_hno\\_2020.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/iraq_hno_2020.pdf) (last visited January 2021).

<sup>8</sup> <https://www.unicef.org/iraq>

<sup>9</sup> Republic of Iraq Ministry of Planning 'The Future we want', Iraq vision for Sustainable Development 2030

<https://mop.gov.iq/en/static/uploads/8/pdf> (last visited December 2020). [hereinafter Iraq: 'The Future We Want'].

development and its social, economic, and cultural human rights obligations. The core findings of the report draw from extensive community-level consultations, conducted in person and remotely between November 2018 and October 2020.

Understanding the specific impediments experienced by girls in accessing inclusive and equitable quality education is essential to identifying effective pathways towards sustainable learning for all Iraqi children.<sup>10</sup>

## II. Mandate

This report is prepared pursuant to Security Council Resolution 2522 (2020) which mandates UNAMI/OHCHR to “promote accountability and the protection of human rights, and judicial and legal reform, with full respect for the sovereignty of Iraq, in order to strengthen the rule of law in Iraq ...” and to “assist Government of Iraq and UN Country Team efforts to strengthen child protection, including the rehabilitation and reintegration of children”. In accordance with this mandate UNAMI/OHCHR undertakes a range of activities, including human rights monitoring and reporting, in support of efforts to strengthen the rule of law and social, economic and cultural rights.

## III. Methodology

UNAMI/OHCHR consultations on girls’ access to education took place in two phases. Between November 2018 and January 2020, UNAMI/OHCHR conducted twelve focus group discussions in five Internally Displaced Persons (IDP) camps in Ninewa governorate. This included six female-only focus group discussions involving a total of 39 displaced girls, and six male-only focus groups, involving a total of 48 displaced boys. UNAMI/OHCHR also analyzed data collected by UNESCO<sup>11</sup> during the same period through focus group discussions with 68 primary and secondary teachers (38 men and 30 women). The second phase of consultations took place between August and October 2020. Due to the COVID-19 health and safety restrictions, these latter consultations were held remotely, online and via telephone. During this second phase, UNAMI/OHCHR held consultations with teachers, parents, protection actors and human rights and civil society activists from Dohuk, Erbil, Kirkuk, Ninewa, Salah al-Din and Sulaymaniyah governorates.

Most interviews and focus group discussions were conducted in Arabic and Kurdish, with interpretation into English facilitated by UNAMI/OHCHR when required. Camp or local authorities were not present during these consultations. UNAMI/OHCHR conducted all interviews with children in an enabling environment and followed established interview techniques for children in accordance with OHCHR guidelines.<sup>12</sup> UNAMI/OHCHR informed all interviewees about the purpose and voluntary nature of the

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<sup>10</sup> Iraq: ‘The Future We Want’, p.2 “Over the last four decades, Iraq faced huge challenges which undermined its infrastructure, resources, and institutions and spread violence, wars and poverty, caused instability, weak governance, chronic fragility and undermined many of the societal peace foundations. The country’s situation aggravated with the rising corruption levels, economic mismanagement and lack of a strategic direction in the development and reconstruction process.” Goal (1-3): high quality and inclusive education system, p.13.

<sup>11</sup> The report includes the analysis of data collected by UNESCO in 2018 and 2019 that is on file with UNAMI/OHCHR, involving 68 primary and secondary teachers who remained in Mosul throughout ISIL’s control of the city. UNAMI/OHCHR conducted additional follow-up telephone interviews with 13 teachers.

<sup>12</sup> OHCHR, ‘Manual on Human Rights Monitoring’ Chapter 11. <https://www.ohchr.org/Documents/Publications/Chapter11-MHRM.pdf> (last visited December 2020).



consultations, the principles of confidentiality, and the purpose and potential use of information provided. Consent was obtained from all participants, who understood they would receive no compensation for their participation. For reasons of personal security, this report withholds the names, locations and other identifying information of all interviewees. Pseudonyms are used for the accounts provided.<sup>13</sup> Remote interviews with adolescent girls during the second phase of the consultations were conducted with a parent or guardian present.

