

Women's Right to Education in the Kurdistan Region of Iraq

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Abstract: Many states worldwide have enacted laws and regulations to promote and protect the rights of women and female children. In Kurdistan, particularly at the family level, women possess limited rights compared to men. Typically, the head of the family, who is often a man, dictates the family's operation. Women in Kurdistan, like their counterparts in many parts of the world, can assert their right to equality before the law, freedom from discrimination, and certain economic, social, and cultural rights.

Therefore, a significant portion of this study will focus on assessing the Education Law in Kurdistan. The study aims to identify the extent to which national legislation corresponds to the CEDAW convention. Our analytical instrument will be Article 10 of CEDAW, which centers on women's education rights. The primary findings of this study indicate that there are no substantial legal discriminations disadvantaging women. However, the Kurdistan Regional Government (KRG) has not adopted any mechanisms to enforce the law."

Keywords: CEDAW, Education, Discrimination, Equal Rights, Women's Rights.

1. INTRODUCTION

Education is one of most essential elements of anyone's life. Education for most people involves doing well at schools and obtaining higher and more prestigious education and certifications.

Unfortunately, educating women is not the norm everywhere in the world, including Kurdistan Region to some degree. This impacts the society and the lives of women in many negative ways.

Uneducated girls are more likely to be forced to marry. Underage marriage is one of the most harmful practices that inflict various societies. The consequences of early marriage include being at risk of death because of early pregnancy, psychological trauma, sexually transmitted diseases and gynecological illness. Being uneducated woman means usually having less health awareness and this means having greater risk of failing to protect herself and her children from illnesses. Lack of education also entails loss of potential to earn a living to improve family economy condition or to replace men's income when they are not around anymore. Uneducated women also suffer from greater risk for human trafficking. In 2016, according to a study conducted by the International Labour Organization and the Walk Free Foundation, there are over 40 million slaves in the world. If girls have had proper education, then they would have access to more opportunities, and they will know how to defend themselves. Education brings awareness about social problems and evils. Such awareness enables people to avoid or defeat evil.

There are several reasons that impede girls' education. One such reason is gender stereotypes. In developing countries, particularly in poorer areas and country sides, women are expected to do home chore, care for the other members of the family, including the elderly as well as giving birth to as many children as possible. To carry out these tasks, it is traditionally thought that women do not need education; after all, women have been able to perform these tasks without education for

thousands of years. Another reason that many girls remain without an education is the cost. Even when the schools are free the stationary and books, clothes to wear at schools, transportation, and the food to eat in the school are usually not free. ¹That is why many traditional families presented with such harsh choice prefer to send the boy rather than the girl to school.

2. THE BENEFITS OF WOMEN'S EDUCATION

With education a woman can become doctors, teachers, lawyers, bankers, scientists, politicians, and more. This no doubt can contribute to the economy of the country. A working woman can help her family financially and provide guidance to them to achieve better life. It is generally thought that having a job and economic independence, a woman is less likely to face crimes and violence.

An educated woman can have more power and thus can protect their children in case of uncaring or abusive fathers. Also, educated women can raise better families, because they are more likely to be able to better provide for their family and raise educated children.

In the light of the above, it not surprising that United Nations High Commissioner for Human Rights, urges all state parties effectively to adopt education and public information programs which will help eliminate prejudices and current practice that hinder the full operation of the principle of the social equality of women.² Considering the awareness about women's education the international community has drawn a number of global and regional legal tools.³

The CEDAW offers equal privileges for both boys and girls to educate and choose classes. This means that boys and girls should be subject to the same circumstances for teaching and training, the same curricula for education and the same educators and examination norms. There should also be equal access for boys and girls to educational equipment such as furniture, textbooks, library and reasonable bathrooms. Boys and girls should also have equal opportunities to receive scholarships, prizes and engage in operations such as quizzes and sports between schools. The CEDAW also demands that variables like pregnancy and childbearing should no longer be barriers to girls' education. CEDAW also demands measure to address already existing inequality suffered by girls. For this reason it requires initiating policies and programmes aimed at retaining girls in school by addressing educational gaps that may prevent them from going to school. However, CEDAW stresses that the measures to accelerate brining about equality are not discrimination even if this entailed giving preference to girls over boys under certain conditions in order to encourage girls' education. CEDAW also requires State Parties to review the curriculum of education in order to eliminate topics in textbooks that strengthen gender bias.

