

Country/entity	Iraq
Region	Middle East and North Africa
Agreement name	Constitution of Iraq
Date	15/10/2005
Agreement status	Multiparty signed/agreed
Agreement/conflict level	Intrastate/intrastate conflict (Iraq Wars and the Iraqi Insurgency (1989-1990) (2004 -))
Stage	Framework/substantive - comprehensive (Constitution)
Conflict nature	Government
Peace process	59: 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	<p>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.</p> <p>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.</p>

Agreement document [IQ_051015_Iraqi Constitution.pdf](#) []

Main category Page 2, Preamble:

Acknowledging God's right over us, and in fulfillment of the call of our homeland and citizens, and in a response to the call of our religious and national leaderships and the determination of our great authorities and of our leaders and politicians, and in the midst of international support from our friends and those who love us, marched for the first time in our history towards the ballot boxes by the millions, men and women, young and old, on the thirtieth of January 2005, invoking the pains of sectarian oppression inflicted by the autocratic clique and inspired by the tragedies of Iraq's martyrs, Shiite and Sunni, Arabs and Kurds and Turkmen and from all other components of the people, and recollecting the darkness of the ravage of the holy cities and the South in the Sha'abaniyya uprising and burnt by the flames of grief of the mass graves, the marshes, Al-Dujail and others and articulating the sufferings of racial oppression in the massacres of Halabcha, Barzan, Anfal and the Fayli Kurds and inspired by the ordeals of the Turkmen in Bashir and the sufferings of the people of the western region, as is the case in the remaining areas of Iraq where the people suffered from the liquidation of their leaders, symbols, and Sheiks and from the displacement of their skilled individuals and from drying out of its cultural and intellectual wells, so we sought hand in hand and shoulder to shoulder to create our new Iraq, the Iraq of the future, free from sectarianism, racism, complex of regional attachment, discrimination, and exclusion.

...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.

Page 7, Article 14:

Iraqis are equal before the law without discrimination based on gender, race, ethnicity, nationality, origin, color, religion, sect, belief or opinion, or economic or social status.

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.

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.

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.

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.

Page 13, Article 37 (Third): Forced labor, slavery, slave trade, trafficking in women or children, and sex trade shall be prohibited.

Page 14, Section Two: Rights and Liberties

Section Three, Federal Powers, Chapter one, [The Legislative Power], First: The Council of Representatives;

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.

Women, girls and gender

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.

[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.

[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 \(general\)](#)

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.

[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 [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 [Sexual violence](#)

Page 13, Article 37 (Third):

Forced labor, slavery, slave trade, trafficking in women or children, and sex trade shall be prohibited.

[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.

[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 [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.