



**OVERVIEW OF THE STATUS OF WOMEN LIVING WITHOUT A SAFETY NET IN
IRAQ**

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Abstract

This report is an overview of the situation of women living without a safety net provided by family or marriage in Iraq, and legal infringements against them which are not directly related to the armed conflict in the country. Furthermore, the report takes a brief look at the overall situation of women in Iraqi society.

The community-based culture in Iraq has a major influence on the individual's situation. Men have the main responsibility for their families and family honour, and most women are dependent on men for cultural reasons. Although there has been some change in attitudes, women's lives are restricted by cultural norms. Women also face discrimination in the labour market and education. Women who violate these cultural norms can become victims of so-called honour violence.

Living alone is not generally accepted in Iraq because it is considered inappropriate behaviour. Women can also face other legal infringements. In practice, a single woman has very poor chances of making a living independently.

The report is based on various public sources, such as reports published by international organisations and research institutes and complementary news material, which the Finnish Immigration Service had access to at the time of writing this report.



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1. Overview

The purpose of this report is to provide an overview of the situation of women in Iraq who have no safety net, i.e. who are not protected by family or marriage, and of legal infringements against them that are not directly related to the armed conflict in the country. The most common types of infringement against women are domestic violence, sexual violence and female genital mutilation/cutting, kidnapping and human trafficking, and marriage-related infringements. The report also examines the potential for women, particularly women living without a safety net, to seek protection in places such as shelters.

It should be noted that a woman may be subject to legal infringements by her own nuclear or extended family or by her husband or his family, in which case these groups may no longer be regarded as a safety net. In other cases, a woman belonging to a small ethnic or religious minority may well have a family and/or husband as a safety net, but be subject to infringements on the part of other elements in society due to belonging to a minority.

The themes discussed in the current report are partly the same as in the report on infringements against underage children, published by the Finnish Immigration Service in March 2018.¹ The report on the fact-finding mission to Baghdad executed as part of the FAKTA project of the Finnish Immigration Service also touches on the situation of women.²

Iraq is divided into regions under the control of the central government and the Kurdistan Regional Government (KRG), which controls the provinces of Dohuk, Erbil and Sulaymaniyah. In some of the sources cited in the present report, it was not clearly indicated whether the information concerned Iraq as a whole or, for instance, only the territory under the control of the central government.

Some of the infringements perpetrated against women stem from the armed conflict in Iraq. The ISIS conflict peaked in the summer of 2014. ISIS was officially defeated in November 2017, although there were isolated attacks in early 2018. To the south of the border of Iraqi Kurdistan, there are 'disputed areas'³ claimed by both the central government and the KRG; some actual changes occurred in the control of these areas in late 2017. The armed conflict is discussed in more detail in the biannual status reviews on Iraq published by the Finnish Immigration Service.⁴

The report is based on a variety of publicly available sources, such as government sources, reports and databases published by international organisations and research institutes, as well as complementary news material to which the Finnish Immigration Service had access at the time of writing the report.

¹ Finnish Immigration Service / Country Information Service 2018b.

² Finnish Immigration Service / Country Information Service 2018a.

³ Parts of the provinces of Nineveh, Kirkuk, Salah al-Din, Diyala and Erbil.

⁴ Finnish Immigration Service / Country Information Service 2017.



2. Status of women in Iraq

2.1. General information on the status of women in Iraq

According to the UN (2013), years of economic sanctions imposed on Iraq and of armed conflict in the country have led to deteriorating quality of life for women in Iraq. Women are financially, socially and politically marginalised. Women suffer from a lack of education opportunities, insufficient health care, restricted access to the labour market, violence and inequality. The situation is often exacerbated by misunderstandings rooted in traditional, cultural and social values, by a lack of awareness of women's rights and abilities, and by structural and legal obstacles.⁵ According to Human Rights Watch (HRW)(2003), the women of Iraq used to enjoy more extensive rights than women elsewhere in the Middle East, but since the Gulf War of 1991 the situation has rapidly declined.⁶

The Georgetown Institute for Women, Peace and Security (GIWPS) and the Peace Research Institute Oslo (PRIO) in Norway have developed the 'Women, Peace and Security Index' (WPS), which measures the wellbeing of women in three areas: inclusion, justice and security.⁷ In the most recently published Index (2017/2018), Iraq ranks 147th out of 153 countries.⁸

Iraq has acceded to several international conventions that address women's rights, such as the UN's Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1986, although the Iraqi government included reservations regarding some of the Convention's key articles.⁹

Iraq has prepared a National Action Plan concerning women for 2014–2018, on the basis of UN Security Council Resolution no. 1325¹⁰. This NAP focuses on women's political participation and on improving women's rights in a "non-war context", rather than on the key items in the Resolution.¹¹ The NAP is also weak due to the narrow base of parties involved in its drafting and its lack of specific timetables, implementation and monitoring mechanisms or an itemised budget.¹²

Iraqi society is traditionally family-oriented. The concept of 'family' is understood more broadly in Iraq than in the West, and this is reflected in legislation. According to Article 38 of the Iraqi Civil Code No. 40 of 1951, a family consists of everyone related to a particular person: "*The family of a person is made up of his relatives; those who are united by a common ancestry will be deemed to be relatives.*"¹³

⁵ UN Iraq 2013, p. 1.

⁶ HRW 2003.

⁷ GIWPS & PRIO 2017, pp. 1-2.

⁸ GIWPS & PRIO 2017. By comparison, Iceland ranks 1st and Finland ranks 6th. The rankings of countries from which Finland receives large numbers of asylum seekers are as follows: Yemen (151), Syria and Afghanistan (152), Somalia (140), Nigeria (128).

⁹ UN CEDAW 2013, p. 3; UN Women [undated].

¹⁰ United Nations Security Council Resolution 1325 on Women, Peace and Security, 2014.

¹¹ Key points include women's participation in conflict resolution and conciliation, the prevention of violence against women, protecting women's rights, and providing relief for women during and after conflicts.

¹² LSE Middle East Centre / Kaya, Zeynep N. 2016, pp. 7-8.

