



PROTECTION OF WOMEN'S POLITICAL RIGHTS IN IRAQI KURDISTAN REGION

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Abstract

The recognition of women and female rights as a social category has distinctive conceptual underpinning in international law and has been fully accepted in modern democracies. The fight for the protection and advancement of women's rights as a part of the international human rights has been on-going activities. Historically, in all societies worldwide, women and female children were accorded the lesser rights legally and practically, if anything at all, compared with men and boys. After the establishment of the United Nations and the subsequent adoption of the Universal Declaration of Human Rights the agenda was set for protecting and promoting the human rights of all persons including women. This has given a new impetus to the campaign for the protection and promotion of women's rights, from which women have been deprived for centuries. The Convention on the Elimination of all forms of Discrimination against Women (CEDAW) is a single comprehensive Human Rights Instrument that promotes and protects women's rights in all spheres of life. This paper aims at analysing the legislations in Iraq and Kurdistan to assess how they affect women's position and it tries to identify the weaknesses in the legislation that are causing the widening gap of inequality and to identify the extent to which national legislation correspond to CEDAW convention. Our instrument of analyses would be the Articles 7 which are focused on women's political rights. Our findings include: No substantial legal discriminations disadvantaging women exist. We note underrepresentation of women in executive and judicial bodies in Iraq and Iraqi-Kurdistan and note that there are no legal measures to overcome this problem. Comparing the experience of Iraq and Iraq-Kurdistan with Rwanda, we also note some discrepancy and we suspect that the cause must be cultural factors. These finding underpin several recommendations regarding how to remedy the situation.

Introduction

All women have rights regardless of their age, race, gender, ability or ethnicity, this is according to International Human Rights Laws and as set out in the United Nations Convention on the Elimination of all forms of Discrimination against Women (UNCEDAW) which was agreed in 1979 by the General Assembly of the United Nations.

The CEDAW convention is the most wide-ranging of the international human rights treaties devoted to women. It has even been described by some an "International Bill of Rights for Women". The Convention prohibits private and public discrimination against women; and



outlaws discrimination against women in all spheres of society. Also, the convention calls on the states parties and all persons to, promote equality.

Whilst most governments have signed up to the treaty, it is a sad fact that many women still do not have their rights met. Iraq and Kurdistan like all parties to CEDAW by signing and ratifying is obligated to outlaw all practices that tantamount to discrimination against women. But in both Iraq and Kurdistan women and girls are subjected to numerous human rights violations; women and girls face discrimination and inequality.

CEDAW's primary focus is to eradicate all types of discrimination against women. Article 1 of CEDAW describes 'discrimination against women' as follows: "Discrimination against women involves any gender-based discrimination, rejection or limitation that has the impact or intention of hampering or abolishing the pleasure of women's human rights and basic liberties in political, financial, social, religious, civil or other fields. This is based on fairness between men and women, regardless of their marriage position."¹ Moreover, the concept of Article 1 is concerned with gender-based bias in treating women as inferior to men; allowing women lesser freedom in comparison what men enjoy; which altogether give significant disadvantages to women compared to men.²

Discrimination against women is seen as a significant problem for women's development, and the development of their nations and the globe as a whole. It has existed in one shape or another throughout human beings' long history, and has been practiced by majority of human societies and this has impacted various human cultures and traditions. As a consequent of such cultures and tradition we often time witness that women and girls are or were raised to acknowledge their roles as inferior to those of men's and be subordinate to men. There are limitations on women and girls' mannerisms and speech, selection of vocation, and even positions in community and family. The source of discrimination against women can be attributed to the unwritten traditions, customs, and processes imposed by traditional religious institutions, households, and traditional judiciary. Such customs and procedures differ among the world's diverse communities. Each of these different communities has their own distinctive manner of existence that separates them from others. Such distinctive characteristics include: views, procedures, cultures, name, language and history. However, the phenomenon of discrimination against women appears in different ways and forms across all organizations.