CEDAW can find significant support in the first international normative instrument on the right to education in the 1960 UNESCO Convention against Discrimination in Education (CADE), which, in addition to discrimination, addresses equality of opportunity, access to free primary education and the rights of minority groups. Article 4 of the CADE not only formulates the legally binding clause, but also sanctions the following duties and actions for States Parties to implement: "Make primary education free and compulsory; Make secondary education in its different forms generally available and accessible to all; Make higher education equally accessible to all on the basis of individual capacity; Assure compliance by all with the obligation to attend school as prescribed by law; Ensure that the standards of education are equivalent in all public educational institutions of the same level, and that the conditions relating to the quality of the education provided are also equivalent; Encourage and intensify by appropriate methods the education of persons who have not received any primary education or who have not completed the entire primary education course and the continuation of their education on the basis of individual capacity; Provide training for the teaching profession without discrimination".⁴

¹ Leila Rassekh Milani and others , 'CEDAW. The Treaty for the Rights of women: Rights That Benefit the Entire Community' (1093, Working Group on Ratification of the U.N. Convention on the Elimination of All Forms of Discrimination Against Women, United Nations 2004)26

² United Nations High Commissioner for Human Rights Education and public information campaigns: 11/04/87. CEDAW General Recommendation No. 3(1987) 3, A/42/38.2

³ International law, *Right to Education* (2018) <<http://www.right-to-education.org/page/international-law>> accessed 23 May 2019

⁴ UNESCO, 'The Right to Education: Law and Policy Review Guidelines' (United Nations Educational, Scientific and Cultural Organization 2014) 9.

Article 10 of CEDAW deals with the legal right of girls and women to education. According to CEDAW, States Parties shall take all suitable steps to combat discrimination against women to guarantee that they have equal rights with men in the education field and further remove discrimination against women in education throughout the life cycle and at all educational levels.

The Committee on the Elimination of the Discrimination against Women, 2017, in the General Recommendation No. 36 requires that education policy should meet non-discrimination criteria; education must be available to all girls and women, including those belonging to poor and marginalized groups, in both law and practice.⁵

The CEDAW Committee demands that States Parties implement the following steps to respect, safeguard and enforce girls' and women's rights to education:⁶ improve compliance with Article 10 of the Convention and increase society's understanding of the significance of education as a basic human right and the basis for empowering women; integrate age-appropriate education on women's human rights and the Convention into school curricula at all levels; implement constitutional amendments and/or other suitable statutory measures to guarantee that girls and women's rights to, within and through education are protected and enforced; enact legislation providing for the right to education for all girls and women, including all disadvantaged communities of women and boys, throughout their life cycles.; eradicate and/or reform strategies, organizational, administrative and regulatory directives and procedures that directly or indirectly discriminate against girls or women in the education industry; adopt legislation setting the minimum marriage age for girls at the age of 18 and aligning the end of compulsory education with the minimum age of jobs in accordance with global norms; review and/or abolish legislation and policies that enable pregnant girls and educators to be expelled and guarantee that there are no limitations on their return after pregnancy; recognize educational freedoms as legally enforceable and that women and girls have equal and efficient access to justice and the right to remedy, including reparation, in the event of breach of those freedoms; monitor the application of domestic, regional and global provisions regulating the right of girls and women to education, ensuring the right to remedy is available when the right is violated; and work with the international community and civil society to improve and develop girls and women's right to education.

3. LEGAL MEASURES TO EQUAL RIGHTS IN EDUCATION

Education is a constitutionally protected right, with Article 34 of the Iraqi Constitution (2005) providing that education is a basic key element in society's development and is a right ensured by the country. Primary education is compulsory and the State ensures that it will fight against illiteracy. Free education is a right for all Iraqis at all levels. Also, the Iraqi government shall promote academic research for peaceful reasons that serve humanity and promote success, innovation and creativity.

All Iraqis shall be guaranteed equal opportunities in accordance with the provision of Article 16 (Constitution of Iraq 2005), and the state shall ensure that the required steps are taken to attain this. In Iraq, the Ministry of Education and the Ministry of Higher Education and Scientific Research oversee and handle education throughout Iraq, with the exception of the Kurdistan, which has a distinct education program.⁷

The education system in all of Iraq except KRI is made up of a two-year kindergarten stage, six-year primary and compulsory stage, a three-year lower secondary level and a three-year upper secondary level.⁸

In 2009, the KRG Ministry of Education introduced a new basic and secondary school. According to this new system the basic education will operate so that children enter compulsory education from stage 1 to stage 9.⁹ The declared aim is to build up students' personality and develop their national, physical and spiritual attitudes in order to become healthy, honest, open-minded citizens, so that they can play an important and positive role in the development of the society.¹⁰ Article 3 of basic education school system states the goal to be the formation of a society including the principles of welfare and equality

⁵Committee on the Elimination of Discrimination against Women General recommendation No. 36 (2017) on the right of girls and women to education (27 November 2017) CEDAW/C/GC/36 , 21

⁶ Ibid 24.

