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Miriam Puttick

The Lost Women of Iraq: Family-based violence during armed conflict

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Cover photo:
Kurdish women and men protesting
against violence against women
march in Sulaymaniyah, Iraq,
November 2008.

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Images

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Introduction

Against the backdrop of armed conflict and spiralling sectarian violence that have marked Iraq in recent decades, another type of violence goes largely unseen. Within the bounds of the domestic sphere, Iraq's women have paid a heavy price for the breakdown of law and order in society at large. Violence and insecurity have spilled over into the home and, when coupled with the economic desperation that grips many Iraqi families, have manifested themselves in attacks on women. While there has been increased international attention to gender-based violence as an intrinsic feature of Iraq's conflict, the family remains the number one perpetrator of violence against women in Iraq.

Violence against women in the domestic sphere is an issue that precedes the conflict but, at the same time, it is integrally and undeniably connected to the conflict. Since the First Gulf War, Iraq has seen an increase in certain types of violence that are otherwise on the decline in neighbouring countries of the region. With the economic crisis brought on by that war and the ensuing sanctions, many families began forcing their underage daughters into marriage. At the same time, the revival of tribal customs encouraged by then-president Saddam Hussein saw certain misogynist practices, such as 'honour' killings, newly legitimized. With the 2003 US-led invasion, women's rights experienced another setback. The breakdown of law and order and eruption of sectarian violence spurred by the invasion led to a further militarization of Iraqi society as well as a strengthening of patriarchal religious attitudes. As a result, violence inside the home increased along with violence in the street.

According to a 2013 study by the Thomson Reuters Foundation on women's rights in 22 Arab states, Iraq was ranked the worst Arab country for women in the category 'women in society' and the second-worst country for women overall.¹ Attempts to seek redress in cases of violence against women are undermined by a weak and ineffective judicial system and outdated laws that excuse or legitimize attacks against women. When such cases are brought before the court, perpetrators are often acquitted or given very mild sentences for grievous crimes against women, even in the face of clear evidence.

However, the large majority of cases never make it before the judicial system. In Iraq, violence against women in the home is considered a private matter and strong cultural taboos prevent victims from speaking out. Police responsible for receiving reports of violence against women often sym-

pathize with male family members and are unable or unwilling to protect female victims from further attacks. These factors combine to act as a strong deterrent for women to report incidents of violence. Even in the Kurdistan region, where laws against domestic violence exist, violations against women continue to go under-reported and unprosecuted in large numbers.

The ongoing military campaign against the Islamic State of Iraq and Al-Shams (ISIS) has allowed the government of Iraq to continue to ignore the state of women's rights in the country in the face of an existential security crisis. However, improving respect for women's rights cannot be postponed until the conflict is over. It must be a priority and an integral part of the new government's agenda. The federal government of Iraq, as well as the Kurdistan Regional Government (KRG), must take concrete measures to end the legal impunity of perpetrators of violence against women and make desperately needed reforms in the legal, judicial, security and cultural spheres to ensure that victims of violence do not continue to suffer in silence.

This report covers forms of violence against women in Iraq which are primarily perpetrated by family members, including domestic abuse, forced and underage marriages, so-called 'honour' crimes, and female genital mutilation (FGM). It is a sequel to a previous Ceasefire/MRG report covering violence against women in connection with the armed conflict and therefore does not address forms of violence perpetrated directly by security forces, militias or other armed groups. The report begins with an overview of the legal environment surrounding domestic violence across Iraq before addressing

each manifestation of violence in more detail. It ends with a series of recommendations directed to the federal government of Iraq, the KRG and the international community in order to address the rising phenomenon of violence against women.

Methodology

This report was a collaborative undertaking between the Ceasefire Project at Minority Rights Group International (MRG), and ASUDA Organization for Combating Violence against Women in Iraq. The report uses both primary and secondary research methods. Extensive secondary research drew on multiple sources, including the English- and Arabic-language media, reports published by Iraqi civil society groups and studies conducted by international human rights organizations and UN bodies.

ASUDA was responsible for the primary data collection that forms the backbone of this report, employing a team of seven researchers spread across seven Iraqi cities: Baghdad, Mosul, Basra, Kirkuk, Erbil, Dohuk and Sulaymaniyah. Following the entry of ISIS² into Mosul in June 2014, ASUDA was forced to suspend its research activities in this city indefinitely, but continued its work in the other Iraqi governorates.

ASUDA's researchers gathered testimonies by conducting face-to-face interviews with both direct victims of violence and witnesses to cases of violence, using a standardized interview form developed jointly by MRG/Ceasefire and ASUDA. Interviews with the victims themselves took place at ASUDA's

own premises, or at the premises of other women's organizations that agreed to cooperate. Interviews with witnesses, including hospital staff, lawyers and staff at women's organizations, government officials and staff of the General Directorate to Combat Violence against Women in the Kurdistan region, generally took place at their place of work. In some cases, interviews were conducted over the phone for the purpose of preserving the anonymity of the interviewee.

Between February 2014 and May 2015, ASUDA's researchers gathered a total of 1,709 testimonies. Of these testimonies, 1,249 qualify as cases of domestic violence (including forced and early marriage, 'honour' violence and some cases of FGM.) The vast majority of interviewees reported instances of violence that were either ongoing or had taken place within the previous two years. A small number of interviewees reported instances of violence that had taken place further in the past.

Interviews with victims and witnesses were carried out in Arabic and/or Kurdish and all testimonies translated into English. The anonymity of all victims was preserved throughout all stages of research and all victims' names used in this report have been changed.

Legal and policy framework

Iraq is party to the major international human rights instruments addressing women's rights and in some ways its constitutional and domestic legal framework is considered a model for the region. However, Iraq's commitments to protecting women's rights are undermined by some laws still in place that sanction or excuse particular forms of violence against women, and by the lack of specific laws to address other forms of violence. Even where laws do exist, crimes against women are grossly under-reported and under-prioritized in the judicial system, leading to very low levels of prosecution. The KRG has taken proactive steps to address violence against women in recent years, most notably by passing Law No. 8 on domestic violence in 2011. However, lack of implementation and awareness of the law remains a major challenge to effectively curtailing continuing high

levels violence against women, and gaps in legislation remain, allowing some forms of violence to go unprosecuted.

International agreements

Iraq acceded to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1986. CEDAW is a comprehensive document that requires states parties to undertake measures to eliminate discrimination against women in the political, economic, social and cultural spheres. However, Iraq entered reservations to Articles 2 (f) and (g) of CEDAW, which call for states parties to abolish laws which discriminate against women, as well as Articles 9 (1) and (2) on the right of mothers to pass their citizenship on to their children, Article 16 on equality in marriage and family relations, and Article 29 (1) on referring disputes to the International Court of Justice. In 2011, Iraq lifted its reservation to Article 9, thereby allowing both mothers and fathers to pass their citizenship onto their children. The other reservations remain in place, however. The Committee on the Elimination of Discrimination against Women considers that Articles 2 and 16 are core provisions of CEDAW. Article 2 is 'central to the object and purpose of the convention', while reservations to Article 16 are 'incompatible with the Convention and therefore impermissible'.³ Iraq's continuing reservations to these two articles call into question its commitment to implementing the principles of CEDAW. Furthermore, Iraq has still not ratified the Optional Protocol to CEDAW, which establishes an international mechanism for hearing individual complaints under the convention.

Iraq is also party to the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Rights of the Child (CRC). Both of these treaties prohibit discrimination on the basis of sex and contain other provisions relevant to the rights of women and girls. For example Article 23 of the ICCPR provides that 'no marriage shall be entered into without the free and full consent of the intending spouses', while Article 19 of the CRC requires states parties 'to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse'.

The Iraqi Constitution

Iraq's 2005 Constitution, while providing citizens with a broad set of rights, including specific provisions that protect women from violence, also contains several contradictory provisions that could detract from these rights, depending on how they are interpreted. Moreover, provisions of the Constitution are often at odds with existing legislation that continues to restrict women's rights in practice.

Article 14 of the Constitution provides that 'Iraqis are equal before the law without discrimination based on gender, race, ethnicity, nationality, origin, colour, religion, sect, belief or opinion, or economic or social status', while Article 15 guarantees 'the right to enjoy life, security and liberty'. Article 19 (2) states that 'there is no crime or punishment except by law', which, in theory, should prohibit forms of extrajudicial punishment of women, such as 'honour' violence. Furthermore, Article 29 (4) prohibits 'all forms of violence and abuse in the family, school, and society'.

However, the effect of these provisions is limited or potentially contradicted by other provisions in the Constitution, such as Article 2, which states, 'No law may be enacted that contradicts the established provisions of Islam.' The same article simultaneously states that laws may not be enacted that contradict the principles of democracy or the rights and basic freedoms stipulated in the Constitution. This article is problematic because it is not clear who has the authority to interpret Islam.⁴ For example, some clerics hold the view that husbands have the right to discipline their wives or that Islam does not set a minimum age for marriage, and therefore object to the passage of laws that criminalize domestic violence or child marriage. Moreover, it is not clear what the appropriate course of action should be if the provisions of Islam appear to contradict with the rights and freedoms guaranteed in the Constitution or vice versa. In practice, there are laws in place which agree with constitutional rights and freedoms but are seen as contradicting Islam, or that follow Islamic jurisprudence but contradict constitutional rights.

Another problematic provision is Article 41, which states that 'Iraqis are free in their commitment to their personal status according to their religions, sects, beliefs, or choices, and this shall be regulated

by law.' This provision provides a legal basis for the establishment of a system of separate sectarian personal status laws, which would allow Iraqis to be judged according to different standards and could also allow religious laws to be enforced that might contradict the rights and freedoms stipulated in the Constitution. An illustration of the dangers of this provision is the draft Jaafari Personal Status Law (discussed below), which, if it had been approved, would have applied to the country's Shi'a population and severely circumscribed women's rights in marriage and divorce.

The Iraqi Penal Code No. 111 of 1969

Despite Iraq's legal obligations to establish equality between men and women as enshrined in international conventions and the Iraqi Constitution, the Iraqi Penal Code of 1969, which contains provisions that openly discriminate between men and women, remains in force. The Penal Code, when read together with the Revolutionary Command Council Orders that modified or expanded it, effectively excuses or legitimizes certain forms of violence against women, including domestic violence. Moreover, it allows perpetrators to receive mitigated sentences for egregious crimes against women, such as 'honour' killings.

Article 41 of the Penal Code considers 'the punishment of a wife by her husband ... within certain limits prescribed by law or by custom' to be a 'legal right' and therefore not a criminal act. This provision essentially legalizes domestic violence, in contradiction to Article 29 of the Constitution. The limits to this 'punishment' are very vaguely defined, which could legitimize a whole spectrum of types of abuse of varying severity.

Furthermore, Article 128 states that if an offence is committed over an issue of 'honour', or in response to provocation from the victim, then this constitutes grounds for mitigation. When a mitigating excuse exists for an offence, the applicable penalty is greatly reduced, as per Article 130. The death penalty is reduced to a sentence of no less than one year of imprisonment, and a lifetime imprisonment sentence is reduced to a sentence of no less than six months. A Revolutionary Command Council Order passed in 2001 further expanded the Penal Code's provisions on honourable motives, by considering it a mitigating factor 'if a man kills

his wife or *maharem* [female kin by blood or marriage] for honour reasons, or if one of the relatives of the deceased woman killed the one who imputed dishonour ...' However, if a person takes revenge against the perpetrator of an honour killing, that person is punishable by execution. Since 'honourable motives' are not defined, these articles of the Penal Code and the Revolutionary Command Council order provide a legal cover for murder and other serious crimes against women on a wide variety of grounds, and allow perpetrators of such crimes to receive greatly reduced sentences.