## IV. Background

Many women and girls in Iraq continue to face cultural, socio-economic and structural constraints as a result of traditional stereotypes and gender divisions which promote gender inequality. This situation is compounded by a real or perceived concern for the security of female family members, which, when paired with religious and social conservatism, can result in discriminatory practices and harmful coping mechanisms which can adversely affect girls' access to education.<sup>14</sup> The consequent reduced enrolment and retention of girls in schools<sup>15</sup> results in low female literacy rates, a lack of female participation in the formal employment sector, and increased cases of child, early and forced marriages. Those living in rural areas or affected by displacement or severe poverty are particularly vulnerable.

In July 2019, Iraq published the first Voluntary National Review (VNR) of its progress in implementing the 2030 Agenda for Sustainable Development. In its review of progress towards Sustainable Development Goal (SDG) 4 on 'Quality Education'<sup>16</sup>, the VNR identifies a deteriorating school environment, highlighting overcrowding, a shortage of and damage to infrastructure, and a low primary education completion rate compared to other countries.<sup>17</sup> Moreover, the findings of the review confirm a gender disparity between the literacy rate of females (82.1 per cent) as compared to males (91.9 per cent) at all three stages of school enrolment<sup>18</sup>, and fewer girls than boys in each school grade and year.<sup>19</sup>

The broader societal impact of these deficiencies is highlighted by the mutually reinforcing nature of the SDGs, whereby progress on 'Quality Education' (SDG 4) is indivisibly interlinked with progress and implementation of other SDGs, including 'No Poverty' (SDG 1), 'Gender Equality' (SDG 5), 'Reduced Inequalities' (SDG 10) and 'Peace, Justice and Strong Institutions' (SDG 16).<sup>20</sup> In this context, the VNR recognizes that sustainable poverty reduction is inherently linked to increased access to education, increased equality and gender equality.

The long-term consequences of previous conflict cycles, including the former territorial control of ISIL in northern Iraq, continue to limit inclusive and equitable quality education for children.<sup>21</sup> For girls in

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<sup>13</sup> All interviews and focus groups were transcribed immediately after the consultation. The transcripts were shared with the interpreter for feedback to ensure there were no misunderstandings. Transcripts were coded according to emerging research themes.

<sup>14</sup> Griffiths, M., 2010. 'Female child's education in Iraq'.

<sup>15</sup> Iraq National Development Plan 2018 – 2020, p.209 <https://mop.gov.iq/en/static/uploads/8/pdf/> (last visited December 2020). [hereinafter Iraq NDP].

<sup>16</sup> Goal 4, Sustainable Development Goals: 'Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all' <https://sdgs.un.org/goals> (last visited November 2020).

<sup>17</sup> Iraq VNR 2019, p.47.

<sup>18</sup> Iraq VNR 2019, p.49.

<sup>19</sup> Iraq VNR 2019, p.56.

<sup>20</sup> OHCHR 'Right to education by every girl', p.23.

<sup>21</sup> UNAMI/OHCHR 'Right to Education in Iraq – Part One' p. 7 and 8.

particular, the situation has been exacerbated by the legacy of gender divisions which were enforced by ISIL.

In territories under its control, ISIL subjected women and girls of all ages and across all segments of society to heinous crimes and abuses.<sup>22</sup> Iraq's diverse minority communities were singled out and experienced horrific treatment. Yazidi women and girls were subjected to particularly terrible treatment<sup>23</sup> including rape, sexual slavery, forced pregnancy, trafficking and torture.<sup>24</sup> A number of Christian<sup>25</sup> and Turkmen<sup>26</sup> women and girls were forced into the same system that abducted, trafficked, and enslaved women and girls. Most Sunni Arab or Sunni Turkmen families who lived in ISIL-controlled areas lacked the financial means to flee<sup>27</sup> or had family members who could not travel due to old age, illness or disability. Women and girls from these communities were exposed to a radical shift reinforcing already restrictive gender roles, as well as punishments executed with severe brutality.<sup>28</sup> Girls were often expected to marry as soon as they were deemed to have reached puberty, with scant attention paid to age differences or to issues of consent.<sup>29</sup>

In Iraq, 5.4 million people have been internally displaced due to conflict related violence<sup>30</sup>, with 1.2 million children remaining in need of education (578,000 girls and 647,000 boys).<sup>31</sup> Internal displacement has also affected women and girls differently and disproportionately as a result of the prevailing socially-constructed gender norms.<sup>32</sup> Internally displaced women and girls have reportedly experienced increased gender-based violence; rape; child, early and forced marriage; economic and financial abuse; and negative coping mechanisms (including survival sex), as a result of extreme poverty.<sup>33</sup>

