

**Peace Agreement Access Tool PA-X <https://pax.peaceagreements.org/>**

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 - ) )
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](#)  | [Download PDF](#)

## Women, girls and gender

Participation	<p>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.</p> <p>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.</p> <p>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.</p>
Equality	<p>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.</p> <p>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.</p>
Particular groups of women	No specific mention.

International law	<p>International law→General IHRL, IHL and IL</p> <p>Page 2, Preamble:</p> <p>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.</p>
New institutions	No specific mention.
Violence against women	<p>Violence against women→Sexual violence</p> <p>Page 13, Article 37 (Third):</p> <p>Forced labor, slavery, slave trade, trafficking in women or children, and sex trade shall be prohibited.</p> <p>Violence against women→Gender-based violence/VAW (general)</p> <p>Page 13, Article 37 (Third):</p> <p>Forced labor, slavery, slave trade, trafficking in women or children, and sex trade shall be prohibited.</p> <p>Violence against women→Protection (general)</p> <p>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</p>
Transitional justice	No specific mention.
Institutional reform	No specific mention.
Development	<p>Development→Health (general)</p> <p>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</p>
Implementation	No specific mention.
Other	No specific mention.

---