The Penal Code's provisions on adultery also discriminate against women and provide further excuses for men who commit acts of violence against their wives. Article 377 considers adultery a punishable offence, but stipulates different penalties for men and women. Men can be detained for adultery only if the act takes place in the conjugal home, whereas women can be punished for adultery no matter where the act takes place. Furthermore, Article 378 allows a husband to bring an action against his wife for adultery up to four months after divorce, while there is no mention of the right of a wife to bring an accusation against her husband after divorce. Even more seriously, Article 409 provides that if a man catches his wife or girlfriend in the act of adultery and then murders or permanently disables her or her partner, he is eligible for a reduced sentence of no more than three years in prison. There are no similar provisions allowing women reduced sentences for killing their adulterous husbands.

Another highly problematic part of the Penal Code is Article 398, which allows perpetrators of sexual assault to evade punishment by marrying their victims. Since the same article states that legal proceedings will be re-initiated if the husband divorces the victim within three years, this provision has the effect of forcing victims of rape into marriage with their rapists for a period of three years or more. In the absence of any provisions to the contrary, the Penal Code also appears to endorse this solution in the case of victims under the age of 18.

The Iraqi Personal Status Code No. 188 of 1959

Iraq's Personal Status Code was considered progressive when it was enacted in 1959 due to the fact

that it diverged from religious law in some areas and granted women expanded rights in matters such as marriage, child custody and inheritance. Article 3 (4) of the Personal Status Code prohibits polygamy except with the authorization of a judge, and requires the husband to prove his financial capability as well as a legitimate reason for taking an additional wife. Article 7 sets the minimum age of marriage at 18, though Article 8 permits marriage at the age of 15 with the consent of a legal guardian and a judge and providing that physical ability can be established. Article 9 prohibits forced marriage by both relatives and non-relatives. Article 57 gives preference to mothers receiving custody of the child or children in cases of divorce, provided that the mother is of sound mind and capable of raising the child, and allows the child to choose which parent to live with upon reaching the age of 15.

Nonetheless, the Personal Status Code still contains some provisions that disadvantage women or prevent victims of violence from accessing justice. Forced marriages are only voided automatically if they have not been consummated, leaving victims of forced marriages that have been consummated to pursue legal proceedings in order to obtain a divorce. The Personal Status Code also differentiates between men and women in terms of the right to divorce. A man can divorce his wife for any reason by pronouncing three repudiations, whereas the wife can only ask for separation in a fixed number of circumstances, such as the husband's infidelity, his taking another wife without permission, or abstaining from spending money on the wife. These provisions make it more difficult for women to end marriages than men, while leaving women vulnerable to being divorced against their wishes.⁵

The Jaafari draft law

On 25 February 2014, Iraq's Council of Ministers approved a draft Jaafari Personal Status Law, which was then submitted to parliament for the next stage of approval. The draft law would have applied to the country's Shi'a population in personal status matters and was based on the Jaafari school of jurisprudence. The draft law was harshly criticized by rights groups because of its potential to institutionalize sectarian differences, and also because it contained highly problematic provisions regarding the rights of women and girls. The law lowered the minimum marriage age to nine for girls and

even opened up the possibility of marriage of girls younger than nine with parental consent. The law also considered that husbands provide sustenance to their wives in exchange for sexual pleasure, denying wives the right to refuse their husbands' sexual advances and thereby legalizing marital rape. Furthermore, women were forbidden from leaving the house without their husband's permission and custody of children over two years of age was automatically granted to the father in the case of divorce. While the draft law was ultimately dropped, it is symptomatic of a dangerous political climate in which women's rights can easily be curtailed in deference to sectarian interests.

Policy agenda

In 2003, the State Ministry of Women's Affairs was formed and tasked with the responsibility of reviewing laws that discriminate against women. However, the ministry's work was hampered by its lack of a ministerial portfolio and independent budget, and limited staff.⁶ On several occasions, the ministry indicated that it was preparing a draft law on domestic violence to be presented in parliament, but such attempts were thwarted by the lack of political will, the sensitivity of the issue and resistance from religious parties. As a result, Iraq still does not have specific legislation to address domestic violence, 'honour' violence, FGM and other forms of violence against women. In August 2015, Prime Minister Haidar Al-Abadi announced that the Ministry of Women's Affairs would be dissolved along with several other ministries, including the Ministry of Human Rights, as part of a government effort to curb public spending. As a result, there is currently no body in the Iraqi government responsible for women's rights.

Since 2007, the government has established Family Protection Units in each governorate responsible for receiving complaints of violence from women and children. Although the units play an important role in collecting data about incidents of violence, their ability to protect women and children is limited. The government does not run any shelter facilities for women and children fleeing violence. In March 2013, the Council of Ministers endorsed a National Strategy on Combating Violence against Women. The strategy includes among its aims reforming existing legislation on violence against women, passing a family protection law, strength-

ening the role of the Family Protection Units, establishing shelters and family courts, and increasing services available to victims of violence.

The Kurdistan Regional Government

After the establishment of autonomy, the KRG suspended several laws in force in Iraq that discriminated against women. In 2001, Article 377 of the Penal Code was amended to hold men and women equally responsible for the committing of adultery, while in 2004 a law was passed prohibiting mitigated sentences for perpetrators of 'honour' crimes. The KRG has since made significant progress in addressing violence at the level of legislation and policy. In 2007, the government established the High Commission on Violence against Women and the General Directorate to Combat Violence against Women as a division of the Ministry of the Interior. Directorates were also set up in each Kurdish governorate to receive complaints and collect data about violence against women.

The Domestic Violence Act No. 8 of 2011

In 2011, the Kurdish parliament passed a long-awaited law against domestic violence, considered as a significant advancement for women's rights in the region and providing a legal basis for a wide variety of violent acts to be prosecuted as criminal offences. The law defines domestic violence as 'any act, statement, threat or omission committed on the basis of gender by one member of the family against another member up to the fourth degree that results in physical, psychological, sexual or economic harm or deprivation of rights'. Moreover, the law is relatively comprehensive in its list of offences which constitute domestic violence, which includes forced marriage, marriage of minors, FGM, forcing family members to leave employment, suicide due to domestic violence, battering children and family members, assaulting, cursing or insulting family members, putting psychological pressure on family members, forced sexual intercourse between a husband and wife, among others. The law also calls for the establishment of specialized courts to deal with domestic violence cases, as well as a special division of the police force staffed principally by women. The law further tasks the Ministry of Labour and Social Affairs with the responsibility of providing shelter for victims of domestic violence.

Since the passage of the law, the Kurdish government has also developed a Strategy for the Development of Women's Status in the Kurdistan Region (2013–19) and a National Strategy to Confront Violence against Women in Kurdistan (2012–16). The

strategies include plans for legal reform, awareness campaigns, protection programmes and provision of health and psychosocial support services for victims of violence.

1 Family-based violence

Years of conflict have taken a serious toll on domestic life in Iraq. A number of factors – including the overall climate of violence, deteriorating economic circumstances, the resurgence of tribalism and the militarization of society – have translated into high levels of violence perpetrated within the home.⁷

Saleha works as a teacher. After she got married, she was exposed to her husband's abuse. Her husband used to beat her in the house, the street, and in her workplace in front of her colleagues. Every time her husband beat her, Saleha would take the children and go to her parents' house and stay there for a while. Her husband would come to return her and, a few days later, he would start beating her again. (Saleha, 43 years old, Baghdad)

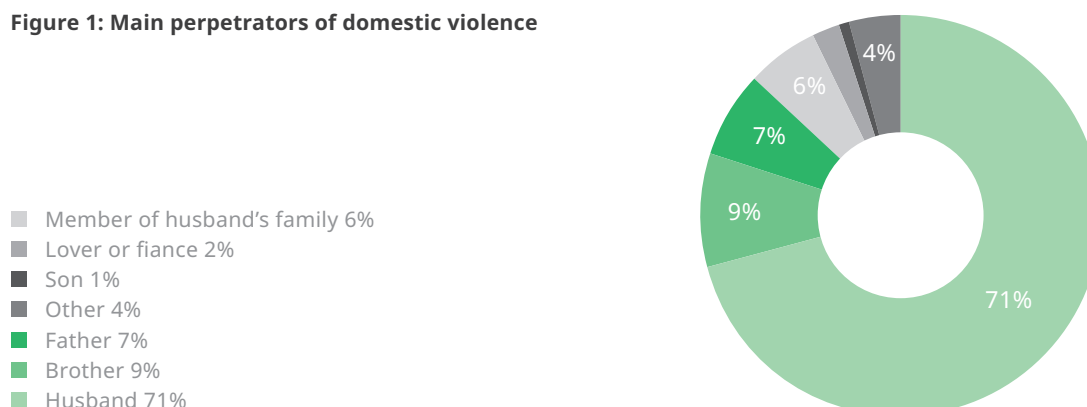
Many activists agree that family-based violence has risen dramatically in recent years in connection with the conflict.⁸ Making matters worse, the most recent wave of displacement and loss, and accompanying economic hardship, has increased the vulnerability of displaced women to domestic violence.⁹

Leyla's husband assaults her and hits her. He incites the children to give her knives or fire to burn and kill herself so they can get rid of her. She is asking for divorce for the safety of her children and to protect them from their father. (Leyla, 38 years old, Kirkuk)

The most comprehensive recent statistics on family-based violence are provided by the 2011 Iraq Women Integrated

Social and Health Survey (I-WISH), which covered all the governorates of Iraq, including the Kurdish governorates. According to the results of the survey, 46 per cent of girls aged 10–14 reported they had been exposed to violence or humiliation by a family member in the past month. Among married women aged 15–54 years, 44.5 per cent had been subject to emotional violence by their spouses within the previous year, 5.5 per cent to physical violence, and 9.3 per cent to sexual violence. Moreover, 73 per cent of women reported that husbands are always or sometimes the source of violence against women, followed by fathers (57.2 per cent). When asked about the places where women are most vulnerable to violence, the home topped the list of most likely places (64 per cent), followed by the street and public places.¹⁰

Between February 2014 and May 2015, MRG's partner organization, ASUDA, obtained details of 1,249 cases of domestic violence across seven Iraqi cities. Out of the cases of domestic violence in which the identity of the perpetrator was disclosed (1,088 cases), the husband was by far the most common perpetrator of violence, representing 71 per cent of cases, followed by the brother (9 per cent), the father (7 per cent) and other perpetrators (Figure 1).

Figure 1: Main perpetrators of domestic violence

The types of violence reported included numerous forms of physical, verbal, emotional, economic and sexual abuse. ASUDA's researchers also uncovered numerous cases of forced and early marriage, 'honour' violence, and FGM (these particular forms of violence are discussed separately in subsequent chapters).

The most common form of domestic violence reported was verbal or emotional abuse, which 637 women experienced (51 per cent of all cases). The dominant forms of verbal abuse were insults and humiliation, which sometimes took place in front of the woman's relatives or peers. Threats were another form of verbal or emotional abuse. These included the threat of killing, divorce, or taking away the children.

Hibah suffers from all types of violence from her husband on a daily basis. He doesn't even call her by her name, but instead calls her 'animal'. On top of this, he doesn't work. She is in a poor psychological state. (Hibah, 30 years old, Baghdad)

A total of 517 women reported being subjected to physical violence, representing 41 per cent of all cases. Cases of physical abuse most commonly involved beating, sometimes involving the use of household objects to strike the victim. In seven cases, women who were pregnant were beaten severely, leading to termination of the pregnancy.

Sana's husband beat her and burned her by throwing a boiling teapot at her. Her body was burned and she was moved to the hospital. (Sana, 26 years old, Baghdad)

Yusra's husband is temperamental and threatens to kill her. He gives her screwdrivers or the gas tank in order to kill herself, and hits her and insults her in front of her children. Her children are suffering from psychological problems because of this. (Yusra, 38 years old, Kirkuk)

Amal's husband wanted to discipline her for leaving the house without his permission. He beat her severely and chained her hands to the fan in their room then left her chained there for several hours. He started beating her while she was hanging from the fan. She begged him to stop, but he did not listen. (Amal, 28 years old, Baghdad)

In 62 cases (5 per cent), women were forcibly thrown out of their homes:

Najla suffered from her husband's beating, abuse, insults, and violence for 10 years. Her husband used to beat her in front of her children and throw her outside of the house at night in her sleeping gown. She would stay at the neighbours' place until the morning and then go to the hospital for medical treatment. (Najla, 32 years old, Baghdad)

A large number of cases were characterized by a combination of both physical and verbal abuse (458 cases, 37 per cent).