⁷ UNICEF, 'The Cost and Benefits of Education in Iraq: an Analysis of the Education Sector and Strategies to Maximize the Benefits of Education' (Government of Iraq, UN Children's Fund 2017) 2.

⁸ Ibid.

⁹ Education Law of 2009 Kurdistan Regional Government.

¹⁰ Education Law 2009 Kurdistan Regional Government Ministry of Education, Article 2

should [in a way to] coincide with global development, allowing educational access for all, regardless of gender, religion, ability, social status economic situation or political background and the development of cognitive skills.

The new education system of Kurdistan accords boys and girls equal rights and duties. Within this system, physical and psychological abuse of students is prohibited and schools will be charged with the responsibility of preventing these abuses. The welfare of the student is at the centre of the system and it will work to achieve the high moral values and knowledge imparted to the student.¹¹ In Kurdistan basic education is free for all¹² and schools are divided into three types: boy's schools, girl's schools and mixed schools.¹³

The KRG has two ministries dealing with education. Primary and secondary education is administered by the Ministry of Education while university education is administered by the Ministry of Higher Education and Scientific Research. In addition, at all stages of the education scheme, the private sector has become increasingly engaged.¹⁴ In its schools, the KRG also works to enhance the quality of teaching and learning. Furthermore, measures have been taken to enhance the general quality of education by requiring new educators to have at least a bachelor's degree and to attend teacher training programs which have been recently introduced.¹⁵

In regard to higher education, it should be noted that the public institutions and establishments of higher education are free. Students who study away from their family home can even have some allowances from the government to support them, when their families are not able to cover the costs. The enrolment in public universities is dependent on the marks a student gets in the final examination at the end of year 12 of their education. Beside the public universities, there are also tens of private universities and institutions of education. However, to enrol into them is conditioned by making payments. The fees depend on the prestige of the university and the type of study. Needless to say, though not free, the private universities play important role in providing education for those who otherwise have missed out on the regular public education. These institutions, in fact, are of great value to many girls whose families may oppose their travelling to another city or abroad for education considering that Kurdistan's patriarchal families hinder girls travelling without male guardians.

Overall Kurdistan's legal measure governing education at all its stages complies with CEDAW. They provide equal opportunity to study and also to be an educator within various institutions regardless of sex, race, ethnicity, or religions.

4. ASSESSING THE REALITY OF WOMEN'S RIGHT TO EDUCATION

The CEDAW demands that State Parties undertake the necessary legal and policy measures to ensure women's equal enjoyment of all human rights and fundamental freedoms. To achieve this goal, the CEDAW draws attention to specific fields for the State Parties to work on. This include education, that is why this section involves the preparation and conducting of surveys. The aim of this surveys is to assess the policy measures that the KRI has taken as its key steps toward the elimination of discrimination against women in line with the CEDAW's requirements.

The researcher carefully selected participants from among lawyers, judges, university lecturers, law students (mainly postgraduates but also some undergraduates), Kurdish MPs in both Iraqi and the KRI's parliaments, activists of various organisations of human rights and women's rights. Being selective in this regard was deemed essential because the issues that were raised required being informed about both the laws and the policies that the Iraqi and KRI governments are implementing. Such questions could not be answered by most of the general public.

4.1 School Enrolment

Girls face many obstacles to access education, including limited number of schools, in particular in rural areas, lack of teachers and teacher training programs, lack of funding and lack of sufficient control from local governments, besides customs, beliefs, and poverty as well as their parents' unwillingness.

¹¹ Education Law 2009 Kurdistan Regional Government Ministry of Education, Article 5

¹² Education Law 2009 Kurdistan Regional Government Ministry of Education, Article 9

¹³ Education Law 2009 Kurdistan Regional Government Ministry of Education, Article 10

¹⁴ Invest in Group, *Knowledge is Power : Education* < <https://investingroup.org/review/246/knowledge-is-power-education-kurdistan/> accessed 23 May 2019

¹⁵ Ibid.

