



Cornell Law School
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Death Penalty Worldwide



**Iraq's Compliance with the Convention on the Elimination of All Forms of
Discrimination Against Women:
The Death Penalty**

Submitted by The Advocates for Human Rights

a non-governmental organization in special consultative status with ECOSOC since 1996

**The World Coalition Against the Death Penalty
The Cornell Center on the Death Penalty Worldwide
and
Abolition Death Penalty of Iraq Organization**

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The Advocates for Human Rights (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law since its founding in 1983. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publication. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States. The Advocates is committed to ensuring human rights protection for women around the world. The Advocates has published more than 25 reports on violence against women as a human rights issue, provided consultation and commentary of draft laws on domestic violence, and trained lawyers, police, prosecutors, judges, and other law enforcement personnel to effectively implement new and existing laws on domestic violence. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a death penalty project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition against the Death Penalty.

Abolition Death Penalty of Iraq Organization is a non-governmental organization that has been fighting since 2010 to abolish the death penalty in law and application in Iraq. It struggles to stop torture and use international and humanitarian standards in the judiciary and courts. It is a member of the World Coalition Against the Death Penalty at the global level for a world free of the death penalty. In Iraq, it conducts field visits to prisons, organizes educational seminars and organizes demonstrations against executions and violations of the rights of detainees, and contacts anti-execution organizations and figures, judges, lawyers, parliamentarians, and activists against the death penalty to build a broad front to end the death penalty.

The World Coalition Against the Death Penalty is a membership-based global network committed to strengthening the international dimension of the fight against the death penalty. Established in 2002, its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and

executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

Cornell Center on the Death Penalty Worldwide (CCDPW) provides transparent data on death penalty laws and practices around the world, publishes reports and manuals on issues of practical relevance to lawyers, judges, advocates and policymakers, trains lawyers in best practices, and engages in targeted advocacy and litigation. The Center has gained a reputation for providing comparative legal analysis of the application of the death penalty, as well as for its one-of-a-kind Makwanyane Institute for capital defenders. Our Alice Project, which is the first global project to focus on women facing capital punishment, examines the role of gender in death penalty cases. By representing women before national and international tribunals, organizing trainings for defense lawyers and advocates, and through data collection and analysis, we are exposing the connection between gender-based discrimination and capital sentencing. Center staff and associated faculty continue to defend persons facing the death penalty around the world, with a combined caseload of dozens of death row prisoners. Students play a major role in our advocacy efforts through Professor Babcock's International Human Rights Clinic. Generations of Cornell undergraduates and law students have contributed to our research, training, and individual case representation.

EXECUTIVE SUMMARY

1. This report addresses the Republic of Iraq’s compliance with its human rights obligations under the Convention on the Elimination of All Forms of Discrimination against Women, especially regarding its use of the death penalty. This report supplements the report that the authors submitted in January 2025 at the list of issues stage¹ and provides relevant updates.
2. Iraq continues to carry out executions at a high rate, and in 2024 Iraq carried out the fourth-greatest number of executions worldwide,² which represents an increase from 2023 (when it had the sixth-highest number of executions worldwide).³ In 2024, Iraq executed at least 63 people—quadruple the number of executions in 2023 (16) and the greatest number of recorded executions annually since 2019.⁴ In 2024, Iraqi courts sentenced at least 200 people to death and at year-end authorities held at least 8,000 people under sentence of death.⁵ As of the end of 2024, the Kurdistan Region held 22 women under sentence of death, but the overall total number of women under sentence of death remains unknown.⁶
3. Iraq asserts that it authorizes the death penalty only for the “most serious” crimes,⁷ but of 181 new death sentences, 40 were for broadly defined terrorism-related offenses,⁸ 122 were for drug-related offenses, and only 19 were for murder.⁹ All of the 63 reported executions in 2024 were for terrorism-related offenses.¹⁰

¹ The Advocates for Human Rights et al., *The Republic of Iraq’s Compliance with the Convention on the Elimination of All Forms of Discrimination against Women: Suggested List of Issues Relating to the Death Penalty*, (January 6, 2025), available at

https://www.theadvocatesforhumanrights.org/International_Submissions/A/Index?id=548.

² Amnesty International Global Report, *Death Sentences and Executions 2024*, at 4,5 (April 2025). Available online at <https://www.amnesty.org/en/documents/act50/8976/2025/en/>.