The situation was exacerbated by the COVID-19 pandemic, with country-wide school closures in place since February 2020 to contain the spread of the virus,<sup>34</sup> although a gradual reopening of education institutions commenced in November 2020. In addition, schools and universities were forced to close

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<sup>22</sup> UNWOMEN, OXFAM, Afkar and Japan: Report on 'Gender and Conflict Analysis in ISIS-affected Communities of Iraq' (May 2017), p.14 <https://reliefweb.int/sites/reliefweb> (last visited December 2020). [hereinafter UNWOMEN 'Gender and conflict analysis'].

<sup>23</sup> Ibid; In addition see, UNAMI/OHCHR Report on the 'Protection of Civilians in Armed Conflict in Iraq' (September 2014); United Nations Population Fund: The Assessment of the Needs of and The Services Provided to Gender-Based Violence Survivors in Iraq (July 2019) p. 19. <https://iraq.unfpa.org/sites/default/files/pub-pdf/The%20Assessment%20of%20the%20Needs%20of%20%26%20Services%20Provided%20to%20GBV%20Survivors%20in%20Iraq.pdf> (last visited January 2021).

<sup>24</sup> Duarte-Herrera, R. and Iftsits, C., 2017. Genocide against Yazidis. *University of Vienna Law Review*, 1, pp.1-33.

<sup>25</sup> Hanish, S., 2015. The Islamic State Effect on Minorities in Iraq. *Review of Arts and Humanities*, 4(1), pp.7-11.

<sup>26</sup> Bor, G., 2019. Response to and reparations for conflict-related sexual violence in Iraq: the case of Shi'a Turkmen in Tel Afar.

<sup>27</sup> Ibid.

<sup>28</sup> UNWOMEN 'Gender and conflict analysis' p.14ff.

<sup>29</sup> UNESCO PVE interview notes (Held on record with UNAMI/OHCHR).

<sup>30</sup> UN Office for the Coordination of Humanitarian Affairs, Statement: The UN remains deeply concerned for the safety of civilian populations 9/oct/2017 available at <https://reliefweb.int/report/iraq/un>.

<sup>31</sup> Iraq Education Cluster Country Profile Analysis (January – June 2020). <https://www.educationcluster.net> (last visited December 2020).

<sup>32</sup> International Organisation for Migration: A Gendered Perspective: Safety, Dignity and privacy of camp and camp like settings in Iraq (May 2016).

<sup>33</sup> UNFPA, 'The GBV Assessment in conflict affected Governorates in Iraq' (November 2016); Supported by UNAMI/OHCHR conducted interviews held on file from 2019.

<sup>34</sup> Education Cluster: 'Framework for safe re-opening of schools: Iraq (June 2020). <https://www.humanitarianresponse.info> (last visited December 2020).

in southern governorates and in some parts of Baghdad due to violence related to demonstrations between October 2019 and January 2020.<sup>35</sup>

## V. Key Findings

Notwithstanding the overarching problems affecting the education sector in Iraq, girls face disproportionate and complex challenges specific to their gender. These challenges are compounded by the prevailing security risks, lack of infrastructure, and restrictive social norms, which can also reinforce underlying challenges arising from age, ethnicity, poverty, or disability. UNAMI/OHCHR documented five main factors that adversely affect the ability of girls to access their right to education, namely: the negative impact of traditional gender roles and norms; low family levels of education; poverty; protection concerns; and trauma.<sup>36</sup>

### 5.1 Traditional Gender Roles and Norms

Speaking to UNAMI over the phone from Ninewa, in September 2020, a community activist discusses the challenges girls face in accessing education in the governorate, warning that no gains in access to education for girls will last without a shift in the mindset of people.

**“There are traditional beliefs that are stronger in rural areas. For example, that girls do not need to go to school. This assumption that girls should be carers and wives means that practical restrictions on access to education, like security concerns or distance or poverty, are used to justify [...] the status quo. If we solve all the practical problems we still need to work on attitudes.”**

[Remote interview conducted with a human rights activist in Ninewa on 22 September 2020]

Traditional and gendered societal norms prevent many Iraqi girls from achieving their right to education, particularly in territories formerly under control by ISIL. UNAMI/OHCHR received accounts that in some rural areas, families either prevent girls from enrolling in school entirely or stop sending them to school at some point during their primary school years.<sup>37</sup> Gender stereotypes and norms reinforce the role of adolescent girls and young women as mothers and caregivers rather than as part of the formal workforce.