Table 1: The percentage of enrolment of Gils versus Boy in Education.¹⁶

Yeas	Boys	Girls
1996-1997	56.70%	43.20%
1997-1998	55.70%	44.20%
1998-1999	54.50%	45.40%
1999- 2000	54.10%	45.80%
2000-2001	52.08%	47.92%
2015-2016	52.05%	47.94%

Table (1) shows the difference in the percentage of boys against girls from 1996-2016. It is clear that ratio is not still 50%, which should have been existed if there had been equality of treatment for girls and boys. Nonetheless, there is some improvement. In 1996-1997 the ratio was 43.20% for girls. In 2016-2017 the ratio has risen to 47.94. This is an undeniable improvement and more work need be done to bring about complete equality.

Although there are no real data about the exact causes that prevent some girls from enrolling to school, however, knowing our own society, we can speculate that it must be either due to early marriage, or patriarchal beliefs or traditions and customs that deny girls the right to education. Poverty might also be a reason. However, it seems that poverty hit girls harder than boys.

Education law in Kurdistan states that education is compulsory at age six, and in article two of the same law, it notes that education is free of charge, and all children should go to school to prevent illiteracy. But the below statistics show the rate of dropping out of schools despite the education law, which means that the Ministry of Education has not been able to fully implement the law, and school dropouts are increasing. There can be many reasons for abandoning schools, we assume that they must be the same as those presumed to explain lower ratio of girls enrolling to schools. According to statistics from United Nations Human Rights Office of the Higher Commissioner, school dropout numbers: 7268 girls, from 1 to 9th grade, abandoned schools in 2014-2015. In 2015-2016, this number increased to 11694. In 2016-2017, the dropout for the grade range from 1 to 9th was 8779 girls.¹⁷ There is no clear pattern for the change in the number of dropouts. In 2015-2016 it hiked, it drops again in 2016-2017. This fluctuation cannot be explained in terms of culture and tradition or any other reasons cited to explain lower ratio of girls' enrolment. This means that there is a need for carrying out sufficient studies on this topic in the future.

The rate of dropout of girls must have prompted the CEDAW committee to call upon Iraq and Kurdistan "To take effective measures to prevent girls from dropping out of school at all levels of education and collect and analyse data on schooling, disaggregated by sex, age and geographical location, to assess the impact of relevant policies and programmes; To effectively address the barriers to access to education for girls by, inter alia, ensuring road safety for girls on their way to school, as well as safe school environments, combating harmful practices such as child marriage and providing scholarships to girls affected by poverty; To allocate adequate financial resources to the education sector with the aim of improving and standardizing the quality of education and expanding the availability of technical and vocational training opportunities for girls in non-traditional fields of education, and ensure that infrastructure in the education system is inclusive and accessible."¹⁸

4.2 Scholarship to Study Internationally or Nationally

In the pursuit of educational empowerment, scholarships serve as catalysts for change, breaking down barriers and opening doors to transformative learning experiences. For women, the opportunity to secure scholarships for international or national study not only advances individual academic pursuits but also contributes to fostering gender equality in education. This exploration delves into the significance of scholarships specifically tailored for women, examining their impact on academic achievement, personal growth, and societal progress.

¹⁶ Kosar Karim, 'Improving of the Situation of Women In Kurdistan Region 1992-2017' (Erbil 2017) 37

¹⁷ United Nations Human Rights Office of the Higher Commissioner, *Info From Civil Society Organizations*(2019) <https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCEDAW%2fCSS%2fIRQ%2f34855&Lang=en> accessed 27 March 2020.

¹⁸ Committee on the Elimination of Discrimination against Women Concluding Observations on the Seventh Periodic Report of Iraq (12 November 2019)CEDAW/ C/IRQ/CO/7,7.

Women's scholarships play a pivotal role in dismantling historical gender disparities in education. Recognizing the importance of promoting gender equality, these scholarships aim to address systemic barriers that have traditionally hindered women's access to higher education. By offering financial support, mentorship, and networking opportunities, women's scholarships empower aspiring female scholars to pursue their academic ambitions with confidence.

Securing a scholarship for international study holds profound significance for women, offering a gateway to unparalleled opportunities. Beyond the academic enrichment, international study provides exposure to diverse cultures, perspectives, and educational systems. This global experience equips women with a broader worldview, cross-cultural competence, and a network of international contacts that can prove instrumental in their future endeavors. International scholarships for women act as a beacon, encouraging them to aim higher, dream bigger, and transcend geographical boundaries.