³ The Advocates for Human Rights et al., *The Republic of Iraq’s Compliance with the Convention on the Elimination of All Forms of Discrimination against Women: Suggested List of Issues Relating to the Death Penalty*, (January 6, 2025), available at

https://www.theadvocatesforhumanrights.org/International_Submissions/A/Index?id=548.

⁴ Amnesty International Global Report, *Death Sentences and Executions 2024*, at 10 (April 2025). Available online at <https://www.amnesty.org/en/documents/act50/8976/2025/en/>; Amnesty International Global Report, *Death Sentences and Executions 2023*, at 29 (May 2024). Available online at <https://www.amnestyusa.org/wp-content/uploads/2024/05/Amnesty-International-Global-Report-Death-Sentences-and-Executions-2023.pdf>.

⁵ Amnesty International Global Report, *Death Sentences and Executions 2024*, at 29 (April 2025). Available online at <https://www.amnesty.org/en/documents/act50/8976/2025/en/>.

⁶ Amnesty International Global Report, *Death Sentences and Executions 2024*, at 32 (April 2025). Available online at <https://www.amnesty.org/en/documents/act50/8976/2025/en/>.

⁷ The Advocates for Human Rights et al., *The Republic of Iraq’s Compliance with the Convention on the Elimination of All Forms of Discrimination against Women: Suggested List of Issues Relating to the Death Penalty*, (January 6, 2025), available at

https://www.theadvocatesforhumanrights.org/International_Submissions/A/Index?id=548.

⁸ Amnesty International Global Report, *Death Sentences and Executions 2024*, at 7 (April 2025). Available online at <https://www.amnesty.org/en/documents/act50/8976/2025/en/>.

⁹ Amnesty International Global Report, *Death Sentences and Executions 2024*, at 32 (April 2025). Available online at <https://www.amnesty.org/en/documents/act50/8976/2025/en/>.

¹⁰ Amnesty International Global Report, *Death Sentences and Executions 2024*, at 10 (April 2025). Available online at <https://www.amnesty.org/en/documents/act50/8976/2025/en/>.

4. Iraq is one of six countries known to have executed at least one woman in 2024, and one of nine countries known to have sentenced women to death in 2024.¹¹

Iraq fails to uphold its obligations under the Convention on the Elimination of All Forms of Discrimination Against Women

I. Authorities sentence women to death and execute them for crimes that are not the “most serious” under international law (List of Issues para. 6(a)).

5. The Committee in its List of Issues requested information about “[t]he number of cases in which women have been sentenced to death and the number of women executed in the past four years, including in the Kurdistan Region, with data disaggregated by age and type of offence charged.”¹²
6. As detailed in the coauthors’ report at the List of Issues stage, authorities sentence women to death for drug-related offenses and vaguely defined terrorism crimes, among other offenses.¹³ The absence of data about women sentenced to death and executed, as well as general crime-related data disaggregated by gender and offense, hinders a detailed analysis of gender bias at work in capital cases.
7. The Abolition Death Penalty of Iraq Organization has obtained information about several people sentenced to death for offenses they committed when they were under the age of 18, although it is unclear whether any of these offenders was a girl at the time of the offense.
8. **Suggested recommendations** relating to the scope of death penalty offenses and disaggregated data about death penalty practices:
 - Abolish the death penalty and in the interim impose a formal, state-wide moratorium on executions.
 - Amend the Penal Code and other laws to limit the death penalty to crimes that are “the most serious” under international human rights standards.
 - Commute the death sentences of any women sentenced to death for an offense that did not entail the woman committing an intentional killing.
 - On an annual basis, publish comprehensive data about all people sentenced to death, under sentence of death, and executed, disaggregated by sex/gender, date of birth, nationality, date of alleged offense, occupation at the time of arrest, crime of conviction, relationship to any victims or codefendants, age of any dependent children, and status of the case.

¹¹ Amnesty International Global Report, *Death Sentences and Executions 2024*, at 10 and 12 (April 2025). Available online at <https://www.amnesty.org/en/documents/act50/8976/2025/en/>.

¹² Committee on the Elimination of Discrimination Against Women, *List of issues and questions in relation to the eighth periodic report of Iraq*, (3 Mar. 2025), U.N. Doc. CEDAW/C/IRQ/Q/8, ¶ 6(a).

¹³ The Advocates for Human Rights et al., *The Republic of Iraq’s Compliance with the Convention on the Elimination of All Forms of Discrimination against Women: Suggested List of Issues Relating to the Death Penalty*, (January 6, 2025), ¶¶ 9, 11, available at https://www.theadvocatesforhumanrights.org/International_Submissions/A/Index?id=548.