The expression 'discrimination against women' means any gender-based differences, rejection or limitation that has the impact or intention of impairing or nullifying women's

¹ Government Equalities Office, *Policy Paper: Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) Articles*, 2011, available at https://www.gov.uk/government/publications/convention-on-the-elimination-of-all-forms-of-discrimination-against-women-cedaw-articles_, accessed 8th April 2019

² Cusack, S., and Pusey, L., 'CEDAW and the Rights to Non-Discrimination and Equality', (2013) 14 *Melbourne Journal of International Law* 1 at p.7



acknowledgement, pleasure or practice, regardless of marital status, on the grounds of equality between men and women, of human rights and basic liberties in the political, financial, social, religious and civil spheres. This involves all types of discrimination that may be undertaken by government actors, private entities or general public, whether through legislation, cultural practices, directly or indirectly.³

Discrimination against females is apparent in almost every community in the universe in all areas of life, including civil, political, social, cultural, economic, and family life. While the world's cultures vary in different respects, there are some common gender roles that cut across most, if not all, communities.

Historically, women have been denied engaging political activities and political decision-making. Men typically maintain most of the authoritative and decision-making roles in communities around the globe, an environment where gender inequality is often serious and extremely noticeable. Progress in all areas involving most nations over the last two decades has been obvious, but the pace of change has been slow. Women in national parliaments remain underrepresented. They are rarely representatives of significant political parties. The might be made candidates, however, mostly on lower ranks of political hierarchy. During electoral procedures, women encounter numerous barriers that are manifestation of discriminatory thought expectations that are unfavourable to women.

The use of gender quotas by some nations has enhanced the likelihood of women being chosen. Yet few women, once elected, achieve the higher echelons of parliamentary hierarchies.⁴ Women are also mainly removed from government executive bodies, and it even rarer to find women who are the heads of state or government. Only a minority of women are elected as ministers, and when they are elected, they are generally not assigned key ministries (such as the premiership or home affairs, revenue, defence and judiciary ministries).⁵

Few parliamentary democracies acknowledged the political rights to women by the First World War. In 1945, once the United Nations was created, more than half of the 51 countries that ratified the Charter had not granted women the right to vote and in best cases women were allowed limited voting rights.⁶

Everyone has the right to participate in their country's parliament. This is a central element of Article 7. Article 7 requires States party to the convention to adopt all suitable steps to eliminate discrimination against women in public life, and limitation of political rights and to

³ Dictaan-Bang-oa, E., and Tugendhat, H., *Realizing Indigenous Women's Rights: A Handbook on the CEDAW*, (2013), p.40

⁴ The World's Women, *Power and Decision-Making*, (2015), p 119

⁵ *Ibid.*

⁶ United Nations, Women's Rights are Human Rights, *United Nations Human Rights Office of the High Commissioner*, (2014), P.43



guarantee that in political and public life are equally accessible to women and men. The duty referred to in Article 7 shall extend to all fields of government and political life and shall not be restricted to those fields referred to in subsection (a), (b) and (c). A country's political and public life is a wide notion. It relates to exercising political authority, especially exercising judicial, legislation, executive and administrative authority. The word includes all elements of public administration and global, national, regional and local strategy development and execution. The idea also encompasses many elements of civil society, including government commissions and local councils, as well as the operations of organisations such as trade unions, political parties, trade or industrial associations, organisations of women, community organisations and other government and political organizations.⁷

Traditions in many nations limit the main functions of women to housewives and mothers. A powerful traditional patriarchal value system promotes gender separated positions, and 'traditional social norms' fight against the intellectual and personal development of women, their advancement, and their involvement in any political system. Communities throughout the globe are controlled by ideologies that accord less value to women. According to these ideologies, women should only perform the role of 'working moms', which is usually low-or un-paid jobs and apolitical. Moreover, men even teach women how to vote in some nations.⁸