¹³ Iraqi Civil Code n. 40 of 1951, Article 38 [translation: Global Justice Project 1990].



2.2. Women's literacy and participation in working life

Many Iraqi women cannot read or write. The illiteracy percentage varies greatly by province. According to the UN (2013), the percentage of illiterate women aged 12 and over in Iraq by province was as follows: Dohuk (KRG), Muthanna and Missan c. 29%–33 %; Dhi-Qar, Qadissiya and Erbil (KRG) c. 25%–28%; Wassit, Najaf, Nineveh, Sulaymaniyah (KRG) and Salah al-Din, c. 21%–24%; Basra, Anbar, Kerbala, Babil, Diyala and Kirkuk c. 12%–20%; and Baghdad c. 12%.¹⁴ A report published by the Iraq CSO in 2012 states that about 75% of women aged 55 or over were illiterate and that only around 5% of them have a qualification of some kind.¹⁵

UNESCO has noted that illiteracy is a problem, particularly for women living in rural areas. However, in both urban areas and rural areas, women are more likely to be illiterate than men.¹⁶ UNICEF has noted that families in which the parents are illiterate are at a higher risk of poverty.¹⁷

According to statistics published by the OECD, 83.7% of girls signed up for comprehensive school in 2010. The corresponding figure for boys was higher, 94.5%.¹⁸

Iraqi women's participation in working life is low by international standards. According to the International Labor Organization (ILO)(2010), the following countries have the lowest women's employment rates: Iraq (15%), Yemen (21%), Syria (22%), Saudi Arabia (22%), Pakistan (22%).¹⁹

Different sources give slightly different figures on women's employment, depending on the period examined, the way in which the statistics were compiled, and so on. According to UNICEF, in the working-age population 12.3% of women and 78.8% of men are in paid employment.²⁰ According to the IOM (2013), 64% of women are unemployed, underemployed or unable or unwilling to work.²¹ OECD statistics (2010) showed that 15.2% of Iraqi women aged 15 to 64 were in working life or looking for a job. The figure for men was 71.7%. Of those women who were working, most were employed in agriculture (50.7%) or services (45.6%), and only a small percentage in industry (3.7%).²² Unemployment was highest among young age groups. The unemployment rate among all men and women aged 15 to 24 was 48%, while among those aged 55 to 60 it was 7.8%.²³

That women have a low labour market participation rate is due to their low average educational attainment, their lack of skills, and various legal, cultural and social restrictions. Although the Constitution of 2005 guarantees men and women equal rights to employment, some laws and how they are interpreted restrict the right of women to be employed in heavy or hazardous work,

¹⁴ UN Iraq 2013, p. 1 [map].

¹⁵ CSO / UNFPA 2012, p. 50.

¹⁶ UNESCO [undated]a, pp. 7, 13.

¹⁷ UNICEF 2017, pp. 8, 19, 27.

¹⁸ OECD 2012, p. 204.

¹⁹ ILO 2010 in The World Bank, 2012, p. 199

²⁰ UNICEF [undated]a, p. 4.

²¹ IOM 2013, p. 6.

²² OECD 2012, pp. 216, 219.

²³ UNICEF [undated]a, p. 4.



or in night work. The traditional view in society is that the role of women is to care for the home, although younger generations are showing a shift in attitudes.²⁴

According to a study involving more than 10,000 households published by the Central Statistical Organization (CSO) in Iraq in 2012, almost one fifth of all men aged 18 or over consider that a man has the right to prohibit his wife from working or electoral participation, and about one in seven men believe that a man has the right to prohibit his wife from gaining an education.²⁵

A multitude of social relationships complicate the attainment of financial independence: women have been taught that their choices are limited, they may have been pulled out of school for a variety of reasons, and neighbours may gossip about and harass a woman who works. Widows or recent divorcees may be poor and lacking in job experience and thus forced to return to their childhood homes, where they may be expected to take care of elderly family members.²⁶

It was noted in an article in the *Al Monitor* (2017) that according to the Iraqi Parliament's Committee for Women, Families and Children there was organised crime akin to human trafficking behind some underage girls working at cafés and casinos. One of the girls interviewed for the article reported that the club owner had raped her and that she was beaten on almost a daily basis. The article reported that women and girls who worked in casinos, nightclubs and cafés were often met with disapproval. Because few women worked in this sector, those who did easily attracted media attention.²⁷

According to an article on the *Niqash* website (2017), working women, particularly waitresses, often experience harassment. The article described a mother in the Wassit province who supervised her daughters working as waitresses in a café to ensure that they were treated properly. A waitress interviewed reported that they [=waitresses] were regarded as women of low morals. The Provincial Council voted against allowing girls to work in cafés. Council leader Mazen al-Zamile defended the decision by saying that Wassit is a conservative region and that new policies such as women's employment were not acceptable to local residents. Hassan al-Musawi, a human rights lawyer, was also interviewed for the article, said that the Constitution guaranteed the right to employment, and as long as no official complaints had been lodged against female employees, the Provincial Council had no right to prohibit them from working. He noted that women face enormous problems because they do not have the same employment opportunities as men to begin with, and when they do find work, they are likely to be harassed, even when in government positions.²⁸

According to a representative of Intersos interviewed on a fact-finding mission by the Danish Immigration Service (DIS), it was unusual in the KRG-controlled region for women (internally displaced persons) to be in paid employment. Women and girls meet at each others' homes and do not go out much. Teachers and women employed by NGOs or the government were exceptions to this rule.²⁹ It was noted in the *Niqash* article that according to the local education

²⁴ UNDP 2012, pp. 4, 7-8.

²⁵ CSO / UNFPA 2012, pp. 28 - 29.

²⁶ UNDP 2012, p. 4.

²⁷ *Al Monitor* / Abu Zeed, Adnan 10 Dec 2017.

²⁸ *Niqash* / al-Zaidi Mohammed, 8 Jun 2017.