Lamya's husband beats her with any kitchen utensils he lays his hands on. She has been bearing his mistreatment, insults and beating for seven years on a daily basis. Now, he is threatening to take another wife. (Lamya, 34 years old, Baghdad)

In addition, ASUDA's researchers uncovered 39 cases of sexual abuse, including violations such as marital rape, incest, sexual harassment, and even forced prostitution.

Hind's husband considers her as an enemy. When he comes back home, he has sex with her and then starts to hit her as much as he can for no reason. She wants a divorce, but her family doesn't allow that. (Hind, 24 years old, Mosul)

Muna was exposed to harassment from her uncle. When her father found out, he threw the uncle out of the house and rebuked her. He forced her to leave her studies and took away her freedom. (Muna, 16 years old, Basra)

Another common pattern that emerged in the data was economic deprivation as a tool of domestic violence (183 cases, 15 per cent). In such cases, the husband refrained from spending on the wife and children, thereby preventing them from meeting their basic needs. In other cases, it was reported that the husband refused to work, instead forcing the children or the wife to work and, in some cases, taking their earnings by force. Theft of a woman's earnings or other property was reported in 58 cases (5 per cent).

Kholoud's husband always hits her because he is addicted to pills. He does not work and most of the time he is passed out. She is forced to bake for the neighbours in order to earn enough to feed the children. He hits her and takes the money in order to buy pills. (Kholoud, 30 years old, Baghdad)

Control over a woman's movement was another recurring characteristic of domestic violence. In 29 cases (2 per cent), women were prevented by their abusers from going out or from visiting family members.

Shaimaa's uncle and mother-in-law encourage her husband to hit her and prevent her from going to see her sick mother. As a result, she didn't see her mother for seven months. They also prevent her from visiting the gynaecologist, even if she has health problems. (Shaimaa, 18 years old, Baghdad)

Reem's husband beat her severely and shaved all her hair because he returned from work and did not find her at home. (Reem, 55 years old, Baghdad)

Maisa has been exposed to beating at her husband's hands since the beginning of their marriage. Her husband used to hold her head and hair and beat her against the wall. On top of that, he isolated her inside the house like a prisoner and prevented her from any sort of communication with her family. (Maisa, 30 years old, Baghdad)

In addition, 69 cases of domestic violence (5 per cent) involved preventing the woman or girl from completing her education, while a further 32 cases (3 per cent) involved preventing the woman from working. Early withdrawal from education was a common scenario in cases of forced or early marriage (discussed later), but in other cases, sisters and daughters were forced to stop attending school in order to serve or take care of family members. In some cases, male family members also forced their female relatives to withdraw from school or university after seeing them speaking with male colleagues or suspecting them of having relationships. Women who had previously been working were often forced to leave their jobs upon marriage, or sometimes after divorce.

Abir is suffering from her brothers' mistreatment. They prevented her from entering university and completing her studies, and forced her to stay home and serve them, even though they are all married. When any man proposes to her, he is faced with rejection from her brothers. (Abir, 27 years old, Baghdad)

Samar is exposed to violence at the hands of her brother, who hits her for the simplest and most insignificant reasons. He forced her to leave her studies and hit her with an iron on her head because she did not iron his shirt for him. (Samar, 25 years old, Baghdad)

Despite the widespread prevalence of domestic violence, most victims do not report their experiences to any authority. The dominant culture in Iraq views domestic violence as a private matter within the family, and even a legitimate part of married life. According to the I-WISH report 49.8 per cent of Iraqi men believe they have the right to beat their wives if they leave the home without permission, while 56.4 per cent believe they have the right to beat their wife if she disobeys them.¹¹ Women surveyed displayed similar attitudes, with 51 per cent of females aged 15–49 believing that the

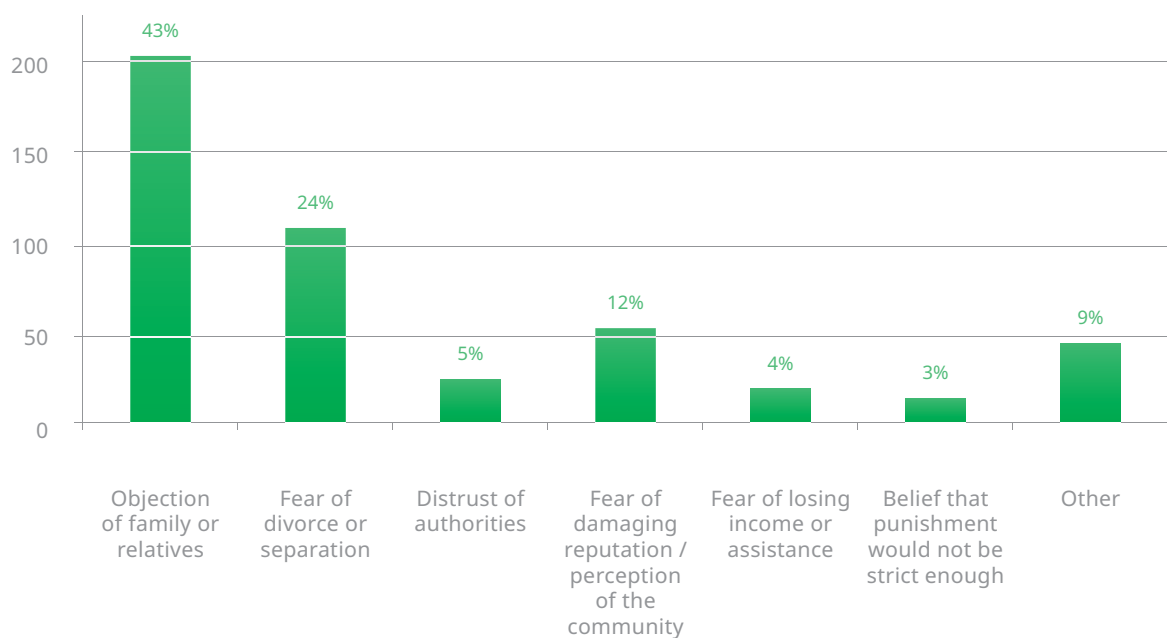
husband has the right to beat his wife under certain circumstances.¹²

These cultural norms discourage women from reporting domestic violence to the authorities. According to the I-WISH report, only 2.8 per cent of Iraqi women indicated they would go to the police at the first instance if they experienced violence. ASUDA's researchers asked the women they interviewed whether they had filed a report with the police following their experience of domestic violence. Out of the 1,009 interviewees who responded to this question, only 405 (40.1 per cent) filed a police report, while 604 (59.9 per cent) did not report incidents to the police. This figure probably represents a large overestimation of the total percentage of domestic violence victims who report to the police, since many of the women interviewed by ASUDA had already left their homes and sought help from non-governmental organizations (NGOs), and these women are much more likely to engage with the police and judicial authorities. Meanwhile, a much larger subset of women are exposed to violence at home but do not report their experiences, either to NGOs or to the police.

ASUDA asked interviewees who did not file a police report about their reasons for not doing so (Figure 2). The most common reason cited by women for not going to the police was objection from their families and relatives (43 per cent). Other commonly cited reasons included fear of divorce or separation (24 per cent), fear of damaging their reputation/the perception of the community (12 per cent), distrust of authorities (5 per cent), fear of losing income or assistance (4 per cent) and the belief that punishment would not be strict enough (3 per cent).

Pervasive patriarchal attitudes in the security and judicial authorities mean that complaints lodged by women are often not taken seriously, and police are reluctant to treat such complaints as criminal matters.¹³ Court proceedings are also often biased towards men. One women's rights activist recounts the case of a woman who was beaten by her husband and took the matter to court. The woman's husband convinced the judge that she had kidnapped him and forced him to marry her, despite the lack of evidence, and the woman was eventually imprisoned, fined a sum of 500,000 dinars, and forced to give up her rights.¹⁴

Figure 2: Reasons for not reporting to the police



In addition to the indifference of police and judicial authorities towards violence against women, a variety of other factors prevent women from leaving abusive relationships. The Personal Status Law makes divorce considerably more difficult for women to initiate than men, requiring women to prove to the court that the husband has failed to meet one of a fixed number of specific conditions, whereas men effectively possess a right to unilateral divorce without having to provide grounds to the court. In a society where divorce is highly stigmatized, many women stay in abusive relationships in order to avoid rejection and the threat of even further violence from family and community members.¹⁵ In some cases reported to ASUDA, the stigma attached to divorce was so high that even women in extremely abusive marriages were forced by their families to return to their husbands:

Safiyya's husband used to beat her every day, so she ran away and went to her mother's house. Her mother demanded that she return to her husband. Although Safiyya told her mother about how her husband was abusing and beating her, her mother responded by saying that 'We do not have girls who get divorced.' Safiyya returned to her husband, humiliated. He beat her and threatened to kill her if she ever asked for a divorce again. (Safiyya, 31 years old, Baghdad)

Divorced women who return to live with their families are often subject to further types of abuse and stigma due to their status as divorced women:

Lubna got divorced due to problems and bad treatment and returned to her family's house. She was forced to leave her children with their father because her family refused to receive them. She suffers from bad treatment from her brothers, who prevent her from going out and living a normal life because she is divorced. Her psychological state deteriorated and she experienced a bout of hysteria. She was hospitalized and given sedatives. (Lubna, 32 years old, Baghdad)

Nevertheless, a total of 247 cases of domestic violence reported to ASUDA (19.8 per cent) ended in divorce. However, divorce did not bring an end to the women's problems. In a large number of cases, women were intimidated by their husbands into giving up their legal rights, such as support payments or child custody, in order to finalize the divorce. In

other cases, husbands unilaterally divorced their wives, sometimes without their knowledge, and often *in absentia*, giving women little control over the consequent arrangements. In 47 cases reported to ASUDA, women had their children forcibly taken away from them, either by their husband or his family, and were prevented from seeing them. This was a major source of trauma and psychological suffering for the women involved.

Manal's husband divorced her, took away her son, and prevented her from seeing him. As a result, she had a nervous breakdown. (Manal, 26 years old, Baghdad)

Salma's husband divorced her in absentia without any explanation. He travelled outside Iraq and left her children without any source of income. (Salma, 30 years old, Baghdad)

In addition, divorce places women in an economically vulnerable situation. Women often rely on their husbands as the sole breadwinner during marriage; it is difficult for them to find employment after divorce, due to the lack of employment opportunities for women and negative social perceptions of divorced women, which can leave them vulnerable to sexual harassment.¹⁶ Moreover, existing public structures are inadequate to support divorced and single women, especially those with children. Female-headed households are entitled to claim approximately 30,000 Iraqi dinars a month (the equivalent of US \$20) in benefits for each child, which, in the absence of government-provided housing benefits, is scarcely enough to live on. Furthermore, these funds are difficult to access due to complicated application procedures.¹⁷

It is important to note here that 68 cases of domestic violence reported by ASUDA involved suicide or attempted suicide by the victim. In most cases, suicide attempts appear to be closely related to the woman's experience of domestic violence. However, it is sometimes not clear to what extent a suicide was committed by the victim acting alone, or whether in some cases women were incited or even forced to commit suicide by their abusers.

Marwa was moved to the hospital because she attempted to commit suicide by burning herself. After her divorce she returned with her children to her family's house, where she suffers from her family's treatment because she is divorced. They prevent

her from going out and living her normal life, and her father is trying to force her to leave her children with their father, which she refuses to do. (Marwa, 30 years old, Baghdad)

Cases such as these are part of a larger trend of female self-immolation, a phenomenon that has affected Iraq for decades (see box).

The burnings of Iraqi women

One particularly shocking feature of family-based violence against women in Iraq is the prevalence of cases of women being burnt alive.