While international study broadens horizons, scholarships for national study are equally impactful, nurturing local leadership and contributing to community development. National scholarships designed for women often align with specific regional needs, empowering them to address local challenges, drive change, and become catalysts for progress within their home countries. These scholarships recognize the pivotal role women play in shaping local communities and aim to amplify their voices in the national narrative.

In the figure (1), the percentages of participants' answers to the question about equal opportunities for men and women in getting permissions and scholarships to study abroad are illustrated. It can be stated that the majority of the participants with a percentage of 59.6% answered Yes to some extent they think there are equal opportunities. While another 23.8% of the participants think there are completely equal rights between both groups. Only 13% said there are no equal opportunities.

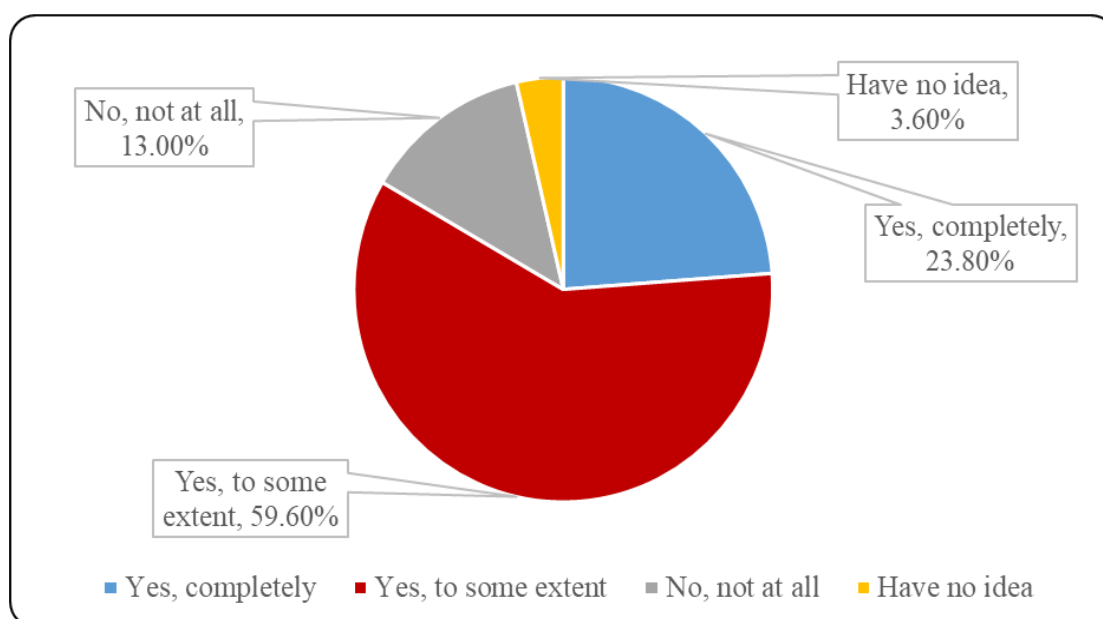


Figure 1: Do you think women and men have the same opportunity to get permission and benefit from study grants abroad and internally?

4.3 Quality of Education

Ensuring that girls enjoy the same quality of education as boys is not only a matter of basic human rights but also holds profound implications for the individual, community, and society at large. Quality education empowers individuals to reach their full potential, irrespective of gender. When girls receive the same standard of education as boys, they acquire the knowledge, skills, and confidence needed to pursue their aspirations, contribute to society, and make informed decisions about their lives.

Closing the gender gap in education contributes significantly to economic development. When girls have access to quality education, they are better equipped to enter the workforce, pursue higher-paying professions, and contribute to the economic growth of their communities and nations. This, in turn, helps break the cycle of poverty and fosters economic sustainability. Education is closely linked to improved health outcomes. Girls who receive quality education are more likely to make

informed choices about their health, including family planning and disease prevention. Educated women tend to have healthier families, reducing child mortality rates and fostering overall community well-being.

Equal access to quality education challenges traditional gender norms and stereotypes. By dismantling barriers to education, societies can move toward greater gender equality, fostering an environment where both men and women are valued for their abilities and contributions. Education is a cornerstone of civic engagement and political participation. When girls are educated, they are more likely to participate in the democratic process, advocate for their rights, and contribute to shaping the policies that affect their lives. This leads to more inclusive and representative governance structures.