In addition, extreme poverty can result in girls being forced to adopt negative survival mechanisms, making them more vulnerable to harmful traditional practices and exploitation such as child, early and forced marriages, which brings additional domestic responsibilities and prevents them from attending school.<sup>38</sup>

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<sup>35</sup> UNAMI/OHCHR ‘Human Rights Violations and Abuses I the Context of Demonstrations in Iraq October 2019 to April 2020’ (August 2020), Chapter IX. Right to education during demonstrations.

<sup>36</sup> UNAMI/OHCHR notes that a November 2020 trend analysis of protection concerns, carried out by the Iraq Protection Cluster, concluded that families living in displacement camps are particularly vulnerable to the five above-mentioned factors. The Trend Analysis reached over 12,000 interviewees who noted their vulnerability to gender and child specific protection concerns, including domestic violence, child labour, orphaned children, families perceived to be affiliated with ISIL and child marriage. Child-protection sub-cluster case management trend analysis, November 2020. <https://www.uniraq.org> (last visited December 2020).

<sup>37</sup> Iraq VN 2019, p.8 “Children also need special attention due to the exceptional circumstances they have experienced, especially in the community of displaced and rural people, where a large proportion of them receiving low-quality education and health”.

<sup>38</sup> UNAMI/OHCHR Interview data collected via telephone between July 2020 and October 2020 with NGO and community representatives frequently stated this issue.

In many situations, perceived low education standards and a lack of female teachers, combined with traditional cultural norms relating to female modesty and chastity, significantly increase the reluctance of parents to send girls to school.<sup>39</sup> In the case of IDP camps, the lack of educational resources and infrastructure lead to overcrowded classrooms.<sup>40</sup> Many families are also hesitant to send girls to schools with mixed classes, male teachers, or perceived inadequate female washroom facilities in close proximity to male washrooms.

## 5.2 Family Level of Education

20-year-old Esin has been displaced from a village just outside Tal Afar. She is supervising two small children as they play in the corner of the tent. She speaks to us without looking in our direction. She tells us frankly that she cannot read and write.

**“I never went to school. I needed to help my mother with the housework.... I looked after my siblings, and now my babies.”**

[UNAMI/OHCHR interview with a mother of two children from Mosul, in an IDP camp in Ninewa governorate, 25 July 2019]

UNAMI/OHCHR’s consultations revealed that girls’ access to education is directly impacted by their parents’ own limited access to education. Families with more exposure to the formal school system are more likely to prioritize schooling for their girls. In areas that have suffered a long-term lack of service provision and inadequate schooling - such as rural villages - girls’ education is therefore disproportionately impacted. Interviewees explained to UNAMI/OHCHR that, as fewer girls are educated in conservative rural areas, fewer women are eligible to become teachers. This has perpetuated a cycle of deprivation of education services, resulting in a lower quality of education in these areas.<sup>41</sup>

## 5.3 Poverty

Miriam is 15. She invites us into the tent she shares with her mother in a camp in Ninewa. After offering us water in small plastic beakers, she speaks at length about her experience of displacement. When asked about her education, she explains:

**“I cannot go to school because I am married now. I married a man from outside the camp. His sister is in the camp. I do not think that he is a good man. He is old. He sometimes calls me Daesh and says he will tell security people about me. He comes to the camp to collect me when he wants to see me. I want to divorce him and stay here all the time. But without my father we have no money.”**

[UNAMI/OHCHR interview with female-headed household from Mosul, at a displacement camp in Ninewa Governorate, 25 July 2019]

Because of the protracted nature of the conflict in Iraq, many families have no financial capital such as savings or assets.<sup>42</sup> This is compounded by a lack of livelihood and income-generating opportunities

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<sup>39</sup> UNAMI/OHCHR Interview data collected via telephone between July 2020 and October 2020 with NGO and community representatives frequently stated this issue.

<sup>40</sup> In October 2020 a camp closure process had started with 16 camps closed by the time this report is published. [https://reliefweb.int/sites/reliefweb.int/files/resources/20201116\\_camp\\_closure\\_status\\_cccm-ocha.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/20201116_camp_closure_status_cccm-ocha.pdf) (last visited January 2021).