Cultural thoughts about women today can usually specify the roles and position that women are allowed to undertake. These roles and positions include the range of possibility from women joining political parties, all the way to the choices taken by electorates on Election Day.⁹ Therefore, as rulers, women face prejudices because individuals prefer to believe management is a masculine characteristic. People assess women's autocratic conduct more badly than men's autocracy.¹⁰ Thus, they experience or face cultural obstacles in the face of participating in politics even in nations where women have progressed in jobs or education.¹¹

Religion in most nations is another significant factor of social attitudes and practices. Arguments are prevalent across all dominant cultures about women's inferiority to males, and religion has long been used to exclude woman from adequate role in economic, political, or cultural domains around the globe.¹²

Women's historical knowledge of discrimination places them economically at a loss. Elevating women's social-economic status to a higher level plays an important part in

⁷ Office of the High Commissioner for Human Rights, *General Recommendation No.23: Political and public life*, (1997, Sixteenth session), Para 5

⁸ Shvedova, N., *Obstacles to Women's Participation in Parliament*, (2002), p.44

⁹ Kunovich, Sh, et al., 'Gender in Politics', (2007) 33 *Annual Review of Sociology* 263 at p. 271

¹⁰ Eagly, A, et al., 'Gender and the evaluation of leaders: A Meta-analysis', (1992) 111 *Psychological Bulletin* 3 at p.3

¹¹ Lunyolo, G.H, et al., 'Socio-cultural Factors that Hinder Women's Access to Management Positions in Government Grant Aided Secondary Schools in Uganda: The Case of Eastern Region', (2014) 5 *International Research Journals* 241 at p.245

¹² Kunovich, sh, et al., M 'Gender in Politics', (2007) 33 *Annual Review of Sociology* 263 at P. 271



improving their involvement and representation in political decision-making organs. Shvedova in 2002 claimed in this respect that women's cultural and financial position in the community has a direct influence on their involvement in political organizations and appointed bodies.¹³ In other words, financial resource shortages are one of the greatest barriers preventing women from becoming more involved in politics. Therefore, making access to financial assets simpler for women is crucial to the existence of women in the political sphere.¹⁴ Most women also depend on their husbands or relatives because of cultural expectation and therefore may not be able to participate in a political campaign. Razia Faiz, Bangladesh's former parliamentarian also claims that 'the two most overwhelming barriers women face when they enter parliament are the absence of voters and absence of funding. Many women move from their parent's house to their husband's house after marriage, similar to refugees and because of this they part of their social connections. In addition, they don't have money of their own; their cash goes to their parents, husband, or in-laws. This presents another severe obstacle for women in the developing world, given the increasing price of operating an efficient project.¹⁵

In democratic systems, the electoral law is the true foundation of democratic lives and the fundamental concept of constructing state organizations. Among these organization is the parliament or legislature which sets down the efficient laws of the democratic structure of state organizations and officials.¹⁶ Democracy includes the freedom to vote in all elections and be qualified for appointment to all legislative organs.

According to the CEDAW General Recommendation No.23, the States Parties shall adopt all suitable steps to eliminate discrimination against women in their public and political lives and, in particular, provide women with the right to vote in all elections and public referendums and to be allowed to vote in all elected or appointed bodies; to join in the formulation and execution of government policies and to hold public office and carry out all public tasks at all levels of government; and to take part in NGOs and associations involved with the country's government and political lives.

The preamble of CEDAW says that the convention attaches particular significance to women's involvement in their country's public life. The preamble of CEDAW also says that discrimination against women infringes the values of equal rights and respect for human

¹³ Shvedova, N., *Obstacles to Women's Participation in Parliament*, (2002, International IDEA), p39

¹⁴ Tovar, M., *Women Candidates and Campaign Finance: High Price of Politics*, (2007, Women's Environment and Development Organization), p.3

¹⁵ Odion-Akhaine, S., *Governance: Nigeria and the World*, (2004, Centre for Constitutionalism and Demilitarisation), P.309

¹⁶ Mohsen, kh., 'Election under Jordanian Legal Electoral System: a Comparative Study (Jordan, Britain, Germany)', (2015) *5 International Journal of Humanities and Social Science* 281 at p.281



dignity.¹⁷ The CEDAW Convention believes that the full and total growth of a nation, global welfare and the cause of peace require the maximum involvement of women in all areas on an equal basis with men.¹⁸