II. The criminal legal system lacks gender-responsive procedures and legal provisions condone gender-based violence (List of Issues para. 5(a)-(b), 10).

9. The Committee in its List of Issues requested information about “measures taken to strengthen the capacity of judges, prosecutors, police officers, corrections officers, other law enforcement officials and lawyers in relation to gender-responsive procedures and women’s rights and to address victim-blaming beliefs and judicial gender bias.”¹⁴ The Committee also requested information about the number of women serving in those various positions.¹⁵
10. As detailed in the coauthors’ List of Issues report, discriminatory attitudes of police and other government officials create barriers for women to access justice. Stigma surrounding seeking external support or pursuing legal measures against a family member further discourages reporting. In this context of impunity for perpetrators of gender-based violence and the absence of any viable means for survivors to escape prolonged abuse, women are at heightened risk of coming into conflict with the law, and if they do kill their abusers, they are at risk of being sentenced to death.¹⁶
11. Since 2003, the number of women in Iraq’s judiciary has increased from 6 to 110, but the judiciary is still male-dominated.¹⁷ As noted in the coauthors’ report at the List of Issues stage, despite the increase in women’s political and judicial participation, women accused of crimes continue to face discrimination in the legal system, which can translate to harsher sentences than those handed down to their male counterparts, including the death penalty.¹⁸
12. The Committee also requested comprehensive disaggregated data about “court cases in which articles 128, 130 and 131 of the Penal Code, in relation to the defence of “honour” as a mitigating circumstance . . . have been invoked,” as well as any “studies conducted to assess the extent of underreporting of relevant cases and the impact of those legal provisions on women and girls.”¹⁹
13. As described in greater detail in the coauthors’ List of Issues report, the Penal Code authorizes judicial mitigation under certain circumstances when husbands kill their wives,

¹⁴ Committee on the Elimination of Discrimination Against Women, *List of issues and questions in relation to the eighth periodic report of Iraq*, (3 Mar. 2025), U.N. Doc. CEDAW/C/IRQ/Q/8, ¶ 5(a).

¹⁵ *Id.* ¶ 5(b).

¹⁶ The Advocates for Human Rights et al., *The Republic of Iraq’s Compliance with the Convention on the Elimination of All Forms of Discrimination against Women: Suggested List of Issues Relating to the Death Penalty*, (January 6, 2025), ¶¶ 25-28, available at https://www.theadvocatesforhumanrights.org/International_Submissions/A/Index?id=548.

¹⁷ The Law Speaks Loudest When It Includes Us All – An Interview with Judge Taghreed Abdulmajeed Nasir, United Nations Development Programme, March 10, 2025. Available online at: <https://www.undp.org/iraq/blog/law-speaks-loudest-when-it-includes-us-all>.

¹⁸ The Advocates for Human Rights et al., *The Republic of Iraq’s Compliance with the Convention on the Elimination of All Forms of Discrimination against Women: Suggested List of Issues Relating to the Death Penalty*, (January 6, 2025), ¶¶ 37-42, available at https://www.theadvocatesforhumanrights.org/International_Submissions/A/Index?id=548.

¹⁹ Committee on the Elimination of Discrimination Against Women, *List of issues and questions in relation to the eighth periodic report of Iraq*, (3 Mar. 2025), U.N. Doc. CEDAW/C/IRQ/Q/8, ¶ 10.

but there is no similar provision when wives kill their husbands, and several hundred women and girls are killed every year in “honor” crimes.²⁰

14. **Suggested recommendations** relating to gender-responsive procedures in the criminal legal system, “honor” mitigation, and access to justice:

- Amend the Penal Code to add gender-specific defenses and gender-specific mitigation, particularly in the context of women charged with killing or harming their abusers, and to eliminate provisions authorizing “honour” as a mitigating circumstance.
- In collaboration with civil society organizations, undertake comprehensive training for all judges and other judicial officers presiding over capital criminal proceedings to educate them about the importance of considering gender-specific defenses and gender-specific mitigation.

III. The criminal legal system fails to provide adequate legal representation to women and girls in conflict with the law (List of Issues para. 5(c)).