<sup>41</sup> Iraq VNR 2019, p.8.

<sup>42</sup> Iraq Humanitarian Needs Assessment 2020, p.45.



throughout conflict-affected areas. The OCHA Humanitarian Needs Assessment estimated that 2.39 million individuals will require support in 2020.<sup>43</sup> In addition, education-related costs such as transport, stationery and clothing, impose a heavy burden on families with limited financial resources, and represent a major investment which they fear may never be repaid in the case of girls.

Interviewees therefore noted that poverty has impacted girls' ability to access education in a number of ways, influenced by the prevalent discriminatory gender norms highlighted in section 5.1 of this report.

Firstly, interviewees highlighted to UNAMI/OHCHR that if only one child can attend school, boys are inevitably prioritized over girls. This reflects prevalent gender norms whereby boys are expected to join the workforce and become the financial caretaker of the family, whereas girls are expected to bear children and become part of the informal, unremunerated workforce.

Secondly, poverty has increased the perceived need for girls to assume domestic duties rather than attend school so that other family members can work.

Thirdly, poverty was cited as a reason for child, early and forced marriage<sup>44</sup>, with such marriages being incentivized by traditional norms according to which the family of the groom provides a dowry to the family of the bride. Once girls are married, societal expectations and perceptions of the role of a wife and mother effectively prevent girls from accessing education.

#### 5.4 Perceived Protection Concerns

When we entered the tent, a group of girls was already waiting for us, chatting noisily and enjoying the relief of the air-conditioned space. The chatter gave way to a quiet hush as they took turns telling us about their lives in the camp.

**“My father does not allow me to go to the camp school. I would have to walk to get there, but every day the boys are hanging out in big groups. He says I cannot go because they will abuse me. It is only words, but my father forbids it.”**

[UNAMI/OHCHR interview in a displacement camp in Ninewa governorate, 21 - 23 July 2019]

Gender-specific protection risks were also frequently referenced as significant impediments to girls' access to education. For instance, the close proximity to others that comes with living in an IDP camp was deemed to be problematic by many displaced parents. The perceived inability in these circumstances to protect girls by enforcing strict gender segregation has led many parents to reduce their daughters' mobility and freedom, directly impacting their access to education and enjoyment of other rights. Girls also expressed concern over their own safety and comfort and noted frequent verbal harassment from boys both inside and outside of camps when on their way to or from school. Such harassment not only had a negative impact on the interviewees themselves, but also contributed to a perceived need by families to protect their 'honor' in light of potential interactions with such groups of boys and keep their girls in the home.

Outside of camps, schools were noted as being too far away from interviewees' homes, making it unsafe for girls to travel over the distances required to attend school. Fears for the safety of girls, as well as

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<sup>43</sup> Ibid.

<sup>44</sup> The amended Law on Personal Affairs No. 188/1959 sets the minimum age of marriage at 18 years but allows for the marriage of children between the ages of 15 and 18 if approval of their legal guardians is obtained. The Kurdistan Regional Government (KRG) raised the minimum age to 16.

the need to maintain families' honor, were cited as crucial protection concerns during discussions with parents, with girls and boys focus groups, and with protection actors.<sup>45</sup> These concerns were further exacerbated by the broader security environment, including gender-based violence, kidnapping, and physical punishment in schools for those perceived to be affiliated with ISIL.<sup>46</sup> Interviewees from protection-focused non-governmental organizations cited a fear of sexual violence as one of the factors that push families towards arranging child marriages, as a negative protection mechanism further limiting girls' access to education, as highlighted elsewhere in this report.<sup>47</sup>

## 5.5 Trauma

Hanna was a teacher in Mosul before the arrival of ISIL. During their presence in the city, she withdrew from work. On her return to the classroom after the liberation, she realized that even those who were not directly impacted by the violence suffer psychological obstacles to study.