Women in Political and Public life

Everyone has the right to take part in political and public life equally without discrimination. In accordance with Article 20 of the Iraqi Constitution, the Iraqi people, women and men, have the right and freedom to join in public affairs and to enjoy political rights, including the right to register, and run for public office.¹⁹

In addition, the electoral law of the House of Representative refers to Election Law No. 16 of 2005, amended by Law No.26 of 2009,²⁰ that all Iraqi nationals who are legally qualified, over 18 and registered are given the opportunity to vote.²¹ Iraq Kurdistan goes even further than Iraqi rule as it mentions clearly that “any Kurdish citizen, male or female, can be a voter or a candidate if they meet the conditions mentioned in the law NO.1 of 1992 of Kurdistan National Assembly Elections Law – Iraq. But similarly to the Iraq law it demand that the voter must be a citizen of Iraqi Kurdistan and has completed eighteen years of age. This upholds equal voting rights for women and men in accordance with Article 7 (1) of CEDAW.

The Article 49(4) of the Constitution of Iraq (2005), stipulates that at least a 25 percent of parliamentary seats as well as Governorate Councils should be occupied by women. This is the first move towards a women's quota in the Representative Council.

It is slightly more complicated to be a political candidate. There are a range of clauses which discriminate either positively or negatively on the basis of gender. Under Iraqi Election law, a candidate must be an elector and must have at least a high school certificate or its equivalent.²² It is more difficult for women to obtain a certificate from high school because many women are forced by their families and family circumstance to leave schools without gaining the high school certificate. This entails narrowing the pool from which female candidate might come. In other words, this demand excludes great number of women from becoming candidates for various positions in Iraqi institutions. Yet, there is no similar stipulation in Kurdistan region election law.

Article 3(3) of Iraqi Election Law No.26 of 2009 Amendments specifies that parliamentary seats should be split by reorganizing the list of applicants depending on the amount of ballots each applicant has received. The first winner is the candidate who receives the greatest

¹⁷ Office of the High Commissioner for Human Rights, *General Recommendation No.23: Political and public life*, (1997, Sixteenth session), Para 1

¹⁸ *Ibid*, Para 2

¹⁹ The Constitution of Iraq (2005), Article 20

²⁰ Iraqi Election Law No. 16 of 2005, Amended by Law No.26 of 2009, Article 1 (1)

²¹ *Ibid*, Article 3

²² Iraqi Election Law (No.16 of 2005, Amended by Law No.26 of 2009)



number of votes. The same applies to other candidates as long as women's percentage is not less than a ¼ of the winners.

It is this amendment that enforces the 25% quota of females in the House of Representatives, and guarantees a relatively significant proportion of legislative seats for women.²³ This achievement is unique in the middle East where the existence of women is hardly noticeable in the legislatures and politics.²⁴

For instance, the Article 62 of the Egyptian Constitution stipulates that citizens have the right to vote. The Law No. (46) of 2014 of the House of Representatives stipulated the presence of 56 women on the electoral lists as well as 14 women as presidential appointees ensuring a total of 70 women in Parliament out of 568 members of parliament.²⁵ This means the percentage of women in Egyptian parliament is significantly less than that of Iraq.

Following the 1991 uprising in the region of Kurdistan and the subsequent removal of the prior regime's regulatory organizations from that region and the creation of Kurdish semi-independent administration in 1992, Kurdish women began to enter politics in greater numbers on their own free accord and there women who gained seat in the National Assembly of Kurdistan and the first government. Women were able to attain a proportion of (7%) in 1992. This percentage increased in 2005 and 2012.²⁶ In 2009, the KRG government increased the quota to 30% according to the Law No 2 of 2009 which revised the Kurdistan-Iraq National Council Election Law No 1 of 1992 on the attendance level of women in KRI. Article 4 of the revised law No.2 of 2009 stipulates that any political body in Kurdistan is entitled to submit its own list of the names of candidates to be elected to Kurdistan-Iraq bodies of representatives, provided that the percentage of women should not be less than 30%.²⁷ However, no article in the constitutions or election laws of Iraq and Kurdistan specifying a quota for women in the executive bodies. Indeed, women are grossly underrepresented in Council of Ministers. It should be noted nevertheless that there is no any formal restriction in face of women to enter decision making bodies. However, because of lack of formal requirement for quota women remain a minority in decision-making-bodies and, therefore, women's demands are not placed high on the political agenda.