In just the first quarter of 2015, for the three governorates of Erbil, Dohuk and Sulaymaniyah, the General Directorate for Combating Violence against Women recorded 92 such cases, of which at least 54 proved fatal. Over a third of cases were recorded as 'self-burning'. Unusually for Iraq, a breakdown of causes was recorded for this period. For the self-burning cases, the causes given included family, social or psychological reasons, but the largest category was 'unknown'. For other instances of

immolation, 24 cases were ascribed to 'fate' (indicating accidents), eight cases to family or psychological reasons, while nearly half were again categorised as 'unknown'. The official figures for 2014 and 2015 to date indicate that there are over 300 cases a year in just these three governorates (see Table 1).

The circumstances surrounding many cases, the testimony of hospital staff and the use of immolation in 'honour' crimes cast serious doubt on the number of burning cases categorized as accidents. Activists also report that although some women may choose to kill themselves by self-immolation as a form of protest, in other cases they are forced to commit suicide and supplied with the means. Families may then report the death as an accident.

According to some estimates, approximately 10,000 women died as a result of self-burning in the Kurdistan region alone between the years of 1991 and 2010.¹⁸ Most cases of self-immolation are believed to be closely connected to women's experiences of violence and otherwise unhappy domestic situations. When divorce or leaving home are not socially acceptable options, many women feel that ending their lives is their only escape.¹⁹ However, due to fears of reprisal by their families, survivors of self-immolation often report to hospital staff that their burns were incurred as the result of an accident, leaving the staff members to surmise the true causes.²⁰ There is also the possibility that some cases of burning may actually have been murders disguised as accidents or suicide attempts.²¹

Response of the federal government of Iraq

Although the Iraqi Constitution prohibits 'all forms of violence and abuse in the family', there is as yet no legislation in place that specifically criminalizes domestic violence. The Penal Code effectively sanctions domestic violence by upholding the legal right of a husband to punish his wife. In general, domestic violence is seen as a private matter

in Iraq. Strong social taboos and family pressures prevent victims from speaking about abuse in the home and from reporting such instances to the authorities. Moreover, given the overall weakness of the judicial authorities and their low regard for female victims, women are unlikely to receive a helpful response even if they do report domestic violence.

Noor is married to her cousin who works as a police officer. Within a few months of marriage she was exposed to beating. Her hand is disabled and she lost her front teeth because of the severe beating.

She was pregnant when he divorced her and now he threatens her from time to time, warning her not to leave the house or remarry, otherwise he will take the daughter from her and not allow her to see her. (Noor, 38 years old, Basra)

In recent years, the Iraqi government has established Family Protection Units (FPUs) under the auspices of the Ministry of the Interior in each of the country's governorates. The FPUs are mandated to receive complaints from women and children about domestic violence and other abuses, conduct initial investigations, and refer the cases to the competent judicial authority when necessary.²² Between 2010 and November 2014, the FPUs recorded a total of 22,442 cases of family violence across the country.²³ The vast majority of these cases were assaults perpetrated by the husband against the wife. These numbers likely represent a very small proportion of the true number of domestic violence cases, due to under-reporting. The Personal Status Court in Maysan Governorate saw 8,646 cases of divorce due to domestic violence throughout 2013 and the first quarter of 2014, suggesting a much larger problem.²⁴

Huda's husband beat her until she was unconscious and she was moved to the hospital. She says she always avoids him as much as possible because when he gets angry he assaults her and the children to the point that the neighbours hear their screams and come to their rescue. This situation repeats itself more than once a week. (Huda, 31 years old, Baghdad)

In practice, the effectiveness of the FPUs in protecting women and children from violence is likely very limited. In the past, the United Nations Assistance Mission for Iraq (UNAMI) reported that the FPUs in Basra and Kirkuk were located in overcrowded premises on the second floor of regular police stations and lacked suitably qualified personnel. The Kirkuk FPU had no female staff in 2012, while the Basra FPU only employed women to frisk visitors and perform administrative duties.²⁵ The U.S. State Department reported in 2011 that the FPUs focused on family reconciliation rather than victim protection, and that hotlines directed victims straight to the male commander of the FPU.²⁶

Ghada was beaten by her husband in front of her three daughters. She suffered from a brain

haemorrhage and was taken to hospital. Her family informed the police to take action against her husband. Her husband kidnapped her three daughters and escaped. (Ghada, 30 years old, Baghdad)

Another major weakness in the government's response to domestic violence is the lack of shelters to house women and children who have fled their homes. The Iraqi government does not operate any shelters, and also refuses to grant permission to civil society organizations (CSOs) to operate their own shelters.²⁷ This has sometimes meant that women fleeing from violence have been housed in prisons alongside convicted criminals due to lack of alternatives.²⁸ A number of CSOs run shelters illegally.²⁹

Roqayyah was shocked by her husband's treatment of her after their marriage. Her husband does not know mercy and beats her for the most frivolous matters. He loses control and breaks everything in front of him and hits her with anything he finds in his hand. Once, he threw an ashtray at her, hitting her in the forehead. (Roqayyah, 22 years old, Baghdad)

In December 2014, the Iraqi government announced the launch of a national database to track cases of domestic and gender-based violence. In April 2015, the Directorate for Protecting Families and Children from Domestic Violence, under the Ministry of the Interior, established a hotline to provide legal guidance on domestic violence. However, there is still no legislation in place criminalizing domestic violence. The parliamentary Committee on Women and Children has announced that it is working on a draft law, but at the time of writing this had not been enacted.

Response of the Kurdistan Regional Government

Awaz suffers from multiple problems with her husband. He doesn't spend any money on her, and he even takes away the money that her family gives her for her own use. (Awaz, 45 years old, Sulaymaniyah)

Unlike in the rest of Iraq, in the Kurdistan region domestic violence is formally criminalized under the Domestic Violence Act of 2011. The Kurdish government also has a High Commission on Violence against Women, established in 2007, and a General Directorate to Combat Violence against Women under the supervision of the Ministry of the Interior. The General Directorate is composed of six directorates based in the areas of Erbil, Dohuk, Sulaymaniyah, Rabrin, Soran and Karmian, in addition to 29 offices in the sub-districts and seven branches in the refugee camps. The directorates are tasked with collecting data and statistics on cases of violence against women, following up on legal cases and increasing awareness of violence against women.³⁰ The KRG also runs shelters in each governorate for women fleeing violence. In July 2014, the government approved a new shelter policy setting minimum standards for all women's shelters operating in the region.³¹

Between January 2014 and June 2015, the General Directorate to Combat Violence against Women received 11,157 reports of violence against women

across all offices. This includes 7,192 reports for the year 2014 and 3,965 for the first six months of 2015. The total of 11,157 includes 66 cases of murder, 85 cases of suicide, 314 cases of burning, 160 cases of self-burning, 10,319 general complaints and 214 cases of sexual violence (Table 1). The classification used by the General Directorate raises a number of questions. It may be assumed that the 'Complaint' heading includes the bulk of cases of violent assault on women. However, the figures given for 'Murder' and 'Suicide' apparently do not include further cases of fatalities caused by immolation which are instead recorded under the headings of 'Burning' and 'Self-burning' (see box above).

The General Directorate has recorded an increasing number of cases of violence every year: whereas in 2010 and 2011 its offices received 4,282 and 4,084 reports respectively, this number increased to 4,693 in 2012 and 5,272 in 2013. The increasing numbers do not necessarily signify an increase in violence across these years, but more likely represent an increase in reporting or improvement in data collection.

Table 1: Reports of violence against women, January 2014–June 2015

Type of report	Murder	Suicide	Burning	Self-burning	Complaint	Sexual	Total
January 2014	1	2	19	7	424	14	467
February 2014	3	5	24	12	494	13	551
March 2014	5	3	19	7	537	13	584
April 2014	3	2	21	6	466	9	507
May 2014	3	2	14	13	612	9	653
June 2014	2	6	13	5	648	17	691
July 2014	3	6	16	3	515	8	551
August 2014	4	2	15	10	677	9	717
September 2014	3	5	21	7	732	13	781
October 2014	0	4	15	6	527	11	563
November 2014	3	4	6	12	541	11	577
December 2014	5	6	14	9	500	17	551
January 2015	5	4	16	11	507	11	554
February 2015	4	6	13	16	494	13	546
March 2015	5	6	29	7	552	17	616
April 2015	8	10	20	11	600	11	660
May 2015	3	7	18	11	792	11	842
June 2015	6	5	21	7	701	7	747
Total	66	85	314	160	10,319	214	11,157

Source: General Directorate to Combat Violence against Women, KRG.

Nevertheless, these figures are probably underestimates of the true scale of domestic violence in the region. Despite the existence of the Domestic Violence Law, women's lack of awareness of their legal rights remains a major issue, which leaves many cases unreported. In 2013, the Warvin Foundation, a Kurdish women's organization, conducted a study with 1,000 women on the Domestic Violence Law. The study revealed that 43 per cent of women were not aware of the existence of such a law, while a further 28 per cent knew that the law existed but were not familiar with any of its content. When asked whether women have benefited from the law, 42 per cent responded they had never seen any woman benefit from the law and a further 25 per cent had rarely seen women benefit from the law.³²

Viyan is an elementary school student. The school researcher learned that her brother was raping her. When they asked her, she said she was afraid to divulge the secret because she didn't want her father to separate from her mother. (Viyan, Sulaymaniyah)

Even where women are aware of the law and its contents, a number of additional factors combine to discourage women from reporting cases of abuse. As in the rest of Iraq, factors such as the shame associated with divorce and economic dependence on their partners may discourage women from speaking out against domestic violence. In fact, one of the weaknesses of the law is that only the victim can bring a suit to court. Many activists are in favour of introducing the possibility of public prosecution as a way of increasing the accountability of perpetrators of violence.³³

Bihar was divorced a few years ago. She now lives in her family's home, where she faces mistreatment, violence and insults. She wants to get married again, but her family doesn't agree. (Bihar, 20 years old, Sulaymaniyah)

Tara faces violence, mistreatment and beating from her husband. When she goes to her family's home, they tell her that they will not allow her to bring her children to live there. She doesn't want to live with her husband, but she doesn't know what to do because she cannot live without her children. (Tara, Sulaymaniyah)

When women do file complaints or bring cases to court, endemic problems in the police and justice system often lead to outcomes in favour of men. Police officers responsible for receiving complaints from women in the first instance often do not have the gender-sensitivity training needed to properly assess the situation, and write inadequate reports lacking important information.³⁴ The content of these reports affects the judge's evaluation and can lead to cases being dropped due to lack of evidence.³⁵

Soheila says that her husband constantly lies to her. One day, she discovered that he had stolen her gold two months earlier. When she confronted him about it, he took the children and left. He always uses their children as a bargaining chip to prevent her from getting a divorce. (Soheila, 42 years old, Sulaymaniyah)

Moreover, the justice process is prone to manipulation by powerful husbands and their families. With no victim or witness protection programmes in place, women are often harassed and threatened not to give evidence in the run-up to court procedures.³⁶ The Heartland Alliance has observed several cases in which husbands threatened to falsely accuse their wives of adultery in order to convince them to drop domestic violence charges, and other cases in which light sentences were handed out to husbands in cases of severe domestic violence, despite the existence of clear medical evidence.³⁷

Hawjin's husband is a gambler and an alcoholic. He tried to rape her daughter, so she took her daughter and left home. She is afraid of him because he has threatened to kill her if she sues him. She is asking for divorce. (Hawjin, 34 years old, Sulaymaniyah)

2

Forced and early marriage

While rates of early marriage have generally been declining across the Arab world, Iraq represents an exception to this trend and has instead witnessed an increase in rates of forced and early marriage.