²⁹ Guertin, Trista, 27 Sep 2015. Interview, Danish Immigration Service fact-finding mission. Trista Guertin is the Intersos head of mission, DIS 2016, pp. 145–147.



authority in Sulaymaniyah, 24,275 of the 39,750 teachers there were women. It was further reported in the article that, due to the financial crisis, the authorities had been unable to pay the salaries of teachers and health care employees. Protests against this, which affects both genders, included more women than ever before.³⁰

According to the International Committee of the Red Cross (ICRC)(2011), Iraqi society is slowly coming to accept that women who are heads of their households must get a job and be independent, but change is slow and employment opportunities are scarce.³¹

According to a human rights report published by the US Department of State (US DoS) for the year 2016, stateless persons³² resident in Iraq (men and women) faced discrimination in employment.³³

The Workers' Pension and Social Security Law No. 112 of 1959 does not apply to groups such as household workers and agricultural workers, i.e. sectors where women are employed.³⁴

2.3. Minorities and stateless persons

Iraq has an estimated population of 39.2 million.³⁵ Some 75%–80% are ethnic Arabs, 15%–20% are ethnic Kurds, and the rest are minorities. Some 95%–98% of the population are Muslims (64%–69% Shia and 29%–34% Sunni), 1% are Christians and 1%–4% belong to other denominations.³⁶ In the context of Iraq, a 'minority' is defined as a group that forms up to 10% of the population and is not made up of Sunni or Shia Arabs or Kurds (the majority of the Kurds being Sunni).³⁷

The most notable minorities and groups of stateless persons in Iraq are: Christian, Yezidi, Kaka'i (Yarsan), Sabean-Mandaean, Baha'i, Turkmen, Shabak, Chaldean, Assyrian, Armenian, Cherkesh, Roma (*kawliyah*), Feyli Kurdish, Palestinian and Jewish.³⁸ In particular, minority groups can be found in the disputed areas, in the central parts of the country and among internally displaced persons (IDP).³⁹ There are around 1.5 million people of African origin in Iraq who have not been recognised as a legitimate minority. The largest community of people of African origin lives in the Zubair area in the province of Basra, and there are smaller such communities around

³⁰ Niqash / Othman Kosar 11 Apr 2018.

³¹ ICRC 2011, pp. 2, 8.

³² Stateless persons resident in Iraq may include at least the Bidoon, who are mentioned in the report and mainly live in the provinces of Basra, Dhi-Qar and Qadissiya. Other groups mentioned include the Roma, the Ahwaz, the Baha'i, the people of the southern marshes and the Goyan and Omiariyai Turkish Kurdish tribes in the Mosul area. Also, Palestinians resident in Iraq tend not to have Iraqi citizenship.

³³ US DoS 2017a.

³⁴ IILHR 2010, p. 87.

³⁵ CIA 2018.

³⁶ CIA 2018.

³⁷ In practice, there are areas where Sunni Arabs form a minority and very vulnerable. Source: Lattimer, Mark / CCCR in EASO 2017 p. 19.

³⁸ MRGI 2017 ('Minorities and indigenous peoples' tab); MRG & IMO / Lalani, Mumtaz 2010, pp. 5-8.

³⁹ IOM 2017a, p. 13 [map], p. 15.



the country.⁴⁰ There are also nomads in Iraq, some of whom are undocumented or stateless (*Bidoon*)⁴¹.

The present report does not include a detailed, separate discussion of the situation of women in these minority groups. On a general level, it should be noted that members of small minorities lead challenging lives in Iraq. Minority women and children are the most vulnerable population groups.⁴²

Most of the sources used do not itemise or specify whether infringements are more or less likely to be experienced by members of particular ethnic, religious or social groups. However, the background details of women suffering infringements are given in the report, whenever such details are mentioned in the source.

2.4. Women in politics

Since 2005, there has been a 25% gender quota for women in the Iraqi Parliament.⁴³ The KRG government, for its part, increased the quota to 30% in 2009. Women remain in a minority in both local and national decision-making, and women's needs are absent from the political agenda.⁴⁴ While the quota ensures that a certain number of women will be elected to office, it does not guarantee them any real power in the decision-making process.⁴⁵

In the general election of April 2014, 83 women were elected to the Iraqi Parliament, accounting for just over a quarter (25.3%) of the 328 seats.⁴⁶ There will be around 24 million eligible voters in the May 2018 general election. For this election, new voter cards will be distributed to about 11 million voters, of whom around 5.7 million are women.⁴⁷ The UN has provided consultation and education to increase women's participation in running for office and engaging in the election process.⁴⁸

According to Hanaa Edwar, the founder of the Al-Amal NGO, who was interviewed for the Niqash article, the role of women in Iraqi politics has actually declined: over the last decade or so, the number of women in government posts has decreased dramatically. The first administration that took office after Saddam Hussein's regime included six female ministers; now there are only two – the Minister of Housing and the Minister of Health. There are now also fewer female deputy ministers. There are no women on the Independent High Electoral Commission. The number of woman officials in the Ministries of Finance, Education and Health has likewise decreased considerably. According to Edwar, men occupy all high-level positions and reject any legislation that might empower women. If the 25% gender quota for Parliament and for provincial councils did not exist, the situation would be even worse.⁴⁹

⁴⁰ Niqash / Sadoun, Mustafa 27 Feb 2014.

⁴¹ Country Information Service

⁴² e.g. UNAMI & OHCHR 2017a, p. 15; MRG 2017a, p. 9; MRG 2016; FH 2018; UN HRC 2017.

⁴³ E.g. MRG 2017b ('Background' tab); Moghadam 2005 in O'Driscoll, Dylan 2017, p. 5.

⁴⁴ Moghadam 2005 in O'Driscoll, Dylan 2017, p. 5.

⁴⁵ Henzizi 2015 in O'Driscoll, Dylan 2017, p. 6.

⁴⁶ IPU 2018.

⁴⁷ UN SC 2018, p. 10.

⁴⁸ UN SC 2018, p. 8-9.

⁴⁹ Niqash / Habib, Mustafa 19 Nov 2017.