In contrast, Rwanda offers us a case which might explain the reason for the underrepresentation of women in executive positions in Iraq and Kurdistan. The Rwandan Chamber of Deputies is required by the constitution of the country to consist of eighty (80)

²³ Iraqi Constitution 2005, Article 49 (4)

²⁴ World Bank, *Report on the Status and Progress of Women in the Middle East and North Africa*, (2007), p. 50-58

²⁵ WUNRN, *Egypt – Women in 2015 Parliamentary Elections – Overview and Analysis*, 2016, available at <https://wunrn.com/2016/02/egypt-women-in-2015-parliamentary-elections-overview-analysis/> accessed 9th May 2019

²⁶ UN Women and Oxfam, *A situation analysis on gender equality and women's empowerment in Iraq*, (2018, Country Gender Profile – Iraq),P.22

²⁷ Law No. 2 of 2009 concerning the rate of participation women in Kurdistan Parliament.



Deputies. The constitution also demands the quota for women to be at least 30 percent of the Deputies.²⁸ Yet, Rwandan women occupy 56% of the Chamber of Deputies seats.²⁹ This reflects the trust of Rwandan people put in women. It indicates the significance of political culture in deciding women's position in society. Now, Rwanda is the global leader in women's representation.³⁰ Women's participation in government decision-making has made Rwanda a beacon for achieving gender equality.³¹ The Rwandan case might be taken to indicate the importance of culture. We have many cases of women becoming MPs, in Iraq and Kurdistan, with only few hundreds of votes which means that the quota system must have necessary for those many deputies. Considering the fact that there are 56% female deputies in Rwandan parliament, we can infer that the quota system may not have been necessary to those female candidates. This is completely opposite of what goes on in Iraq and Kurdistan. In this regard, we cannot find any explanation for this discrepancy between the African state and Iraq and Kurdistan apart from cultural factor differences.

Now that we have pointed out a factor that disadvantage women in Iraq and Kurdistan, we can shed some lights on how this culture impact on the election results.

It is known, for instance, that there is the so-called "family voting". It denotes the fact that the male head of a household dictates to women in his domain to whom they should vote. Therefore, women will not necessarily vote for candidates who represent the interests of women, as men – the heads of family in many cases - control the voting process.³²

It might be said that secret ballot can overcome the male dictation, but the fact is that women are severely disadvantage in terms of political awareness. All household chores should be performed by women. Many women hold jobs outside home. Such situation does not leave space or time for women to educate themselves political and philosophically, and this situation puts them under men's intellectual domination.

However, Kurdistan election laws is not consistently superior to those of Iraq. Under Iraqi election law, if for any reason, a member of the parliament loses his /her place, he /she shall

²⁸ Rwanda Constitution 2015, Article 75

²⁹ Bureau of International Information Programs, *Women in Power and Decision making*, United States Department of State, available at <https://opentextbc.ca/womenintheworld/chapter/chapter-7-women-in-power-and-decisionmaking/> accessed 22th May 2019

³⁰ United Nations Division for the Advancement of Women, *Equal Participation of Women and Men in Decision-Making Processes, with Particular Emphasis on Political Participation and Leadership*, Report of the Expert Group Meeting Addis-Ababa, Ethiopia 24 – 27 October 2005, Division for the Advancement of Women Department of Economic and Social Affairs, p.17; Thornton, A., These countries have the most women in parliament 2019, available at <https://www.weforum.org/agenda/2019/02/chart-of-the-day-these-countries-have-the-most-women-in-parliament/> accessed 22th May 2019