**“Many of the girls in my class were forbidden from leaving their houses for two years during the occupation; [now] they can no longer study and they get very anxious. Without psychological support these girls will not stay in school.”**

[UNESCO focus group data, held on file by UNAMI/OHCHR]

Some girls living in the territory formerly under the control of ISIL are still exposed to gender-based violence, including rape, child, early and forced marriage. This legacy and the current challenges have left many adolescent girls with levels of psychological trauma that prevent their re-entry into the educational system. Many interviewees referenced the psychological scars left from the conflict violence as an obstacle to returning to school, including lack of concentration, and feelings of helplessness and vulnerability. For example, Yazidi girls who escaped from trafficking require long-term psychological support and help in reintegrating into the school system.<sup>48</sup> The lack of psychological support for children and adolescents has been noted frequently by humanitarian actors and continues to restrict adolescent girls' access to education.

## VI. Conclusion

Education is a human right, fundamental to addressing longstanding societal inequalities that can be exacerbated by age, ethnicity, poverty, disability, and rural and urban divides. The equal enjoyment of the right to quality education must therefore be guaranteed for all children on a non-discriminatory basis.

This report recognizes that children affected by the conflict with ISIL struggle to access adequate schooling, yet its key findings demonstrate that girls face particularly gendered economic, social and security-driven challenges. The adverse impact of traditional gender norms is compounded by fears for

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<sup>45</sup> UNAMI/OHCHR 'The Right to Education in Iraq – Part One'.

<sup>46</sup> Ibid.

<sup>47</sup> UNAMI/OHCHR interviews in displacement camp [exact location withheld] in Ninewa governorate, 21 - 23 July 2019 & UNAMI/OHCHR Telephone interviews conducted with NGO workers and Community representatives between July 2020 and October 2020.

<sup>48</sup>United Nations Population Fund: Humanitarian Crisis Persist in 'Post-Conflict' Iraq (October 2019) p2.<https://www.unfpa.org/resources/humanitarian-crisis-persists-%E2%80%98post-conflict%E2%80%99-iraq> (last visited January 2021).

security, the prevalence of harmful coping strategies, such as child early and forced marriages, and a lack of female teachers. Although Iraqi law provides for compulsory primary education up to the age of 12, girls are often denied access or withdrawn early from schooling for the reasons identified in this report.

As Iraq continues to transition into a more stable security environment, concrete measures must be taken to overcome both the immediate and long-term impediments to girls' education, in order to harness the societal benefits that educated girls can bring.

As part of the 2030 Agenda for Sustainable Development, Iraq has made a number of concrete commitments to protect, promote and respect inclusive and equitable quality education for girls. These commitments were also strongly reaffirmed by the Universal Periodic Review process and the Government of Iraq's acceptance of more than thirty recommendations on SDG 4 (Quality Education).

## VII. Recommendations

In support of the Government of Iraq's efforts to guarantee equal opportunity education to every girl and to strengthen the existing legal framework to protect, respect and promote education, UNAMI/OHCHR recommends that the Government of Iraq introduce and implement measures to facilitate girls' access to education as follows:

- Ensure that all education policies, strategic plans and directives include specific sections facilitating and promoting girls' education and affirming the right of every girl to attend school and complete her education.
- Create a gender-sensitive learning environment for girls, including by increasing the number of female teachers and of girls-only schools, and by ensuring adequate Water, Sanitation and Hygiene (WASH) facilities in school premises.
- Strengthen incentives for school enrolment, including by considering provision of school uniforms, books, stationery, and school-feeding programmes, as well as securing transportation for children who are most vulnerable and at risk of marginalization, including displaced children, particularly girls.
- Expand alternative routes back into education for girls suffering from trauma, including tailored psychological and psychosocial support mechanisms.
- Continue to persuade families to ensure their daughters receive an education, including by encouraging parents to participate in school activities, sensitizing them through media programmes, and utilizing resource persons such as community and religious leaders.
- Strengthen mechanisms to address gender-based violence, including by fostering a safe, non-violent, inclusive and harassment-free learning environment for girls.
- Strengthen education pathways to create an enabling environment for girl's education by, for example, considering increasing the compulsory school age to include intermediate schooling (beyond 12 years old), in line with SDG 4; and considering expanding existing primary schools up to grade 9, enabling older girls to continue and complete schooling near their home.

- Create alternative pathways to teacher training for women from rural backgrounds to increase availability of female teachers in remote areas and provide a role model for girls in the formal employment market.
- Strengthen support programmes for older girls and young women who have not completed their basic education and are too old to return to the formal education system, for instance by making available relevant technical and vocational training.