Educated women are more likely to prioritize education for their own children, creating a positive cycle of knowledge and empowerment that extends across generations. Breaking the cycle of limited access to education for girls has a transformative impact on future families and communities. In an increasingly interconnected world, nations benefit from a well-educated and skilled workforce. Fostering equal opportunities for girls in education enhances a nation's global competitiveness by tapping into the full talent pool, fostering innovation, and contributing to advancements in various fields. Access to quality education is a fundamental human right. Promoting gender equality in education aligns with principles of social justice, ensuring that all individuals, regardless of gender, have equal opportunities to learn, grow, and fulfill their potential.

The figure (2) shows the dissimilarities of the responses from the participants to the questions of the survey. The largest percentage of participants, which was 52.30 percent, believed that the girls can completely exercise same quality of educational as the boys have. However, the lowest proportion of the respondents, 24.70%, represents those respondents who believe that girls do not enjoy equal quality of education as boys. Whereas, 43 percent of them believed that girls enjoy education is of equal quality to that of boys.

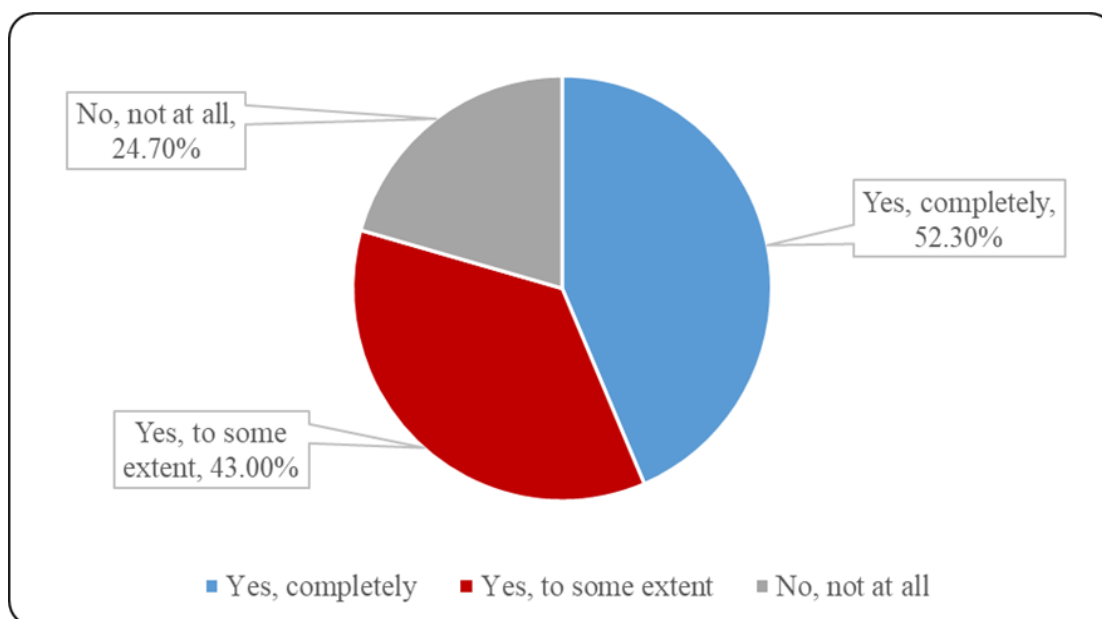


Figure 2: Do girls enjoy the same quality of education as boys?

5. CONCLUSION

It is doubtless that education plays the most important role in the progress of any society. Women and girls education influence the society in great many ways. To have a civilized and educated society requires to have educated mothers. The economy flourishes with participation of women in economic activities. The health of the nation also depend significantly on having educated mothers. Making education available without discrimination result in having women with strong personality and this reduces male propensity to violence. Educated women are also more likely to avert becoming victims of sex trafficking and domestic violence.

Education and quality of education as well as the opportunities offered to both sexes, we note that girls enrolment to schools from 1996 to 2016 is lower than that of boys. Even in regard to dropouts the ratio of girls is higher than that of boys. It can

be speculated that the reasons for having different ratios include forcing early marriage on girls, and preferring boys over girls which characteristic of the patriarchal custom and tradition. This means that families prefer investing boys' education rather than girls'. This discrimination against girls takes place even though the IK's Education Law make education compulsory from grade 1-9. However, KRG has not adopted any mechanisms to enforce the law. Another problem facing researchers in this field is the absence of studies that should reveal the reasons for higher percentage of failure to enrol and dropout for girls compared with boys. However, we believe that the male domination and the influence of custom and tradition which even overrule laws are behind these problems.

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