15. The Committee in its List of Issues requested information about the draft law on legal aid, including for women and girls who are victims of domestic and sexual violence, as well as “specific measures taken to institutionalize and strengthen access to quality legal aid services for women and girls.”²¹

16. As discussed in the coauthors’ report at the List of Issues stage, in 2024 authorities at Nasiriyah Central Prison carried out a mass execution of 21 people, including one woman.²² Authorities accused the woman of being part of the Islamic State and of being a part of a group of people who killed a person during an anti-government demonstration in 2019.²³ As set forth in the coauthors’ report, available information suggests that the case arose as a government backlash against the events of the October 2019 uprising.²⁴ Mass executions also underscore additional human rights concerns because in many cases authorities obtained those death sentences after unfair trials in which the prosecution relied on evidence extracted through torture, and authorities failed to notify the defendants’

²⁰ The Advocates for Human Rights et al., *The Republic of Iraq’s Compliance with the Convention on the Elimination of All Forms of Discrimination against Women: Suggested List of Issues Relating to the Death Penalty*, (January 6, 2025), ¶ 24, available at

https://www.theadvocatesforhumanrights.org/International_Submissions/A/Index?id=548.

²¹ Committee on the Elimination of Discrimination Against Women, *List of issues and questions in relation to the eighth periodic report of Iraq*, (3 Mar. 2025), U.N. Doc. CEDAW/C/IRQ/Q/8, ¶ 5(c).

²² The Advocates for Human Rights et al., *The Republic of Iraq’s Compliance with the Convention on the Elimination of All Forms of Discrimination against Women: Suggested List of Issues Relating to the Death Penalty*, (January 6, 2025), ¶ 4, available at

https://www.theadvocatesforhumanrights.org/International_Submissions/A/Index?id=548.

²³ The Advocates for Human Rights et al., *The Republic of Iraq’s Compliance with the Convention on the Elimination of All Forms of Discrimination against Women: Suggested List of Issues Relating to the Death Penalty*, (January 6, 2025), ¶ 9, available at

https://www.theadvocatesforhumanrights.org/International_Submissions/A/Index?id=548.

²⁴ The Advocates for Human Rights et al., *The Republic of Iraq’s Compliance with the Convention on the Elimination of All Forms of Discrimination against Women: Suggested List of Issues Relating to the Death Penalty*, (January 6, 2025), ¶ 9, available at

https://www.theadvocatesforhumanrights.org/International_Submissions/A/Index?id=548.

family or legal counsel prior to the execution.²⁵ It is unclear whether the woman who was part of the mass execution received adequate legal representation or whether authorities secured her conviction based primarily on guilt by association.

17. **Suggested recommendations** relating to gender-responsive procedures in the criminal legal system, “honor” mitigation, and access to justice:

- Ensure that every woman charged with a capital crime has access to qualified legal counsel with prior experience in capital cases, and ensure that legal counsel receive adequate compensation as well as sufficient funding to conduct an investigation and hire defense experts as needed.
- In collaboration with civil society organizations, ensure that training for public defenders and other attorneys providing legal aid to defendants in criminal proceedings includes strategies for presenting gender-specific defenses and gender-specific mitigation in capital trials, encompassing trauma, gender-based violence, economic pressures, and family caretaking responsibilities.
- Provide timely notification of forthcoming executions to defendants, their family, and legal counsel.
- Ensure that women do not face death penalty charges for terrorism-related offenses arising solely out conduct that is a regular part of their familial relationships with people accused of being members of the Islamic State/Da’esh, such as providing meals or sharing a home.
- Prohibit courts from considering evidence obtained through torture except as authorized under the Convention Against Torture.

IV. Detention conditions (List of Issues para. 18).

18. The Committee requested information on measures taken to “improve the situation of women in detention.”²⁶ The Abolition Death Penalty of Iraq Organization has received information about Tafsirat Detention Centre, which holds women who are charged with offenses such as drug trafficking and prostitution until authorities question them. A person who visited women in Tafsirat reported that conditions are overcrowded, particularly after authorities conduct sweeps to arrest women involved with sex work and begging.²⁷ The Abolition Death Penalty of Iraq has not been able to obtain information about detention conditions for women who are sentenced to death.

²⁵ The Advocates for Human Rights et al., *The Republic of Iraq’s Compliance with the Convention on the Elimination of All Forms of Discrimination against Women: Suggested List of Issues Relating to the Death Penalty*, (January 6, 2025), ¶ 4, available at

https://www.theadvocatesforhumanrights.org/International_Submissions/A/Index?id=548.