According to a statistical survey of more than 10,000 households published by the Iraq CSO in 2012, about 85%⁵⁰ of women aged 15 to 64 consider that women have the right to vote in elections, and around 68%⁵¹ believe that women have the right to run for office. Slightly under half of those who are not in favour of women's participation consider elections to belong to men.⁵²

According to information compiled from several sources by Dylan O'Driscoll at the University of Manchester,⁵³ there are several obstacles to women engaging in politics: the security situation, cultural obstacles and the tribal nature or high status of various negotiations. Because the political scene is dominated by political parties, the women who do manage to get involved in politics either have no interest in promoting women's issues, or have no authority to raise issues contrary to their party's platform. NGOs form the traditional channel through which women work on behalf of political change. Politics as such is viewed as a domain for men.⁵⁴

According to persons interviewed for the Niqash article, men have sometimes voted on behalf of female family members. At one time, it was not uncommon for men to be handed their wife's ballot in addition to their own at a polling station. This practice has disappeared with the introduction of electronic voting, but it may have led to some women not voting at all. An NGO activist interviewed predicted that women would turn out actively in the 2018 election.⁵⁵

⁵⁰ The figure is c. 83% in territories controlled by the Iraqi central government and c. 95% in Iraqi Kurdistan.

⁵¹ The figure is c. 63% in territories controlled by the Iraqi central government and c. 93% in Iraqi Kurdistan.

⁵² CSO / UNFPA 2012, p. 20.

⁵³ Further information on this person: <https://www.research.manchester.ac.uk/portal/dylan.odriscoll.html>

⁵⁴ O'Driscoll, Dylan, 2017, p. 2.

⁵⁵ Niqash / Al-Jibouri, Ghazwan Hassan 1 Mar 2018.



3. Principal legislation affecting the status of women

3.1. Constitution

Article 14 of the Constitution of the Republic of Iraq (2005) provides for equality and non-discrimination: *"Iraqis are equal before the law without discrimination based on gender, race, ethnicity, nationality, origin, color, religion, sect, belief or opinion, or economic or social status."*⁵⁶

The Constitution itself, however, is contradictory. Article 2 stipulates that no law may violate the tenets of Islam: *"...Islam is the official religion of the State and is a foundation source of legislation: No law may be enacted that contradicts the established provisions of Islam..."*⁵⁷ This Article is problematic, because it is unclear who has the authority to interpret the tenets of Islam. Some religious scholars, for instance, are of the opinion that men are entitled to administer corporal punishment to their wives, or that there is no age limit to marriage in Islam. It is also unclear what the procedure should be if it is found that the provisions of the Constitution contradict tenets of Islam.⁵⁸

The family is regarded as the core basic unit of society in Iraq. Article 29(1) of the Constitution specifically provides for this. It also calls for the State to preserve families and their religious, moral and national values: *"The family is the foundation of society; the State shall preserve it and its religious, moral, and national values"*. Paragraph 4 of the same Article prohibits all forms of violence and abuse: *"All forms of violence and abuse in the family, school and society shall be prohibited."* Article 37(1) states: *"Forced labor, slavery, slave trade, trafficking in women or children, and sex trade shall be prohibited."*⁵⁹

The Constitution seeks not only to ensure equality, but also to protect religious freedom and the principles of Islam. Article 41 provides for freedom for various religious and social groups to follow their own regulations as regards marriage: *"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."*⁶⁰ This Article complicates attempts to harmonise national legislation with international standards.⁶¹

Under Article 121, Iraqi Kurdistan has legislative autonomy within the framework of the Constitution.⁶² The Constitution of Iraqi Kurdistan provides for gender equality in Article 16: *"Men and women shall be equal before the law. The government of the region must seek to remove all obstacles hindering equality in all spheres of life, and in civil, political, social, cultural and economic rights."*⁶³

3.2. Nationality Law

Although the Constitution specifies that nationality is acquired by virtue of either the mother or the father, the Nationality Law (No. 26, 2006)⁶⁴ restricts the right of a child to acquire nationality by

⁵⁶ Constitution of the Republic of Iraq 15 Oct 2005, [translation: UNAMI / UNHCR] Article 14.

⁵⁷ Constitution of the Republic of Iraq 15 Oct 2005, [translation: UNAMI / UNHCR] Article 2

⁵⁸ MRGI / CCCR / Puttick, Miriam 2015a, p. 7.

⁵⁹ Constitution of the Republic of Iraq 15 Oct 2005, [translation: UNAMI / UNHCR] Article 37(1)

⁶⁰ Constitution of the Republic of Iraq 15 Oct 2005, [translation: UNAMI / UNHCR] Article 41

⁶¹ UNFPA 2016b, p. 4.

⁶² Constitution of the Republic of Iraq 15 Oct 2005, [translation: UNAMI / UNHCR] Article 121

⁶³ IILHR 2010, p. 25.

⁶⁴ Iraqi Nationality Law of 7 March 2006. [translation: UNHCR]



virtue of the mother (Article 4). Children born to Iraqi men abroad acquire Iraqi nationality by virtue of their father. Children born to Iraqi women abroad acquire Iraqi nationality by virtue of their mother only if the father is unknown or stateless. Even then, the matter is subject to the discretion of the Ministry of the Interior. Such a child may apply for Iraqi nationality within one year of coming of age and must be resident in Iraq at the time of submitting the application. The precise wording of the Law is as follows:

*"The Minister may consider Iraqi any person born outside Iraq to an Iraqi mother and an unknown or stateless father, if he chooses the Iraqi nationality, within one year from coming of age (reaching the age of maturity), unless he fails to do so, due to difficult circumstances, provided that he is residing within Iraq at the time of application for the Iraqi nationality."*⁶⁵

The CEDAW⁶⁶ noted that it was easier for foreign spouses of Iraqi men to acquire Iraqi nationality than for foreign spouses of Iraqi women, for whom the process involves greater restrictions (Articles 7 and 11).⁶⁷

The UN Committee on the Rights of the Child has expressed its concern about the fact that the mother's nationality can only be transmitted to the child if the mother's marriage is appropriately registered. This requirement may cause a child to remain stateless if the child was born: out of wedlock, in a forced marriage with a fighter, in a marriage solemnised by religious ceremony only, or with a foreign father.⁶⁸

Article 6(II) of the Nationality Law specifically excludes Palestinians: *"Iraqi nationality shall not be granted to Palestinians as a guarantee to their right to return to their homeland."*⁶⁹