³¹ Data Science LTD, *Women Participation in Decision making, still a man's world?*, 2017, available at <https://medium.com/@DataSciencing/women-participation-in-decision-making-still-a-mans-world-7adfd747b1e> accessed 22th May 2019

³² Al Moumin, M., *Constitutional and legal Rights of Iraqi Women*, (2007, The Middle East Institute Policy Brief), P.2



be replaced by the next candidate on the list in accordance with the order on the list.³³ Also, if the empty place belonged to a woman, it is possible to replace the woman with a woman if the percentage of female representation is affected by not doing so.³⁴ This clearly indicates that a minimum percentage of 25% of women is maintained even if a woman loses her place. This is a beneficial implementation of the initial quota.

However, in Kurdistan the Election Law no. (1) of 1992, the third amendment no (47) of 2004 states that “In case any seat becomes vacant, another candidate from the same list can replace the previous candidate, he will be appointed by the list stakeholders. It is clear that the language used is somewhat confusing because there is no assurance that the minimum quota of 30 % of women is kept if a woman has lost her seat.

Election Laws of the Governorate, Districts, and Sub-Districts

Local elections are regulated by Iraqi Law No. 36 of 2008 and have a specific system to ensure equality at all levels of government. It starts, as with domestic law, by providing equality in elections for all. The objective of this law is to attain fairness in voter participation³⁵ and ensure the rights and freedom of both the elector and the candidate to participate in the elections.³⁶ Voting in an election is the right of every Iraqi woman and man who meets the requirements laid down in this law to exercise such right and freedom without discrimination on the basis of gender, ethnicity, race, colour, faith, political affiliation, religion or opinion, or financial and social status.³⁷ Any person who fulfils the electoral circumstances shall be entitled to request that his / her name be introduced to the original register of electors and shall be entitled to check the register of his / her name if it is not discovered in the register.³⁸ These regulations are underpinned by Article 20 of the Iraqi Constitution “by ensuring that equality in voting is felt at all levels of election”. In addition, the seats will be allocated to the candidates and the candidates will be chosen according to the votes they win and their rank in the list of their party or coalition. The candidate who receives the majority votes on the list shall be considered the winner. The same rule applies to other candidates provided that women are given 25% of the seat on every list.³⁹ This guarantees that at the local government level there is a quota of 25 percent female participation.

The elections of the Iraq- Kurdistan governorate councils are governed by amended law No 4 for 2009 on governorate, District and sub-District. In same specifications to vote which apply to Iraqi voters apply also to those in Iraqi-Kurdistan.⁴⁰ These specifications include being 18

³³ Iraqi Election Law No. 16 of 2005, Amended by Law No.26 of 2009, Article 14 (1)

³⁴ Iraqi Election Law No. 16 of 2005, Amended by Law No.26 of 2009, Article 14 (2)

³⁵ Elections Law of the Provincial, Districts, and Sub-Districts Councils No. 36 of 2008, Article 3 (2)

³⁶ Elections Law of the Provincial, Districts, and Sub-Districts Councils No. 36 of 2008, Article 3 (3)

³⁷ Elections Law of the Provincial, Districts, and Sub-Districts Councils No. 36 of 2008, Article 4 (1)

³⁸ Elections Law of the Provincial, Districts, and Sub-Districts Councils No. 36 of 2008, Article 16(3)

³⁹ Elections Law of the Provincial, Districts, and Sub-Districts Councils No. 36 of 2008, Article 13(2)

⁴⁰ Law No 4 for 2009 on governorate, District and sub-District in Kurdistan, Article 3 (1)



years old or above ⁴¹and must be registered exclusively in the voter registry of the governorate in which the election will be conducted.⁴² In addition to being a registered voter, a candidate must not be less than 25 years of age; must hold at least a secondary school certificate or its equivalent in the case of a candidate for the governorate councils and the local councils of districts. A candidate for the local councils of sub-districts must hold at least elementary school certificate or its equivalent.⁴³ Moreover, Law No. 4 of 2009 concerns the ratio of female membership in governorate councils in Kurdistan, where the list of candidates should be organized in such a way that the ratio of female representatives in council should not be less than 30%.