# Annex 1: Legal Framework on the Right to Education

## 1. International Law

The principles of gender equality and non-discrimination are at the core of human rights norms, and the international human rights treaties to which Iraq is a party contain many provisions prohibiting discrimination against women and girls, including specific provisions in the area of education.

In accordance with Article 26 of the Universal Declaration of Human Rights, “Everyone has the right to education. [...]”. Articles 3 and 13 of the International Covenant on Economic, Social and Cultural Rights set out the obligations of the State to provide compulsory primary education to everyone, including a positive obligation to ensure accessibility of education of girls<sup>49</sup> as well as making provisions for secondary education in its different forms, including technical and vocational education.<sup>50</sup> Article 28 of the Convention on the Rights of the Child sets out the obligation to “Make primary education compulsory and available free to all [...]”, and ensure that higher education is “ [...] accessible to all on the basis of capacity by every appropriate means [...]”.

Article 29 of the Convention on the Rights of the Child affirms the aims of education, including to reinforce the principles of gender equality with the support of school curriculums and education opportunities offered to girls.<sup>51</sup> Article 10 of the Convention on the Elimination of All Forms of Discrimination against Women details a number of measures which should be taken to eliminate discrimination against women to ensure equal rights with men in the field of education. The UNESCO Convention against Discrimination in Education<sup>52</sup> bans discrimination in education on the basis of sex, referring to all types and levels of education, and includes access to education, the standard and quality of education, and the conditions under which it is given.

## 2. National Law

Iraqi laws and policies relating to education provide equal protection to boys and girls. Article 34 of the Constitution guarantees the right to education to every child and defines it as a fundamental factor in the progress of society. In addition, the Constitution provides that primary education is mandatory, guarantees the right to be educated in one’s mother tongue, and sets out the commitment by the State to combat illiteracy. All Iraqis have the right to free education in all its stages, and education is compulsory up to grade 6 (12 years).<sup>53</sup>

These constitutional guarantees are paralleled by federal and regional regulations<sup>54</sup> and policies. For instance, primary schools’ regulations affirm that education is compulsory and free for all children<sup>55</sup> and secondary schools regulations affirm equal opportunities for all children in Iraq.<sup>56</sup> The Iraqi Minimum Standards for Education in Emergencies<sup>57</sup>, developed by the Federal Ministry of Education, the Kurdistan Regional Government (KRG) Ministry of Education, school directors, teachers,

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<sup>49</sup> General Comment Nr 13 (1999): Article 13 The Rights to Education p.11 (E/C.12/1999/10).

<sup>50</sup> Ibid p.5.

<sup>51</sup> General Comment Nr 1 (2001): Article 29 (1) The Aims of Education p.4 (CRC/GC/2001/1).

<sup>52</sup> UNESCO Convention against Discrimination in Education (1960 / ratified by Iraq on 28 June 1977).

<sup>53</sup> Compulsory Education Law 118 (1976).

<sup>54</sup> Minister of Education law No. 124 of 1971; Minister of Education law No. 34 of 1998 and Minister of Education law No. 4 of 1992/2<sup>nd</sup> amendment for KR-I.

<sup>55</sup> Primary schools’ regulation No. 30 (1978) Art. 2.

<sup>56</sup> Secondary school regulation No. 2 (1977) Art. 5 A.

<sup>57</sup> Inter-Agency Network for Education in Emergencies ‘Iraq Minimum Standards for Education in Emergencies’ (2018) available at: <https://reliefweb.int/> (last visited December 2020).



international organizations and United Nations agencies, are guidelines specifically tailored to address the post-conflict situation. These include provisions on equal access to education, protection and well-being, facilities and services, curriculum, training, professional and development support as well as law and policy formulation.

### 3. Non-binding Declarations and the 2030 Agenda for Sustainable Development

Iraq has endorsed several key political declarations affirming its commitment as part of the international community to strengthen and enable inclusive and equitable quality education for every child.

These include the Beijing Declaration and Platform for Action (1995), which recognized education as a basic human right and an essential tool for achieving more equal relations between women and men<sup>58</sup>, and the Dakar Framework of Action on Education (2000), aimed at eliminating gender disparities and ensuring full and equal access to education for girls.<sup>59</sup>

In 2015, Iraq committed to the 2030 Agenda for Sustainable Development, setting out a 15- year plan to achieve the 17 Sustainable Development Goals, which include SDG 4 (Quality Education).