²⁶ Committee on the Elimination of Discrimination Against Women, *List of issues and questions in relation to the eighth periodic report of Iraq*, (3 Mar. 2025), U.N. Doc. CEDAW/C/IRQ/Q/8, ¶ 18.

²⁷ Abolition Death Penalty of Iraq Organization, email communication, 20 Dec. 2025, on file with The Advocates for Human Rights.

19. **Suggested recommendations** relating to detention conditions:

- Take concrete measures to reduce the use of pretrial detention for women in conflict with the law.
- Take urgent measures to alleviate overcrowding in facilities that detain women in conflict with the law.

V. **Child marriage places girls and women at risk of being sentenced to death (List of Issues para. 21).**

20. The Committee requested information on measures taken to prohibit child marriage and to address its prevalence.²⁸
21. On 17 February 2025, an amendment to Iraq’s Personal Status Law went into effect.²⁹ Under the amended law, an Iraqi couple entering into a marriage contract may choose whether Iraq’s Personal Status Law or the Shia Ja’afari Personal Status Code will govern their marriage, divorce, child custody and inheritance.³⁰ Under either legal regime, the legal age of marriage is 18, or 15 with a judge’s permission.³¹ The amendment, however, legalizes unregistered marriages, which according to Human Rights Watch “function as loopholes enabling child marriage in Iraq,” citing evidence from the UN Assistance Mission in Iraq that “22 percent of unregistered marriages involved girls under the age of 14.”³²
22. According a groundbreaking study by the Cornell Center on the Death Penalty Worldwide, on a global scale, child marriage increases the risk that a woman will be sentenced to death.³³ With lack of protections against domestic violence, including marital rape, lack of support for victims, and societal stigma against women who seek protection from domestic violence, Iraq creates conditions in which women and girls who were subjected to child

²⁸ Committee on the Elimination of Discrimination Against Women, *List of issues and questions in relation to the eighth periodic report of Iraq*, (3 Mar. 2025), U.N. Doc. CEDAW/C/IRQ/Q/8, ¶ 21.

²⁹ *Iraq: Personal Status Law Amendment Sets Back Women’s Rights*, Human Rights Watch, Mar. 10, 2025. Available online at <https://www.hrw.org/news/2025/03/10/iraq-personal-status-law-amendment-sets-back-womens-rights>.

³⁰ *Iraq: House of Representatives Approves Amendments to Law on Personal Status*, Library of Congress, Feb. 14, 2025. Available online at <https://www.loc.gov/item/global-legal-monitor/2025-02-14/iraq-house-of-representatives-approves-amendments-to-law-on-personal-status/>; Human Rights Watch, *Iraq: New Personal Status Code Makes Women Second Class*, (October 15, 2025). Available online at <https://www.hrw.org/news/2025/10/15/iraq-new-personal-status-code-makes-women-second-class>.

³¹ *Iraq: Personal Status Law Amendment Sets Back Women’s Rights*, Human Rights Watch, Mar. 10, 2025. Available online at <https://www.hrw.org/news/2025/03/10/iraq-personal-status-law-amendment-sets-back-womens-rights>; *Proposed Bill Amendment in Iraq Could Allow Girls as Young as 9 to Marry. What to Know*, Anna Gordon, Time, Aug. 16, 2024. Available online at <https://time.com/7011752/proposed-bill-amendment-iraq-could-allow-girls-as-young-as-nine-to-marry/>.

³² *Iraq: Personal Status Law Amendment Sets Back Women’s Rights*, Human Rights Watch, Mar. 10, 2025. Available online at <https://www.hrw.org/news/2025/03/10/iraq-personal-status-law-amendment-sets-back-womens-rights>; *Proposed Bill Amendment in Iraq Could Allow Girls as Young as 9 to Marry. What to Know*, Anna Gordon, Time, Aug. 16, 2024. Available online at <https://time.com/7011752/proposed-bill-amendment-iraq-could-allow-girls-as-young-as-nine-to-marry/>.

³³ Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty* (Sept. 4, 2018), at 15. Available online at <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

marriage may be at particular risk for coming into conflict with the law for killing their abusers.

23. **Suggested recommendations** relating to child marriage:

- Repeal the 2025 amendment to the Personal Status Law that legalizes unregistered marriages, and take further action to close that and other loopholes that enable child marriage.
- Eliminate provisions authorizing girls under the age of 18 to marry with a judge's permission.
- Examine existing laws and policies to combat domestic violence with a view to strengthening protections and outreach for women and girls who experienced child marriage.