Sumayyah did not complete her university education as her family forced her to marry a man 15 years older than her. After a while, her husband started to subject her to both physical and psychological violence. Sumayyah was not able to resort to her family because she was afraid that they would return her to him. She asked her husband for a divorce but he refused and later married a second wife. (Sumayyah, 26 years old, Baghdad)

According to the Population Reference Bureau, 25 per cent of Iraqi girls marry before the age of 18 while 6 per cent marry before they reach 15.³⁸ According to the former Minister of Planning, underage marriages represent 11 per cent of all marriages in Iraq.³⁹ Some sources put the figure as high as 20 or 30 per cent.⁴⁰

Between February 2014 and May 2015, ASUDA's researchers gathered details of a total of 111 cases of forced or early marriage in Iraq. The majority of the victims of such marriages (54 per cent) were either illiterate or had completed education only up to primary level (Figure 3).

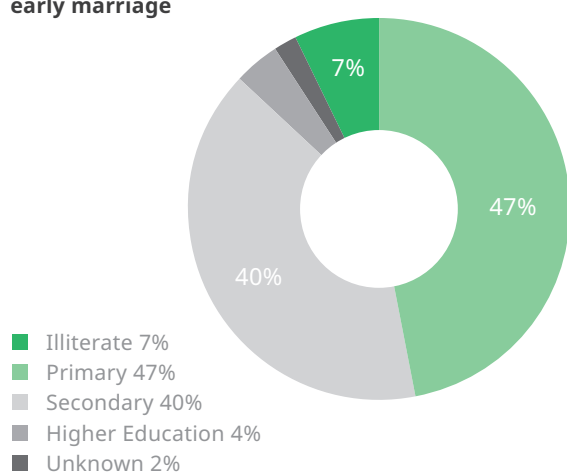
Forced and early marriages take place for a number of reasons. One is the continuing strength of tribal customs. Fathers often betroth their daughters to cousins or other tribe members from the time of birth, believing this leads to more stable marriages and a stronger tribe.⁴¹ According to the I-WISH sur-

vey, 16 per cent of men believe they have the right to force their daughters to marry against their wishes, while 33 per cent believe they have the right force their daughters to marry before the age of 18.⁴² Women are also sometimes forcibly married in tribal bride exchanges, where the father or brother of the woman marries her off to a man from another tribe in exchange for a bride of his choice from that tribe.⁴³ Customs, family culture or tribal traditions played a role in 85.6 per cent of the forced marriage cases collected by ASUDA for this report.

Maha was forcibly married to the brother of her brother's wife in a tribal arrangement. When her brother separated from his wife, she was forced to leave her husband and her family took her to their home. (Maha, 31 years old, Basra)

In cases of tribal feuds, especially involving murder, a woman from the killer's tribe is sometimes forcibly married to a member of the aggrieved tribe as a form of compensation. This practice is known as *fasliyya*, and although it may succeed in preventing further bloodshed between tribes, it forces the woman to pay a heavy price for the actions of one of her relatives.⁴⁴ Forced and underage marriages were once heavily penalized in Iraq, but Saddam Hussein's encouragement of tribal customs in the 1990s as a means of bolstering support have been blamed for the revival of these phenomena.⁴⁵

Figure 3: Educational level of victims of forced and early marriage



Economic incentives are another key driver of forced and early marriages. Since the 1990–91 Gulf War and ensuing sanctions, which led to a dramatic drop in living standards and spiralling poverty levels, parents began marrying off their daughters at an early age, both to decrease the burden of looking after them and also to receive dowry payments from the suitor.⁴⁶ Since 2003, years of violence and occupation have left many families without a breadwinner.⁴⁷ For some families, marrying off their daughters was sometimes the only way to secure a future for them. In other cases, parents found themselves forced to marry their daughters to wealthy or influential men in order to pay off debts.⁴⁸ Economic incentives played a role in 51.4 per cent of the forced marriage cases analysed for this report.

Karima's father forced her to marry one of her relatives because the relative had asked her father for an amount of money that he was not able to pay. The man asked for the daughter in marriage instead of the money, and the father agreed. The man was much older than her and married with grown-up children. (Karima, 24 years old, Baghdad)

Bushra's parents divorced, leading to her continually moving between her mother's house and the house of her father and stepmother. When she turned 19, her father forced her to marry her cousin to get rid of the responsibility. She knew that her cousin did not love her and that he too was forced to marry her. After they married, her husband abused, mistreated, and beat her. Even after she gave birth to their baby, he continued to mistreat her and later abandoned her. (Bushra, 25 years old, Baghdad)

The sectarianism of the post-2003 landscape also played a role in increasing the frequency of forced and early marriages. While young Iraqis may have had relationships with members of other sects in the past, after 2003 they were increasingly forced to marry within their own sect against their wishes.⁴⁹ In Kirkuk, a city rife with ethnic divisions, parents often marry their children off early to prevent them from becoming involved in inter-ethnic relationships.⁵⁰ Although ASUDA did not come across any cases of women forced to marry for sectarian reasons, the data included several cases in which couples were forced into divorce by family members following the US invasion, usually because one spouse was Sunni and the other Shi'a.

Early marriage has severe consequences for girls (Figure 4). In the first place, it often results in an end to the girl's education.⁵¹ In 80.2 per cent of the forced marriage cases analysed for this report, girls were either forced to leave their studies in order to get married, or prevented from completing their education after marriage.

Amira was expelled from school and forced into marriage because of her family's economic situation. She divorced after one year because of the husband's mistreatment and beating, which caused her to miscarry twice. (Amira, 25 years old, Baghdad)

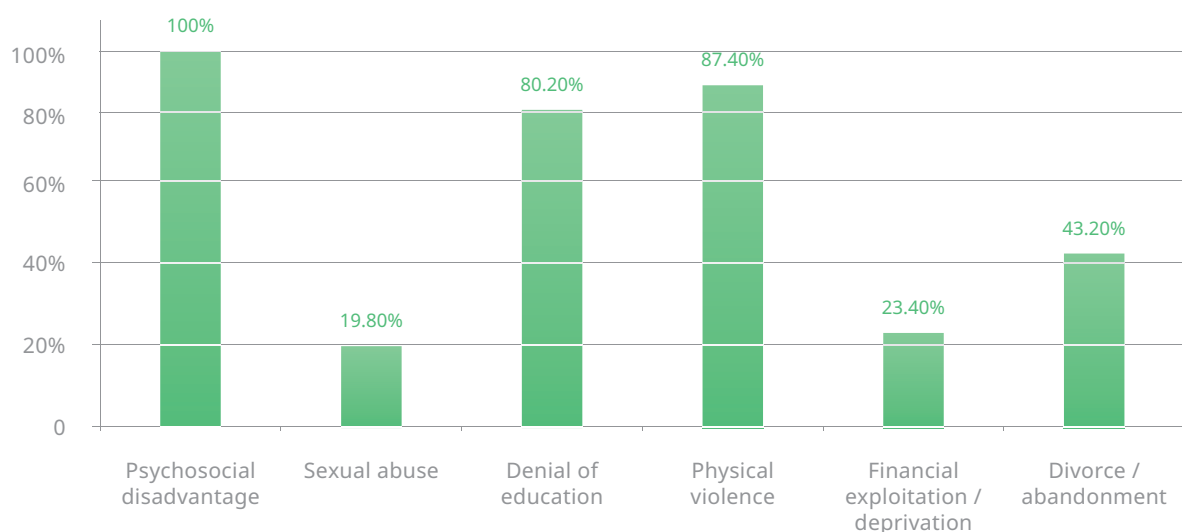
Girls who marry young are also much more likely to be subjected to domestic violence than girls who marry after reaching the legal age.⁵² A full 87.4 per cent of forced marriage cases analysed for this report involved physical violence, while 19.8 per cent involved some form of sexual abuse. In addition, 23.4 per cent of cases involved financial exploitation or deprivation.

Duaa was forced to marry a man 45 years older than her. She was exposed to constant violence from his first wife, and he abandoned her for five years. (Duaa, 40 years old, Basra)

Zainab's family forced her to marry her cousin after she left her studies. Following their marriage, Zainab was shocked by his mistreatment and continual beating for the most trivial matters. He would also force her to have sex with him and when she refused, he used to beat her. Zainab ran away from her husband and asked for a divorce. (Zainab, 20 years old, Baghdad)

Furthermore, girls who marry early are thrown into married life before they are emotionally ready to shoulder the responsibilities. All victims of forced marriage interviewed for this research reported experiencing negative psychological consequences as result of their marriage. Moreover, girls who marry young are often not physically ready for sexual relations. Early pregnancy and childbirth are both extremely dangerous to a mother's health. In 2010, the State Ministry of Women's Affairs stated that girls aged 15–18 are twice as likely to die during pregnancy or childbirth than women aged 20–24.⁵³ High maternal mortality rates, combined with the high suicide rates prevalent among victims of early marriage, have led some to speculate that underage marriage may be the fourth leading cause of death for women in Iraq, after bombings, traffic accidents and cancer.⁵⁴

Figure 4: Consequences of forced marriage



Early marriages also spawn extremely high divorce rates. In 43.2 per cent of the forced marriage cases analysed in this report, victims were either divorced or deserted by their husbands. The Personal Status Court in Sadr City handled 3,000 cases of divorce of underage girls during the course of only three months in 2013,⁵⁵ while the Maysan Personal Status Court handled 120 such cases in the first quarter of 2014 alone.⁵⁶ Divorce and abandonment leave women in an extremely vulnerable financial position. Victims of forced and early marriage often leave their studies and become financially dependent on their husbands upon marriage, hence it is extremely difficult for these women to find another source of income after divorce or abandonment.

Moreover, since early marriages almost always take place outside the court system, children produced by the marriage cannot be registered or acquire identity documents. This leaves children unable to attend school, receive health care, or apply for any other government services.⁵⁷ There are reportedly hundreds of children in this situation who were born to mothers forcibly married to Al-Qaeda fighters after 2003. Where those fighters were subsequently killed or left the country, their children were left behind without protection or documentation.⁵⁸

Shatha was married by customary marriage and her husband was killed in 2006. As a result, her children don't have any identification. (Shatha, 28 years old, Baghdad)

The women themselves are also left vulnerable in the case of spousal death or abandonment. Without proof of the marriage, women are unable to obtain their rights in court such as alimony or widow's benefits.

Farah was married against her will and her marriage contract was not registered in the court. She was exposed to humiliation from the husband and constant beating. He divorced her and she did not obtain her rights because she did not have a marriage or divorce contract. (Farah, 24 years old, Basra)

Response of the federal government of Iraq

Naila was forced to marry a man 15 years older than her who was uneducated and married with children. He prevented her from completing her studies and put her to live in the same house with his first wife. She suffers from mistreatment from her husband and co-wife in addition to his children and she says she is nothing more than a servant to them. (Naila, 29 years old, Baghdad)

Forced marriage and early marriage are both illegal in Iraq. The Iraqi Personal Status Code sets the minimum age for marriage at 18, and only permits marriage for those aged 15–18 with judicial permission based on the fulfilment of certain conditions. Forced marriage is also prohibited by the Personal Status Code and subject to a sentence of up to three years in prison. However, forced marriages and early marriages take place at alarmingly high rates because they are performed by clerics outside the jurisdiction of the courts. Therefore, girls who find themselves in such marriages are not only forced to bear heavy emotional and physical consequences, but also the legal disadvantages which result from unregistered marriages.

A 2015 study which investigated 4,265 marriage cases in Iraq across the governorates of Baghdad, Basra, Dhi Qar, Muthanna, Missan, Babel, Anbar, Diyala and Ninewa found that more than a third (33.9 per cent) were conducted outside the court system. Of those marriages, 22 per cent involved girls under the age of 14.⁵⁹ According to the Baghdad Women's Association, in some areas of Baghdad 80 per cent of marriages are conducted outside the court system.⁶⁰ Another Baghdad-based women's group, the Model Iraqi Woman Organization, reported encountering cases of 12-year-old girls who had been married two or three times.⁶¹

The phenomenon of early marriage is most pronounced in the poorer governorates of south and central Iraq.⁶² In Babylon, a quarter of marriages are concluded outside the court system and 6.8 per cent of girls are married before the age of 15.