The Incheon Declaration and Framework of Action<sup>60</sup> (2015), also endorsed by Iraq, specifically sets out a framework for the implementation of SDG 4 by ensuring inclusive equitable quality education and promoting lifelong learning opportunities for all, pledging to prioritize policies and interventions that aim to close the gaps, including between girls and boys.

SDG 4 (Quality Education) affirms under target 4.1 the commitment by States to ensure free, equitable and quality primary and secondary education for girls and boys. SDG 5 (Gender Equality) calls under target 5.1 for ending all forms of discrimination against all women and girls. SDG 10 (Reduced Inequalities) sets out at targets 10.2 and 10.3 the goals for achieving social, economic and political inclusion of all, as well as ensuring equal opportunity and reducing inequalities of outcome. Finally, targets 16.6 and 16.7 of SDG 16 (Peace, Justice and Strong Institutions) call, respectively, for developing effective, accountable and transparent institutions, and ensuring responsive, inclusive, participatory and representative decision-making at all levels.

Following the third Universal Periodic Review of Iraq by the Human Rights Council in 2019, the Government accepted 245 recommendations, of which 12 per cent concern SDG 4 (Quality Education), 25 per cent concern SDG 5 (Gender Equality), 9 per cent concern SDG 10 (Reduced Inequalities) and 27 per cent concern SDG 16 (Peace Justice and Strong institutions).<sup>61</sup>

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<sup>58</sup> <https://www.un.org/en/events> (last visited November 2020).

<sup>59</sup> <https://www.right-to-education.org> (last visited November 2020).

<sup>60</sup> <https://iite.unesco.org/publications/education-2030> (last visited December 2020).

<sup>61</sup> <https://lib.ohchr.org/HRBodies/UPR>.

# Annex 2: Response by the Government of Iraq to the UNAMI / OHCHR report<sup>62</sup>

Republic of Iraq  
Ministry of Foreign Affairs  
Human Rights Department  
Date:21/Jan/2021

Ref:12/Sh/2/66

Comments of the Child Welfare Commission on the Second UN report  
“The Right to Education in Iraq – Obstacles to Girls’ Education after ISIL”.

The Child Welfare Commission appreciates the great efforts OHCHR in Iraq, actors and stakeholders in developing the report and its outputs. The Commission also appreciates the flexibility of UNAMI's Human Rights Office to take into consideration the comments of the Child Welfare Commission following the meeting at the Ministry of Foreign Affairs on 20 January 2021.

For the purpose of concluding a successful report prepared and coordinated by Iraqi and UN parties, in support of the continued cooperation between the two parties and in preparation for future reports, the Child Welfare Commission would like to present the following comments:

1. The second report “Right to Education in Iraq – Obstacles to Girls’ Education after ISIL” did not identify the time period it covers, it sometimes goes back to 10 years, while the UN reports are supposed to cover a specific period of time to avoid information repetition in more than one report issued from the same party;
2. The report counts on unknown sources in the Iraqi Government or other unreliable sources in the reports. We regularly comment on their reports on Iraq. The report also quotes magazines which might get inaccurate information from their own sources;
3. The Ministry was only given a short period of time to comment ahead of the report publication, and thus it was not possible to obtain the opinion of the authorities concerned with the report;
4. The time period between the two reports, one published in February 2020 and one to be published on 24 January 2021 is less than a year. The report should take into consideration the spread of the Corona pandemic in the world and its disruption of many programs at the governmental, international or civil society level;
5. The report presents in its introduction that 3.2 million school-aged Iraqi children do not have access to formal public education based on a UNICEF report of 2017, thus, the report presents an old statistic dating back four years without updating the figure;
6. The Commission proposes to include in the report the role for the UN in the future by providing training courses education staff working with traumatized students, and to assist Iraq in empowering girls with disabilities by providing appropriate conditions for their enrollment in education and overcoming obstacles that prevent achieving this goal;
7. The Commission proposes to have a mutual consultation in the future to coordinate the writing of the next report in terms of the topic, mechanisms and recommendations.

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<sup>62</sup> This is an unofficial translation. For the official response of the Government of Iraq (received on 21 January 2021) to the UNAMI/OHCHR report, please see the Arabic version of this report. The present report integrates some of the comments.