3.3. Personal Status Law

In most Islamic countries, religious law (*Sharia law*) governs matters related to marriage, divorce and child custody. In Iraq, however, a separate albeit Sharia-based Personal Status Law (No. 188) was enacted in 1959; this is a source of pride for modern Iraqis.⁷⁰ The Law was considered progressive in its day, because it deviated in some respects from Sharia law and guaranteed women broader rights with respect to marriage, child custody and inheritance.⁷¹

The Law stipulates that the minimum age for marriage is 18, although it allows marriage at the age of 15 under certain circumstances (Articles 7 and 8).⁷² The legislation of Iraqi Kurdistan also specifies that persons under the age of 18 may marry under certain circumstances.⁷³

⁶⁵ CEDAW 2014, p. 11; UNHCR 2018a, p. 7; Iraqi Nationality Law of 7 March 2006. [translation: UNHCR], Article 4.

⁶⁶ Convention on the Elimination of All Forms of Discrimination Against Women.

⁶⁷ CEDAW 2014, p. 11; Iraqi Nationality Law of 7 March 2006. [translation: UNHCR], Articles 7 and 11.

⁶⁸ UN CRC 2015.

⁶⁹ Iraqi Nationality Law of 7 March 2006. [translation: UNHCR], Article 6(II).

⁷⁰ Niqash / Habib, Mustafa 19 Nov 2017; Iraq: Law No. 188 of 1959, Personal Status Law and amendments. 30 Dec 1959 [translation: American Bar Association Iraq Legal Development Project]

⁷¹ MRG / CCCR / Puttick, Miriam 2015a, p. 8.

⁷² Iraq: Law No. 188 of 1959, Personal Status Law and amendments. 30 Dec 1959 [translation: American Bar Association Iraq Legal Development Project], Articles 7 and 8; Niqash / Habib, Mustafa 19 Nov 2017.

⁷³ UNFPA 2016, p. 5; Girls not Brides 2015, p. 5; UN CRC 2015, p. 11; DIS 2016, pp. 191-192.



The Law also allows polygamy for men under certain circumstances (Chapter 1, Article 3(4)).⁷⁴ A man may marry more than one woman with the consent of a judge, provided that the husband has sufficient assets and a justifiable reason for having another wife.⁷⁵

The Law prohibits forced marriages, whether between relatives or non-relatives. In practice, however, the Law does not annul a forced marriage if the marriage has been consummated. In such a case, the victim of a forced marriage must go to court to obtain a divorce.⁷⁶

The law is different for men and women when it comes to divorce. A man can divorce his wife for any reason, simply by stating his intent to divorce three times. A woman, on the other hand, can only petition for divorce for specific reasons such as if the husband is unfaithful, if the husband takes a new wife without the current wife's permission, or if the husband leaves the wife with no money.⁷⁷ For women, physical domestic violence constitutes grounds for divorce only under certain circumstances.⁷⁸

In October 2017, the Iraqi Parliament passed a decision-in-principle to amend the Personal Status Law, which sparked nationwide protests. Member of Parliament Shuruq al-Abaji, interviewed for the Niqash article, noted that the Parliament's proposed amendments would cause matters related to marriage, divorce, child custody and inheritance to be transferred to religious endowment authorities (*al waqf*), which maintain Sunni and Shia mosques and shrines. According to al-Abaji, this would violate the principle of the separation of powers, human rights and international women's rights.⁷⁹ According to Hanaa Edwar, the director of the Al Amal NGO interviewed by HRW, the current Law applies to everyone irrespective of their religion, and matters are processed in the secular judicial system. The proposed amendment would cause religious law to be applied to matters concerning marriage, divorce and inheritance rather than secular law. The proposed amendment also recommends, but does not stipulate, the establishment of dedicated family courts presided over by religious judges specialising in family matters.⁸⁰

Under the current Law, if a husband demands a divorce, the wife is entitled to continue living in their shared home for three years at the husband's expense, to receive two years' maintenance and to receive compensation equal to her dowry; if a wife demands a divorce, the judge may grant her some of the above benefits, depending on the circumstances. Under the proposed amendment, the wife would not have the right to continue living in the shared home, would not be entitled to maintenance and would not be entitled to dowry compensation; any children would only be allowed to live with their mother for two years, regardless of their age, and during this time she would not be allowed to remarry.⁸¹

⁷⁴ UNFPA 2016, p. 31; MRG / CCCR / Puttick, Miriam 2015a, p. 8.

⁷⁵ MRG / CCCR / Puttick, Miriam 2015a, p. 8.

⁷⁶ MRG / CCCR / Puttick, Miriam 2015a, p. 8.

⁷⁷ MRG / CCCR / Puttick, Miriam 2015a, p. 8.

⁷⁸ It was noted in the UNFPA report: "In order to get a divorce, women suffering from physical violence have to demonstrate that their injuries are incompatible with married life." Source: UNFPA 2016a p. 31.

⁷⁹ Niqash / Habib, Mustafa 19 Nov 2017.

⁸⁰ HRW 2017c.

⁸¹ HRW 2017c.



Under the current Law, daughters inherit a smaller share of their parents' estate than sons. Under certain religious edicts, daughters should inherit even less, and in the absence of sons any agricultural land should be forfeit to the state.⁸²

Hanaa Edwar, the leader of the Al Amal NGO interviewed by Niqash, noted that the Islamic parties are advocating this amendment now that the role of women in politics has diminished.⁸³

In December 2017, HRW reported that Parliament had abandoned the proposal for now. HRW representative Belkis Wille said, however, that although the proposal had been rejected, there was a continuing threat of new legislative amendments.⁸⁴

3.4. Proposal for an Anti-Domestic Violence Law / Family Protection Law

A proposal for an Anti-Domestic Violence Law or Family Protection Law has been in the pipeline since 2015, but has not progressed through Parliament.⁸⁵ According to HRW, Hanaa Edwar, the founder of the Al Amal NGO, has noted that Members of Parliament have threatened to push the proposed amendment of the Personal Status Law (which would weaken the status of women) unless the women's rights committee stops defending the proposal for an Anti-Domestic Violence Law, which has stalled in Parliament since 2015.⁸⁶ In the Niqash interview, the same source stated that male Members of Parliament have refused to vote on the proposal.⁸⁷