Case study: *Fasliyya* – the resurgence of tribal justice in Basra

In late May 2015, reports that two feuding tribes in Basra had agreed on a settlement involving the barter of women (*fasliyya*) to end a dispute provoked widespread media controversy in Iraq and drew attention to the absence of Iraqi laws and mechanisms to address such practices. According to one version of the story, the feud began when it became known that a man from the Al-Shawi tribe was having an affair with a married woman from the Karamsha tribe. When the woman's husband was informed of his wife's affair, he committed suicide, at which point his brother retaliated by killing

the wife. Outraged that they had lost two members of their tribe while the man from the Al-Shawi tribe went free, the Karamsha began attacking the Al-Shawi.

At this point, with the risk of the feud escalating into open conflict, the two tribes convened a settlement meeting that was attended by governorate council members, religious leaders, tribal notables and members of the security forces. At the meeting, the Al-Shawi agreed to pay a sum of money to each family in addition to giving a number of their women to the Karamsha in lieu of blood money. The exact number of women involved in the deal is the subject of controversy. While the media initially reported that 50 women had been bartered, subsequent reports clarified that only 11 women were included in the deal:

six as *fasliyya*, to be married to Karamsha men as 'brides', and five as *talwiya*, who could be bartered for money. Still other sources reported the total number of women as six, or even three.

News of the settlement drew condemnation from the parliament's human rights committee, the Ministry of Women's Affairs, members of the Basra governorate council, and several prominent religious clerics, including Moqtada al-Sadr. However, in the absence of specific laws criminalizing the practice of *fasliyya*, there are no mechanisms for handling such disputes in the judicial system, allowing tribal methods of justice to prevail. At the time of writing, the women had still not been handed over and the tribes were being urged to settle the dispute with money in lieu of the women.⁶⁷

Moreover, 60 per cent of underage marriages are conducted between relatives, a practice that is particularly common in rural areas.⁶³ In Kut, Wasit governorate, activists recorded more than 800 cases of early marriage in the first half of 2014 alone, with the director of Kut's Family Protection Unit reporting that cases of early marriage represented 20 per cent of the complaints received in 2014.⁶⁴

Once an early and forced marriage has been consummated, it is no longer considered legally void. This leaves victims responsible for pursuing legal measures in order to leave such marriages. This is an option that few women choose, since it could open them to retribution from their families and the law does not provide any protection for victims following a complaint.⁶⁵ Moreover, in the case of underage marriages, this would mean that a minor would have to file a lawsuit against her own fam-

ily members. Although this scenario is unlikely, it is not unheard of, as recent cases have shown. In early 2014, the Dhi Qar Court of Appeals dissolved a marriage after the 10-year-old wife submitted a complaint against her father and the cleric who conducted the ceremony, testifying that they had forced her to marry against her will.⁶⁶

Response of the Kurdistan Regional Government

Shno was raped by her cousin when she was 11. She lost her virginity and told her mother about it. Her father forced her to marry an old man who was already married. She was underage at the time. (Shno, 20 years old, Dohuk)

Despite the new economic prosperity of the Kurdistan region, forced and early marriages continue to take place in large numbers, especially in rural areas. The practice finds sanction in tribal traditions, such as the tradition of *'jin be jin'* (a woman for a woman), in which brides are exchanged between tribes in order to avoid payment of dowries.⁶⁸ As in other regions of Iraq, the tradition of forced marriage as a method of resolving tribal disputes is also practised.⁶⁹ Sometimes, girls are betrothed to relatives or other tribe members from the time of birth. In 2010, the KRG's Ministry of Human Rights discovered 3,736 cases of infant betrothal, concentrated in the regions of Ranya, Chwarqurna, Hajjawa, Betwate and Pishder.⁷⁰ According to the General Directorate for Combating Violence against Women, the Kurdistan region has been witnessing an increase in marriages of girls between the ages of 15–25 and a consequent increase in divorce rates within this age bracket.⁷¹

Solin was forced to marry her cousin when she was 16 years old. When she turned 19, they made a marriage contract. The husband ignores her and insults her, and has taken her passport and refuses to give it back to her. (Solin, 20 years old, Sulaymaniyah)

Due to Kurdistan's status as a host region for many refugees and internally displaced persons (IDPs), the region has witnessed increasing rates of early marriages within camp settings. This is particularly prominent in Syrian refugee camps. According to reports, the harsh circumstances of Syrian refugees are foremost among the reasons pushing parents to

accept offers of marriage for their underage daughters. Moreover, due to negative perceptions of Syrian refugees by the host community, many parents prefer to marry their daughters than to leave them prone to sexual harassment or exploitation.⁷²

Nasreen has many problems since the day of her marriage. The marriage was forced and was concluded in exchange for a sum of money. (Nasreen, Sulaymaniyah)

The practices of forced marriage, bride exchanges, marriage of minors, and marriages in exchange for blood money are all specified as forms of domestic violence under the 2011 Domestic Violence Act and are therefore illegal. However, they continue to take place in practice because the contracts are concluded without the involvement of the courts and the justice system. According to one researcher, underage marriages represented up to 41 per cent of total marriage contracts concluded in Kurdistan in 2011, and most of those marriages took place outside the courts.⁷³ Some religious scholars in the region see the setting of a legal minimum age for marriage as contrary to Islamic principles,⁷⁴ and continue to perform underage marriages. Therefore, securing the cooperation of religious leaders is a key element in achieving implementation of laws against early marriage. As an example of a positive development in this regard, the Islamic Religious Committee in Dohuk now cooperates with the Personal Status Court to ensure that couples have legally registered their marriage before conducting a religious marriage.⁷⁵

3

‘Honour’ violence

Two years ago, Samira married a young man who loved her, but her family did not approve of him since he was of a different sect. She fled with him to another governorate where they lived together and had a son. When the husband was killed in a terrorist attack, his family drove Samira and her son out so she went back to her family to seek their forgiveness. Her brother was determined to kill her had her mother not begged him not to harm her. Her brother continues to mistreat her and does not accept her son.

(Samira, 25 years old, Baghdad)

So-called ‘honour’ crimes are acts of violence perpetrated by family members against a relative who is perceived to have brought shame upon the family or tribe. ‘Honour’ crimes are overwhelmingly perpetrated by male family members against female relatives, although occasionally males are also the victims of such violence. ‘Honour’ crimes are grounded in the cultural belief that women’s bodies are the site of honour and that their sexuality and movement must be strictly controlled in order to avoid bringing dishonour upon the entire family.⁷⁶

In Iraq, ‘honour’ crimes most often take the form of murder, although they can also encompass other forms of violence such as physical abuse, confinement, control of movement, deprivation of education, forced marriage, forced suicide and public dishonouring.⁷⁷ ‘Honour’ crimes are most often perpetrated after a woman has committed or is suspected of committing any of the following: engaging in friendships or pre-marital relationships with a member of the opposite sex; refusing to marry a man chosen by the family; marrying against the family’s wishes; committing adultery; or being a victim of rape or kidnapping.

Lina was subjected to beating by her brother because he saw her in the street talking to someone. He pulled her by her hair and dragged her home, then beat her severely until her body bled and she passed out. As a result, she was moved to the hospital. (Lina, 22 years old, Baghdad)

Transgressions of honour are seen as unforgivable and the ‘taint’ on the family’s honour does not decrease over time.⁷⁸ In most cases, the only way to absolve a transgression of honour is to kill the woman, and sometimes the man as well. Perpetrators of ‘honour’ killings are often prepared to serve long prison sentences for murder rather than to face the humiliation of not avenging the honour of the family or tribe.⁷⁹

‘Honour’ crimes take place in all areas of Iraq and cut across ethnic and religious lines.⁸⁰ They are perpetrated in Arab and Kurdish communities, among Sunni and Shi’a Muslims alike, and are also practised by some ethnic and religious minorities. According to the results of the 2009 Iraqi National Youth Survey, 68 per cent of young men agree with the killing of women for bringing dishonour on their families.⁸¹

'Honour' killings are reported to have increased in frequency since the First Gulf War for many of the same reasons that led to increasing levels of domestic violence in general, including the militarization of society, economic hardship, and the resurgence of tribal customs.⁸² The practice is legitimized in the Iraqi Penal Code, which allows mitigated sentences for perpetrators of crimes against women in which 'honour' was a motive. A further Revolutionary Command Council Order released in 2001 under Saddam Hussein, and still in force today, directly sanctioned the practice as part of the regime's move to accommodate tribal customs. In Kurdistan, although the principle of honour as a mitigating factor has been removed from the legal system, the persistent power of tribal justice means that 'honour' killings often continue to go unpunished.

Between February 2014 and May 2015, ASUDA's researchers gathered details of 273 cases which bore the marks of 'honour' crimes or involved the threat of violence for reasons of 'honour'. However, it is difficult to assess the true scale of 'honour' killings in Iraq because many are unreported or disguised by the family as accidents or suicides. When a woman is reported dead or admitted to hospital with suspicious injuries, authorities often accept the family's version of events and do not conduct thorough investigations to rule out the possibility of 'honour' killing.⁸³ Female survivors of 'honour' violence themselves will often say it was an accident in order to avoid reprisals from family members.⁸⁴ In many communities in Iraq, including Kurdistan, there are large numbers of female suicides, especially by self-immolation.⁸⁵ Families will sometimes compel a female member accused of wrongdoing to kill herself as an alternative to

carrying out the 'honour' killing themselves.⁸⁶ The data collected by ASUDA includes 68 cases of suicide or attempted suicide. However, it is difficult to ascertain whether all of these cases were true suicides, or whether some may have been forced suicides or 'honour' killings disguised as suicides.

Response of the federal government of Iraq

The Iraqi Penal Code implicitly sanctions the legitimacy of 'honour' killing by providing for mitigated sentences for those who commit crimes for reasons of honour. As a general rule, crimes go unreported and unprosecuted and are seen by the police and judicial authorities as falling within the responsibility and discretion of male family members. Very few of such cases make it to court, and when they do, perpetrators are often acquitted or given very light sentences.

Arwa was accused of having an intimate relationship with her neighbour's son. Her family killed her by throwing her down from the roof of their house in front of everyone. The police arrested the man she loved and accused him of her murder. He was sentenced to 20 years in prison even though everyone knows that her family committed the crime. (Arwa, Mosul)

Several high-profile cases of 'honour' killing have caused public outcry and demands for reform in recent years, but little has changed in practice. The 2007 killing of Du'a Khalil Aswad is one of the most well-known examples. The 17-year-old Yezi-

di girl from Ninewa was stoned to death before a mob of 2,000 men for allegedly falling in love with a Muslim boy. Her brutal killing was filmed and disseminated online, leading to international condemnation, and was one of the factors leading to the formation of the General Directorate to Combat Violence against Women in the Kurdistan region.⁸⁷ However, in the rest of Iraq, the same laws remain in place and little has been done to end impunity for perpetrators

As numerous examples show, trials for 'honour' killings often end in acquittals or light sentences, even in the face of clear evidence incriminating the perpetrator. In 2008 near Kirkuk, a father shot his three teenage daughters after pouring boiling water on them because he suspected them of having pre-marital sex. Two of the daughters died and the third lost an eye. The man was sentenced to only two years in jail. After he was released from jail, the surviving daughter had no option other than to return to live with him.⁸⁸

The same year, a woman imprisoned in Tikrit was raped and impregnated by a prison guard. After she wrote a letter to her brother pleading for help, he showed up at the prison with a loaded gun, entered her cell and shot her to death. Despite the fact that DNA evidence collected by morgue employees confirmed that the police lieutenant colonel at the prison was the father of the unborn foetus, the rapist was never prosecuted. It is unclear how the brother was permitted to enter the prison with a gun, nor whether he was ever prosecuted for the murder of his sister.⁸⁹

In December 2013, in a trial monitored by UNAMI, a young man in Basra confessed to attempting to murder his sister for 'honour' reasons. He admitted to shooting her and attacking her with a sword and an iron bar. Despite his confession, the judge downgraded his charge to a lesser offence, sentenced him to one year in prison and then suspended the sentence, meaning that the defendant did not serve any sentence for the crime he committed.⁹⁰

According to the Iraqi Ministry of Human Rights, the Supreme Judicial Council made a final decision in ten cases of 'honour' killings between 2012 and 2013.⁹¹ Most cases go unreported, or are reported as accidents or suicides by family members. Police of-

ten accept the family's version of events and do not conduct investigations, even when there is strong reason to believe that an 'honour' killing may have taken place. Hospitals will register deaths as suicides even when a woman's body shows signs of violence, fearing retaliation from the woman's family.⁹²

Response of the Kurdistan Regional Government

Shirin is in love and in a sexual relationship. When she discovered that she was pregnant, her pregnancy was in the seventh month. She told her mother, who decided to report the man to the police because if her father and uncles found out, they would kill her. (Shirin, 23 years old, Sulaymaniyah)

According to one estimate, upwards of 12,000 Kurdish women were killed in the name of honour between 1991 and 2007.⁹³ Many observers trace a connection between spread of arms in Kurdish society prompted by Saddam Hussein's repression of the Kurds and violence perpetrated against women.⁹⁴ Although the provisions of the Iraqi Penal Code which allow mitigated sentences for 'honour' killings were repealed in the Kurdistan region upon independence, such killings continue to take place. UN sources estimate that as many as 50 'honour' killings may take place each month in the Kurdistan region.⁹⁵ According to some speculation, 'honour' killings may be the leading cause of death for Kurdish women after natural causes.⁹⁶

Yasmin was killed by her husband in Jamjamal using knives and rocks in a place far from the city. When the husband returned home, his daughter noticed his clothes were full of blood. She called her mother's siblings and they filed a complaint against the husband. He confessed to the crime and said that he did it because of his wife's infidelity, but he does not have any evidence.