Rwanda and Kurdistan have equal participation ratio for women in district councils. According to the Article 156 Election Law of Rwanda, No. 27/2010 of 19/06/2010), female members of Council should constitute at least thirty per cent (30%) of all District Council members⁴⁴ It is noteworthy to point out that the Law (4) of 2009 accords with CEDAW. The same applies to that of Rwanda.

Presidential Elections

According to Article 67 of the Iraqi constitution, “the President of the Republic is the Head of the State and a symbol of the unity of the country and represents the sovereignty of the country. He shall guarantee the commitment to the Constitution and the preservation of Iraq's independence, sovereignty, unity, and the safety of its territories, in accordance with the provisions of the Constitution.”⁴⁵ A presidential candidate must be an Iraqi by origin, raised by Iraqi relatives; fully skilled and over 40 years old; of excellent reputation and political knowledge, renowned for his dignity, uprightness, justice and allegiance to his country; free from any suspicion of a crime concerning moral turpitude.⁴⁶

Furthermore, Article 69 of the Iraqi Constitution, concerning the nomination of the president of the Republic, does not refer to equality for both sexes as the Article 99 of the Rwandan Constitution does. Iraqi-Kurdistan (The Law number and year of Presidential Law) Presidential Law does not mention that no discrimination should happen against women regarding nomination and becoming president. It could be said therefore, that the Rwandan constitutions is more articulate and circumspective against potential discrimination when it specifies that men and women can nominate themselves for presidency.

⁴¹ Law No 4 for 2009 on governorate, District and sub-District in Kurdistan ,Article 3(3)

⁴² Law No 4 for 2009 on governorate, District and sub-District in Kurdistan ,Article 3(4)

⁴³ Law No 4 for 2009 on governorate, District and sub-District in Kurdistan, Article 5

⁴⁴ Law No 4 for 2009 on governorate, District and sub-District in Kurdistan ,Article 7 (2)

⁴⁵ Iraqi Constitution of 2005

⁴⁶ Iraqi Constitution of 2005, Article 68



Conclusion

Iraqi Kurdistan applies a higher gender quota than Iraq for women's participation in the legislative, provincial and governorate councils. The quota is 30% in Iraqi Kurdistan while it is 25% in the rest of Iraq.

The constitutional articles regarding election electoral laws are all compatible with the article (7)(1) of CEDAW, which demand that every adult should enjoy the right to vote.

However, there is no law or constitutional articles demanding certain quota for women in executive and judicial bodies. This situation disadvantages women severely, because there will not be female voices to reflect women's interests in these bodies.

This means that in practice there no exact compatibility with CEDAW's demands concerning that women should have equal share in political power.

We have noted that the Rwandan case is something to ponder about. Women quota for parliament in Rwanda is 30%, exactly like it is in Kurdistan. Yet, if were women in Kurdistan had relied on the votes they receive in the election their share of he seat might not have reached even 10%. In Rwanda women gain 56%. So their share is far higher than what the quota provides. Here, as said before, this discrepancy cannot be explained unless we consider the cultural factor.

In the course of our examination of the laws that try to promote women equality, we found that the legal measures are progressive in comparison with many but not all developing countries. Yet, women enjoy or hold far less political power. We suggest that to overcome this problem adequately cultural issues have to be addressed. Unfortunately, though, we find little evidence indicating drive to change the culture.

Now if we are to propose road map for change we will state the following:

1. It is necessary to raise women's quota to 50% this will draw greater of women into politics.
2. Demand that executive and judicial bodies should also comprise 50% women. Being in powerful position can change public mentality. People officials with power, and finding women in those influential positions can in still respect for women and pave the way for cultural changes.
3. We also assume that educational campaign are essential aiming at raising respect for women, discourage violence.