The human rights report by UNAMI and OHCHR noted that the proposal did not comply with international human rights standards in all respects. The sanctions provided for were not sufficient, and the proposal placed no obligations on the police or the prosecutors, nor did it provide for the long-term protection for victims. The proposal was designed to protect the family as a unit rather than the individual who is a victim of domestic violence. The victim could be placed in actual danger if required by law to return home to attempt conciliation.⁸⁸

In Iraqi Kurdistan, a Prevention of Domestic Violence Act (No. 8) has been in force since 2011. Nevertheless, the UN Committee on the Rights of the Child is concerned that there is insufficient legal protection for women and children as victims of domestic violence.⁸⁹ A proposal to amend the Act was drafted in 2015, but has so far not progressed in the KRG Parliament. The amendment would reinforce the current Act by defining domestic violence more precisely, and by imposing severer sanctions.⁹⁰

⁸² HRW 2017c.

⁸³ Niqash / Habib, Mustafa 19 Nov 2017.

⁸⁴ HRW 2017c.

⁸⁵ HRW 2017a; HRW 2018.

⁸⁶ HRW 2017c.

⁸⁷ Niqash / Habib, Mustafa 19 Nov 2017.

⁸⁸ UNAMI & OHCHR 2017, pp. 11-13.

⁸⁹ UN CRC 2015, p. 9.

⁹⁰ UNAMI & OHCHR 2017, p. 14.



3.5. Penal Code

The Penal Code (No. 111, 1969/2010) prohibits physical assault but does not specifically prohibit domestic violence.⁹¹ Under Article 41(1) of the Penal Code, a husband is entitled to punish his wife within certain limits. Such punishment is thus lawful and not an offence:

*“There is no crime if the act is committed while exercising a legal right. The following are considered to be in exercise of a legal right: (1) The punishment of a wife by her husband, the disciplining by parents and teachers of children under their authority within certain limits prescribed by law or by custom (...).”*⁹²

The limits within which it is permissible for a husband to punish his wife are defined rather vaguely, which allows various types of violence of varying degrees of severity to be interpreted as lawful.⁹³

Under Article 128(1) of the Penal Code, offences committed due to honour or because of provocation by the victim may remain unpunished, or the sanction may be mitigated:

*“Legal excuse either discharges a person from a penalty or reduces that penalty. Excuse only exists under conditions that are specified by law. Notwithstanding these conditions, the commission of an offence with honourable motives or in response to the unjustified and serious provocation of a victim of an offence is considered a mitigating excuse (...).”*⁹⁴

Under Article 130, mitigation involves commuting the death penalty to imprisonment of at least one year and commuting life imprisonment to imprisonment of at least six months. Also, Article 409 stipulates the following regarding ‘honour violence’:

*“Any person who surprises his wife in the act of adultery or finds his girlfriend in bed with her lover and kills them immediately or one of them or assaults one of them so that he or she dies or is left permanently disabled is punishable by a period of detention not exceeding 3 years. It is not permissible to exercise the right of legal defense against any person who uses this excuse nor do the rules of aggravating circumstance apply against him.”*⁹⁵

Sexual violence against both men and women is a criminal offence (Chapter 9, part 1). Under Article 398, charges against the offender shall be waived if the offender marries the victim. Conjugal rape is not an offence:

*“If the offender mentioned in this Section then lawfully marries the victim, any action becomes void and any investigation or other procedure is discontinued and, if a sentence has already been passed in respect of such action, then the sentence will be quashed (...).”*⁹⁶

⁹¹ Penal Code 111 of 1969 as amended to 14 March 2010, [translation: Iraqi Local Governance Law library]; UNAMI & OHCHR 2017, p. 12.

⁹² Penal Code 111 of 1969 as amended to 14 March 2010, [translation: Iraqi Local Governance Law library], Article 41(1).

⁹³ MRG / CCCR / Puttick, Miriam 2015a, p. 7.

⁹⁴ Penal Code 111 of 1969 as amended to 14 March 2010, [translation: Iraqi Local Governance Law library], Article 128(1).

⁹⁵ Penal Code 111 of 1969 as amended to 14 March 2010, [translation: Iraqi Local Governance Law library]. Articles 130 and 149.

⁹⁶ Penal Code 111 of 1969 as amended to 14 March 2010, [translation: Iraqi Local Governance Law library], Article 398; HRW 2018.



This provision applies even when the victim is a minor.⁹⁷ Activists championing women's issues are trying to effect a change in this. They are planning demonstrations in the run-up to the election in May 2018.⁹⁸ According to those who defend the aforementioned Article, the rapist marrying the victim is to the victim's advantage, because the marriage restores the honour of the victim's family and thereby eliminates the risk of an honour killing. The provision perpetuates the shame and stigma associated with rape and may jeopardise the victim's safety in that it requires the victim to remain married to the rapist for at least three years.⁹⁹

Unlike the rest of Iraq, in Iraqi Kurdistan rape is an offence under all circumstances, even if conjugal.¹⁰⁰

Under Article 377 of the Penal Code, adultery is a punishable offence. However, the law treats men and women differently. A man can only be arrested for adultery if he commits the act in his and his wife's shared home. A woman can be arrested for adultery committed anywhere:

"An adulteress and the man with whom she commits adultery are punishable by detention. The offender is assumed to be aware of the marriage unless he can prove that he was not capable of being aware of it. The same penalty applies if the husband commits adultery in the conjugal home".¹⁰¹

Under Article 378(2), a husband may bring a charge of adultery at any time up to four months after a divorce. Women do not have this right.¹⁰²

Under Article 417, abortion is a punishable offence, the maximum sanction being one year of imprisonment and a fine.¹⁰³

3.6. Women and the criminal justice system

According to the IILHR (2010), there are several provisions in the Iraqi Criminal Procedure Code (No. 23 of 1971) that can complicate the prosecution of a criminal matter in court when the victim is a woman. The criminal justice process is begun by filing a report of an offence, orally or in writing. Many offences, whose victims are specifically women (such as rape, polygamy or adultery), are complainant offences, meaning that the victim herself or her legal counsel must file a report in order to bring charges. Women who become victims may be unwilling to file a report of a criminal offence for fear of repercussions. The offender may have coerced the woman not to report the offence, or the woman may be concerned about the honour of her family. If the sanction prescribed by law for an offence is no more than one year's imprisonment or a fine, the matter may be settled out of court. A settlement is also possible in cases where the prescribed sanction is imprisonment for more than one year, although the matter must nevertheless be brought to court. This being an option, victims may be pressured towards settlement. Offenders

⁹⁷ UNAMI & OHCHR 2017, p. 12.