In addition to verifiable cases of 'honour' killings, self-immolation also claims the lives of hundreds of Kurdish women on a yearly basis. Between January 2014 and June 2015 alone, the General Directorate to Combat Violence against Women recorded 160

cases of self-burning and 85 other cases of suicide in the Kurdistan region. For reasons mentioned earlier, it is often difficult to tell how many of these are true suicides and how many are disguised 'honour' killings. Since many survivors of self-immolation describe being trapped in forced marriages, exposed to domestic violence and unable to get a divorce for fear of shaming their families,⁹⁷ suicides can be seen as part and parcel of the same culture of violence and control of women that allows 'honour' killings to occur.

Fayruz set fire to her own body because her family had forbidden her from marrying the man she loved. (Fayruz, 17 years old, Erbil)

Despite the existence of laws criminalizing violence against women, tribal power holds stronger sway in many parts of Kurdistan. Particularly in rural areas, where illiteracy persists, 'honour' killings continue to take place in high numbers beyond the purview of the law.⁹⁸ The community at large often accepts tribal solutions in cases of perceived transgressions of honour, so that 'honour' killings are not reported nor taken seriously by the police.⁹⁹ The police and the court system are also prone to influence from prominent families and tribes, which can lead to perpetrators being acquitted of charges even when there is clear evidence against them.¹⁰⁰

Jiyan is in a love relationship. Her lover asked her family for their permission to marry her, but they refused and hit her and threatened to kill her if she continued the relationship. As a result, she left home. (Jiyan, 22 years old, Sulaymaniyah)

Several recent cases show the inability of the law and the justice system to deter crimes against women and the continuing salience of 'honour' as a justification for violence. In February 2012, Sakar Hamadamin, a schoolteacher in Rania district, was shot and killed in her sleep by her father. Hamadamin had reportedly wanted to marry a man her father considered unsuitable. He decided to kill her after receiving a phone call from a member of his tribe humiliating him for not taking action against his daughter.¹⁰¹ In September of the same year, a Sulaymaniyah court found the father 'not guilty', which caused uproar and led the Prime Minister to call for a retrial.¹⁰²

In July 2012, 15-year-old Nigar Rahim was murdered by her brother in Garmian, Kurdistan. Rahim had previously been raped and impregnated by another brother. She was kept in the custody of a government-run shelter for six months after giving birth to the child. However, she was released back to her family after they signed a document agreeing not to harm her. One month after being released, she was murdered.¹⁰³

On 1 January 2013, 23-year-old Jihan Muhammad Jafar, a mother of two, was murdered by her husband because he suspected her of having a relationship with one of his friends. The husband's family had previously reported her to the police, who detained her for 10 days and then released her after no evidence could be found to prove that she was engaged in an illicit relationship.¹⁰⁴

On 28 February 2014, the bodies of two sisters, Shler and Halema, aged 16 and 18 years, were found in a ditch in the town of Said Sadiq in Sulaymaniyah. The girls had approached the police for help in July of the previous year and were subsequently housed in a government-run shelter. However, they were released from the shelter after their family signed an agreement to protect them. Their killing prompted Prime Minister Nechirvan Barzani to establish a fact-finding commission to investigate their case.¹⁰⁵

The same day that the bodies of the two sisters were found, another 16-year-old girl was murdered by her father in Erbil. The girl had also previously sought refuge in a government shelter but was later handed back to her uncle.¹⁰⁶

In May 2014, 15-year-old Dunya Hassan was shot to death with an AK-47 assault rifle by her 45-year-old husband, Sleman Zyab Yunis, in Kalakji, Dohuk governorate. Dunya had been forced into the marriage at the age of 14. Her husband, who already had a wife and nine children, had been physically and verbally abusive throughout the marriage and had refused to grant Hassan a divorce. His reason for killing Hassan was that he suspected her of having an extramarital relationship. He released a video proudly defending his actions two weeks after the murder and eventually turned himself into the police. News of Hassan's killing sparked protests by rights groups and the formation of a special committee in parliament to investigate the case.

In a positive development, the Kurdish authorities also arrested the cleric who had performed Hassan's marriage when she was 14.¹⁰⁷

The fact that, in many of these cases, women were released from shelters and handed back to their families despite the risk of further harm to them shows serious flaws in the shelter system. According to statistics from the General Directorate to Combat Violence against Women, in the first 11 months of 2014, 218 women sought protection in the Sulaymaniyah shelter, but only 25 of them remained in the shelter, of whom nine were children.¹⁰⁸ This shows that the vast majority of women in government-run shelters end up returning home in the short term. Without a systematic procedure in place to ensure that women who are released from shelters will not be exposed to further harm, it is doubtful that the directorates are fulfilling their responsibility to protect women from violence. Instead, they tend to emphasize family reconciliation as a solution, as evidenced by the signing of protection agreements. These documents have little legal sway and are often not effective: in February and March 2014 alone, two women were killed by their families in Erbil, one three days after leaving a shelter and another two days after returning home.¹⁰⁹

Rozhan cheated on her husband by entering into a sexual relationship with a man who threatened to publish her daughter's pictures if she did not continue with him. When her husband found out

about her infidelity, he divorced her. Now, she lives in the shelter because she is afraid of being killed. She hopes to marry the man she had the relationship with since he is the father of the child that she brought with her. (Rozhan, 42 years old, Sulaymaniyah)

However, there have also been some recent positive developments in combating violence against women, including successful convictions of perpetrators of 'honour' killing. On 20 May 2014, the Sulaymaniyah criminal court sentenced Osman Ali Mohammed to 15 years in prison for murdering his wife, Najeha Qader, in front of their children in March 2013.¹¹⁰ In cases like this, the activism of rights groups in the Kurdistan region seems to have been making a difference in drawing public attention to cases of violence against women and demanding accountability. However, societal resistance against those who expose violence against women remains strong. Women's organizations often need armed guards outside their building for security and regularly receive death threats from the families of women who have approached them for help. According to one activist, she received nearly 500 threats as a result of her activism surrounding the Nigar Rahim case alone.¹¹¹

Choman has brain damage because her husband shot her when he saw her with a man at their home. The man who was with her was killed. She lives in the shelter and the husband was sentenced to death. (Choman, 29 years old, Sulaymaniyah)

4 Female genital mutilation

As defined by the World Health Organization, FGM 'comprises all procedures that involve partial or total removal of the external female genitalia, or other injury to the female genital organs for non-medical reasons'.¹¹² Unlike other forms of violence treated in this report, FGM is a practice primarily carried out on young girls by older female community members.

The prevalence of FGM varies across the Middle East and North Africa region. It is widely practised in some countries, including Egypt and Sudan, while virtually unknown in others, such as Saudi Arabia. In Iraq, the topic was taboo and not widely talked about until very recently. The issue became a topic of public discussion after activists conducted studies revealing startlingly high rates of FGM in the Kurdish north. Efforts of activists culminated in the criminalizing of FGM for the first time in 2011. However, despite the passage of the law, lack of implementation remains a major challenge, meaning that FGM continues to be practised on substantial numbers of girls and women. Outside the Kurdish region, the extent of the practice remains unclear. The official stance is that FGM is not practised in the other governorates of Iraq. However, recent studies carried out by local rights groups call this claim into question.

FGM, especially when performed in unsterile conditions, carries severe health risks, including the possibility of death due to excessive bleeding.¹¹³ Women who have gone through the procedure often experience life-long discomfort and health complications. In addition to the physical consequences, vic-

tims of FGM are often left emotionally traumatized by the procedure, especially since it is usually conducted on girls of a very young age. A 2011 study conducted on Kurdish girls who had undergone FGM found 'alarmingly high rates' of post-traumatic stress disorder (44 per cent), depression (34 per cent), anxiety (46 per cent) and somatic disturbances (37 per cent), comparable to the rates found among victims of early childhood abuse. Five to eight years after undergoing FGM, 74 per cent of the girls were still experiencing intrusive flashbacks of the event.¹¹⁴

Response of the federal government of Iraq

The federal government of Iraq does not have any legislation dealing with the issue of FGM. Many politicians deny that it exists outside of the Kurdish region. According to the 2012 Multiple Indicator Cluster Survey (MICS-4), the FGM rate stands at only 1 per cent in the central and southern governorates of Iraq.¹¹⁵

However, a number of recent localized studies suggest that FGM rates may be higher in certain regions than is normally assumed. In 2013, the German-Iraqi NGO Wadi and the Kirkuk-based women's rights organization PANA published the results of a study conducted on the prevalence of FGM in Kirkuk governorate. The study was carried out on the basis of 1,212 interviews with women and girls over the age of 14. The results revealed an overall FGM rate of 38.2 per cent in the city. FGM was found to be practised across ethnic lines, with the highest rates among Kurds (65.4 per cent) followed by Arabs (25.7 per cent) and Turkmen (12.3 per cent). The majority of girls who had undergone FGM reported being mutilated between the ages of 4 and 7, and more than 75 per cent said their mutilation was performed collectively, along with their sisters, other family members, or girls from the neighbourhood. FGM rates were found to be correlated with education level, reaching 62.5 per cent among illiterate women while standing at only 5 per cent among university-educated women. A full 91.8 per cent of women who had their daughters mutilated stated that they were unaware of its negative health effects.¹¹⁶

The committee on human rights and women's rights of the Kirkuk provincial council has denied the findings of the study on FGM in Kirkuk, calling the statistics 'inaccurate, incorrect and far from the truth'.¹¹⁷ However, the authors of the study assert that while their figures may be underestimates, it is highly unlikely that their figures overestimate the FGM rate, since many women tend to deny FGM in the presence of outsiders.¹¹⁸

In 2014, a consortium of three women's rights organizations published a new study on the prevalence of FGM in south and central Iraq. The survey covered 1,000 women from urban and rural areas of Qadisiyah and Wasit governorates. Researchers found the FGM rate to be 25.7 per cent among this population. Compared to Kirkuk, a surprising number of women reported being mutilated at older ages. Only 29 per cent of those who had undergone FGM were mutilated between the ages of 1 and 10, while 23 per cent had been mutilated between the ages 11 and 18, 18 per cent between the ages of 19 and 35, 16 per cent between the ages of 36 and 45, and 14 per cent over the age of 45. Around 42 per cent of women reported that either the husband or the husband's family made the decision that they should undergo FGM, suggesting

that FGM upon or after marriage is a common scenario in this region.¹¹⁹

While these two studies are limited in scope, they suggest that FGM rates may be significant, at least in some areas, and that the assertion that FGM does not take place in central and southern Iraq is unwarranted and misleading. There is a need to conduct further, large-scale studies, with government support, to establish rigorous statistics on the prevalence of FGM across the governorates of Iraq. Even if overall FGM rates are found to be low, the very existence of the practice makes it crucial that the Iraqi government pass a law criminalizing FGM. Moreover, the Iraqi government must take all possible measures to curb the practice in order to fulfil its obligations of protecting women's physical, social and emotional wellbeing.