⁹⁸ Thomson Reuters Foundation News / Kanso, Heba, 29 Mar 2018.

⁹⁹ UNAMI & OHCHR 2017, p. 12.

¹⁰⁰ US DoS 2018, p. 41.

¹⁰¹ Penal Code 111 of 1969 as amended to 14 March 2010, [translation: Iraqi Local Governance Law library], Article 377.

¹⁰² Penal Code 111 of 1969 as amended to 14 March 2010, [translation: Iraqi Local Governance Law library], Article 378(2); MRG / CCCR / Puttick, Miriam 2015a, p. 8.

¹⁰³ Penal Code 111 of 1969 as amended to 14 March 2010, [translation: Iraqi Local Governance Law library], Article 417.



may compromise a criminal investigation so that the evidence obtained is not impartial. Female victims, on the other hand, may find it difficult to attend sessions in court. Eye witnesses do not have the right to refuse to testify. Women may be afraid of testifying on behalf of other women due to repercussions or compromising the honour of their family. Because the authorities cannot enter a woman's home without an order from the investigating judge, prompt help is unavailable even in emergency situations. An arrest warrant must include detailed information on the suspect. This requirement for detail on an arrest warrant slows down the process, during which time the victim may still be in danger.¹⁰⁴ Even if a woman takes the matter to court, in the vast majority of cases she will be obliged to return to her family – usually after reaching a settlement with her husband or her relatives.¹⁰⁵

In the HRW report on the status of women in the Iraqi criminal justice system (2014), it was noted that the number of women imprisoned and detained was small compared to the number of men (more than 40,000 men as opposed to over 1,100 women in June 2013). Women suffer due to infringements against the honour of their families and tribes. The security forces make unlawful arrests, torture may be used to extract confessions, and women experience sexual violence in prison. According to the Prime Minister's Office,¹⁰⁶ 4,200 of the women held in the detention centres of the Ministries of Interior and Defence were Sunni and 57 were Shia. Illiterate persons may be forced to sign documents that they cannot read. In many cases, victims cannot afford a lawyer, or lawyers do not dare to take politically sensitive cases. Women may be arrested en masse as a collective sanction for alleged acts of terror committed by their male family members. Women may also be arrested under the Anti-Terrorism Law on charges of concealing alleged acts of terror committed by their male family members.¹⁰⁷

3.7. Traditional tribal justice

Iraq is fundamentally a tribal society. Traditional tribal values, such as the honour of an individual or a family (*sharaf*) and solidarity towards one's family or clan (*'asabiyya*) have a strong bearing on social customs and the political culture of the country. Despite the existence of a civil justice system, practices deriving from traditional tribal justice (*'urf*) survive in rural areas, in particular, as well as in some urban areas.¹⁰⁸

According to Freedom House (2018), the Iraqi judiciary is prone to corruption, political pressure, tribal intimidation and religious interests. Because the judicial system is unreliable or inaccessible, many Iraqis turn to tribal justice bodies for the resolution of disputes.¹⁰⁹ Very little information is available on how tribal justice is administered within tribes.¹¹⁰

According to Abdul Rahman al-Louiz, a Member of Parliament interviewed for the AI Monitor article, tribal justice hands down severe punishments to people convicted of murder. The areas liberated from ISIS are tribal areas, where the tribal justice system is more effective than that of the government. According to a member of the Albu Nimr tribe interviewed for the article, since

¹⁰⁴ IILHR 2010, pp. 108-116.

¹⁰⁵ Lattimer, Mark / CCCR in EASO 2017, pp. 21 – 22.

¹⁰⁶ The report did not indicate which time period this information concerns.

¹⁰⁷ HRW 2014.

¹⁰⁸ Eisenstadt, Michael 2007, pp. 1-2.

¹⁰⁹ FH 2018.

¹¹⁰ Lattimer, Mark in EASO 2017, p. 24.



the killing of tribal members by ISIS, persons associated with the organisation are no longer welcome in the area.¹¹¹ In southern Iraq in particular, tribes may use their women as bartering items to settle disputes with other tribes (the *fasliya* tradition).¹¹²

According to several sources interviewed during the fact-finding mission by the Danish Immigration Service (DIS), in Iraqi Kurdistan the local residents tend to appeal to traditional tribal justice in order to resolve honour-related disputes.¹¹³ This is more common in rural areas than in cities in Iraqi Kurdistan.¹¹⁴ In the countryside, it is the duty of the entire tribe to protect the honour of individual families therein.¹¹⁵

¹¹¹ Al Monitor / Zeed, Adnan Abu 1 Mar 2018.

¹¹² US DoS 2018, p. 42.

¹¹³ DIS 2016, p. 46.

¹¹⁴ Mochizuki, Daihei. 28 Sep 2015 & Al Habahbeh, Osama 23 Oct 2015. Daihei Mochizuki is the IOM programme leader in Iraqi Kurdistan. Osama Al Habahbeh is the programme leader of International Media Support. Interviews during the fact-finding mission of the Danish Immigration Service and in Copenhagen. DIS 2016, pp. 46, 131, 147.

¹¹⁵ DIS 2016, pp. 46-47.