Response of the Kurdistan Regional Government

Compared to the rest of Iraq, in the Kurdistan region years of research and activism by rights groups succeeded in convincing the government of the need to adopt a strong stance against FGM. Beginning in the mid-2000s, a number of reports were released which shed light on the high prevalence of the practice among Kurdish women and girls. In 2010, the German-Iraqi NGO Wadi published a report based on research conducted between 2007 and 2008 in more than 700 villages as well as urban centres in Erbil, Sulaymaniyah and Germian/Kirkuk. The report revealed an overall FGM rate of 72 per cent.¹²⁰ Rates were found to be shockingly high in some areas. In Ranya and Qaladize, surveys conducted in schools revealed that 94 per cent of girls had been mutilated, while the rate among middle-aged women interviewed was close to 100 per cent.¹²¹ The same year, the Kurdistan Ministry of Health conducted a study of 5,000 women and girls, using a different age range, and found that 41 per cent had been mutilated.¹²² The 2011 Multiple Indicator Cluster Survey reported an FGM rate of 43 per cent among women aged 15-49, roughly agreeing with the Ministry of Health's findings.¹²³ In 2010, Human Rights Watch (HRW) released a report about the practice in the Kurdistan region,

including extensive testimony from victims. The report revealed that girls were typically mutilated between the ages of 3 and 12, based on the decision of a female relative, usually the mother. Women in favour of the practice saw it as an important tradition for cultural and religious reasons, and necessary to control excessive sexual desire. According to cultural customs, uncircumcised women are viewed as unclean and the food they prepare is *haram* (unlawful). On the day of their mutilation, girls were not told where they were going nor were they prepared for what they would undergo. Upon arrival female relatives held them down by force while a midwife performed the mutilation with no anaesthetic, using an unsterile razor blade that was often used to cut more than one girl. Girls who had been mutilated suffered life-long health consequences, including urinary retention, ongoing pain and infections, low sexual desire, pain during intercourse, and complications during childbirth, in addition to emotional and psychological consequences.¹²⁴

In 2011, in the midst of intensive campaigning by activists and rights groups, the Kurdish parliament outlawed FGM with the passage of the Domestic Violence Act. The law imposes fines ranging from 1 million to 5 million Iraqi dinars for those who incite FGM, and fines of 2 million to 5 million Iraqi dinars and a six-month minimum prison sentence for those who perform or assist in performing FGM. If the victim of FGM is a minor, the applicable prison sentence becomes one to three years and the fine ranges from 5 million to 10 million Iraqi dinars. It is considered an aggravating circumstance if the perpetrator is a doctor, pharmacist, chemist, midwife or assistant, and the law dictates that they should be barred from practising their profession for three years if convicted of FGM.

Despite the passage of the law, implementation remained a serious challenge. One year after the law was introduced, UNAMI reported that no successful prosecutions had been achieved in the area of FGM, while HRW said that police had not received any orders from the government related to the law.¹²⁵ Prosecutions in cases of FGM are impeded by the fact that perpetrators of the practice are almost always the victim's immediate family members or relatives, making it unlikely that the victim, especially if a minor, would report them. Moreover, reporting the incident could lead to reprisal against

the victim in her community and home, and would offer little benefit to the victim once the procedure had already been performed.

Now, four years after the passage of the law, activists and government officials have made modest progress in raising awareness of the health and legal consequences of FGM, and reducing the prevalence of the practice in some communities. However, many challenges remain. Due to the fact that FGM is now illegal and bears criminal consequences, activists say that the practice has now gone underground. Communities continue to practise it, but deny it when asked about it by activists.¹²⁶ Moreover, since FGM is a source of income for traditional midwives, they will be resistant to giving up the practice unless directly engaged and assisted in finding other ways to make a living.¹²⁷ In 2014, the KRG, in cooperation with UNICEF, released a 'knowledge, attitudes and practices' survey about FGM in the region. Although 58.5 per cent of the 258 women surveyed had been mutilated, mutilation rates decreased in the lower age brackets, suggesting that the practice is on the decline. The decision to mutilate daughters was strongly correlated with education level, with 57 per cent of those who had circumcised daughters being illiterate. Reassuringly, 64.2 per cent of respondents had been reached by a FGM awareness campaign and 67.5 per cent agreed that FGM should be eradicated. However, only half (51 per cent) of respondents knew that FGM could cause psychological problems and 57 per cent did not know it could cause problems in childbirth. Some 36 per cent of men were unaware that FGM was harmful to women, which suggests that there is still much education and awareness work to be done.¹²⁸

In addition to increasing awareness of the negative consequences of the procedure, overcoming traditional cultural and religious attitudes that support FGM remains a major challenge to eliminating the practice. In the same survey mentioned above, a large majority of respondents viewed tradition as the driving factor for FGM, with 66.1 per cent stating that FGM was a tradition to be followed, while 46.0 per cent related the practice to religious beliefs.¹²⁹ The strength of traditional attitudes means that even when the health consequences of FGM are known, many might still make the decision to continue the practice. This is confirmed by the fact that mothers are often the ones to make the deci-

sion to mutilate their daughters, despite having gone through the procedure themselves and being aware of its consequences. As a result, the drive to eliminate FGM must involve fostering changes at the social and cultural level in order to be effec-

tive. This in turn points to the importance of engaging religious and tribal leaders in the anti-FGM campaign, since they are often the ones who hold the power to influence traditional practices within their communities.

Recommendations

To the federal government of Iraq:

- Withdraw Iraq's reservations to Articles 2 (f) and (g), 16 and 29 (1) of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and ratify the Optional Protocol to CEDAW enabling the consideration of individual complaints;
- Repeal or reform Article 41 of the Iraqi Penal Code, which grants husbands the right to discipline their wives; Article 128, which allows for mitigated sentences for crimes committed with 'honourable' motives; Article 398, which absolves perpetrators of rape from punishment if they marry their victims; and Articles 377, 378 and 409, which discriminate between men and women in cases of adultery;
- Reinstatement of the State Ministry of Women's Affairs and allocate it a ministerial portfolio and adequate human and financial resources to play a leading role in addressing the phenomenon of violence against women;
- Pass a comprehensive anti-domestic violence law;
- Establish a system of government-run shelters for women fleeing violence and extend legal authority and financial support to civil society organizations running shelters;
- Take measures to increase the recruitment of women in the police force, especially in units for dealing with gender-based violence, and provide all police units with gender-sensitivity training;
- Promote the collection of comprehensive and reliable data and statistics on the prevalence of violence against women, disaggregated by age, region, income and education level;
- Raise awareness, especially in rural areas, about the legal minimum age of marriage and the right of women and men to enter into marriage freely with a spouse of their choosing; and engage men and boys in public awareness programmes to end violence against women;
- Ensure that all marriages are registered and penalize clerics found to be conducting forced and underage marriages outside the domain of the law;
- Initiate proper investigations into all violent deaths and reported suicides of women and ensure that perpetrators are held accountable;
- Initiate a countrywide study on the prevalence of female genital mutilation (FGM) with a view to suppressing the practice, including through criminal legislation.

To the Kurdistan Regional Government:

- Consider reforming the Domestic Violence Act to introduce the possibility of public prosecution in cases of domestic violence;
- Take concrete measures to implement the Strategy for the Development of Women's Status in the Kurdistan Region (2013–19) and the National Strategy to Confront Violence against Women in Kurdistan (2012–16);

- Provide gender-sensitivity training to police, investigators, judges and prosecutors, including training on how to handle cases of domestic violence in an appropriate and sensitive manner;
- Continue to increase the recruitment of women into the police force;
- Ensure that all marriages are registered and penalize clerics found to be conducting forced and underage marriages outside the domain of the law;
- Initiate proper investigations into all violent deaths and reported suicides of women and ensure that perpetrators are held accountable;
- Establish witness protection programmes to ensure that testimony can be freely given in cases of violence against women;
- Ensure that shelters hold protection rather than reconciliation as their first priority and cease the practice of releasing victims to their families after the signing of written agreements;
- Provide educational programmes and skills training to traditional midwives to encourage them to cease the practice of FGM;
- Continue efforts to increase awareness of the Domestic Violence Law and the legal avenues available to women and girls who have been victims of violence;
- Engage men and boys in public awareness programmes to end violence against women and ensure such programmes target key constituencies, including religious and tribal leaders.

To the international community:

- Promote independent research and data collection on violence against women;
- Include medical and socio-psychological support services for victims of violence as part of humanitarian aid efforts;
- Fund projects which aim to change prevailing cultural attitudes about violence against women, including projects targeting men and boys;
- Initiate educational awareness campaigns about the harms of certain traditional practices, such as early marriage and FGM, for women and girls, especially in rural areas;
- Make violence against women a key priority area in dialogues with the federal government of Iraq and the KRG.

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The Lost Women of Iraq: Family-based violence during armed conflict

In brief

Women have paid a heavy price for the breakdown of law and order in Iraq. Decades of conflict, the revival of tribal customs, the eruption of sectarianism and the strengthening of patriarchal religious attitudes have meant that Iraq has seen an increase in forms of family-based violence that are otherwise generally on the decline in the Middle East. Violence inside the home has increased along with violence in the street.

Based on extensive primary research conducted in partnership with ASUDA Organization for Combating Violence against Women in Iraq, the report details:

- an epidemic of thousands of cases of family-based violence against women, including hundreds of cases every year in which women are burnt alive;
- increasing rates of forced and underage marriage, including large numbers of girls married under the age of 14 and some as young as ten;
- a revival of the practice of *fasliyya*, in which women are bartered as a means of resolving tribal disputes;
- the persistence of high rates of female genital mutilation, particularly in rural areas and in the north of Iraq;
- the widespread acceptance in Iraqi society of the murder of women who are perceived to bring 'dishonour' to their families, leading to the perpetrators of 'honour' crimes routinely escaping justice.

Attempts to seek redress in cases of violence against women are undermined by a weak and ineffective judicial system and outdated laws that excuse or legitimize attacks against women. Perpetrators are often acquitted or given mild sentences for grievous crimes against women, even in the face of clear evidence. However, the large majority of cases never make it to court. In Iraq, violence against women in the home is consid-

ered a private matter and strong cultural taboos prevent victims from speaking out.

This report covers forms of violence against women in Iraq which are primarily perpetrated by family members. It complements a previous Ceasefire report, *No Place to Turn: Violence against women in Iraq's conflict*, which detailed forms of violence perpetrated directly by security forces, militias or other armed groups.

In the face of the ongoing military campaign against the Islamic State of Iraq and Al-Sham (ISIS), the state of women's rights throughout the country is being ignored. However, improving respect for women's rights cannot be postponed until the conflict is over. The federal government of Iraq and the Kurdistan Regional Government (KRG), supported by the international community, should undertake urgent legal and social reform to ensure that victims of violence do not continue to suffer in silence.

This report recommends:

- Repealing provisions of the Iraqi Penal Code which grant husbands the right to discipline their wives, which absolve perpetrators of rape from punishment if they marry their victims, and which allow for greatly reduced sentences for murder and other crimes committed in the name of 'honour';
- Passing a comprehensive anti-domestic violence law and establishing a system of shelters for women fleeing violence or forced marriage;
- Initiating proper investigations into all violent deaths and reported suicides of women; and promoting the collection of comprehensive and reliable statistics on the prevalence of violence against women.

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