4. Infringements against women

4.1. General information on infringements

According to the US Department of State, infringements against women in Iraq include rape, domestic violence, female genital mutilation/cutting, honour violence, temporary marriages, sexual abuse and discrimination.¹¹⁶

In a report published by Minority Rights Group International (MRG) and the Ceasefire Center for Civilian Rights (CCCR) in 2015, it was noted that women in Iraq were threatened from all sides in the conflict: armed groups threatened, raped and killed women; the security and police forces, mostly male, failed to protect women and often committed violence against them too; criminal groups exploited the women's desperate situation. Women were discriminated against in legislation, and the authorities were unconcerned about violence against women.¹¹⁷

According to CCCR director Mark Lattimer, women are considered inferior to men. Women are expected to travel with a male relative; an honourable woman would not be expected to travel alone or to act independently. Some of the violence during the conflict has been specifically aimed at women due to their conduct being considered politically or morally illicit. For instance, militia have killed women at venues claimed to be brothels or because they wore the wrong kind of clothing. Lattimer estimates that any woman living outside a family community is at risk. On the other hand, in many family communities women face an enemy within.¹¹⁸

According to the report on freedom of religion published by the US Department of State for 2016, non-Islamic minorities feel compelled to comply with Muslim regulations such as wearing a hijab or fasting during Ramadan. Women who are not Shia Muslims nevertheless feel pressured to wear a hijab and all-black clothing during the month-long Mourning of Muharram, particularly the commemorative feast of Ashura. Christian NGOs report that some Muslims threaten women and girls, regardless of their religion, for refusing to wear a hijab, for wearing Western clothing or for not complying with a strict interpretation of Islam in their conduct. Many women, including Christians and Mandaeans, have taken to wearing a hijab after encountering such harassment.¹¹⁹

On a fact-finding mission by the Finnish Immigration Service, two NGOs in Baghdad reported that women, children and minorities are vulnerable groups in Iraq. Members of sexual minorities cannot discuss their orientation except with a close circle of confidantes. Mixed marriages between religious groups are sometimes viewed as problematic. According to one of the NGOs, minority women attract trouble due to their clothing in some areas of Baghdad, and some universities demand that female students wear a headscarf.¹²⁰

¹¹⁶ US DoS 2018, pp. 39-43.

¹¹⁷ MRG & CCCR / Puttick, Miriam 2015b, p. 5.

¹¹⁸ Lattimer, Mark / CCCR in EASO 2017 pp. 3, 18, 21-22.

¹¹⁹ US DoS 2017c, p. 20.

¹²⁰ Local NGOs (nos. 2 and 3) in Baghdad. Interviews in October and November 2017 during the fact-finding mission of the FAKTA project of the Finnish Immigration Service. Finnish Immigration Service / Country Information Service 2018a, p. 10.



4.2. (Domestic) violence against women

According to the US DoS report on human rights for 2017, domestic violence is common in Iraq.¹²¹ According to a study involving more than 10,000 households published by the Iraq CSO in 2012, women aged 15 to 45 reported that violence against them is most commonly committed by their husbands. The next most common offenders were their fathers, other family members, co-workers and health care staff. Most violence against women is perpetrated in the home.¹²²

The aforementioned study found that c. 45% of recently married women had experienced psychological abuse by their husbands (prevention of social relations, restriction of movement, indifference, providing insufficient money, being angry because of the woman talking to another man, etc.). Some 23% had experienced verbal abuse (insults, humiliation, shaming etc.), some 6% had experienced physical violence, and some 9% had experienced sexual violence. Physical violence and psychological abuse were more common in the central and southern parts of the country than in Iraqi Kurdistan.¹²³

The report noted that the incidence of violence varied from one province to another. For instance, in the Anbar province 30% of men would not allow their wives to go to the doctor without an escort; in Qadisiya 40% of men insisted on knowing where their wives are at all times; in Diyala one fourth of men had hurt their wives during the past year and one fifth of married women had experienced physical violence.¹²⁴

Women also reported violence on the street, in shopping areas and on public transport. One fifth of women aged 15 to 54 had encountered sexual, physical or verbal abuse on the street. This percentage was higher in urban areas than in rural areas, and in areas controlled by the central government than in Iraqi Kurdistan. One in ten women had encountered violence on public transport.¹²⁵

The majority of the women surveyed did not trust the police and did not consider the protection provided by the police to be appropriate. In cases of violence, women first turn to their families for protection. The police or a religious leader may be consulted if the violence persists. The police are trusted more and turned to more often in Iraqi Kurdistan than in the central government territory. Women were somewhat more trusting of the police in urban areas than in rural areas.¹²⁶

The study showed that about one in five men aged 18 or over considered that a husband is allowed to strike his wife if she goes out without permission, and about one in four considered that a husband is allowed to strike his wife if she does not obey her husband's instructions.¹²⁷

In the HRW report for 2017, it was noted that, while more recent national statistics on domestic violence were unavailable, women's rights organisations were consistently reporting a high level of domestic violence.¹²⁸

¹²¹ US DoS 2018, p. 40.

¹²² CSO / UNFPA 2012, pp. 46-48.

¹²³ CSO / UNFPA 2012, pp. 47-48.

¹²⁴ CSO / UNFPA 2012, p. 48.

¹²⁵ CSO / UNFPA 2012, pp. 48-49.

¹²⁶ CSO / UNFPA 2012, pp. 25-26, 49-50.

¹²⁷ CSO UNFPA 2012, pp. 28-29.

¹²⁸ HRW 2018a.



Between 2010 and 2014, the authorities' family protection units (FPU) registered 22,442 cases of domestic violence nationwide.¹²⁹ Due to under-reporting, this probably only represents a fraction of the actual number of incidents. The civil court in the Missan province processed a total of 8,646 cases of divorce due to domestic violence in 2013 and in the first quarter of 2014. These figures indicate that domestic violence is a much more widespread problem than can be deduced from the FPU statistics.¹³⁰

The Asuda NGO interviewed 1,709 women in seven cities around the country in 2014 and 2015.¹³¹ The NGO received detailed information on 1,249 cases of domestic violence. The offender was the victim's husband in 71% of cases, her brother in 9%, her father in 7%, a family member of her husband's in 6%, her fiancé or lover in 2%, her son in 1% and someone else in 4%.¹³² The most common forms of domestic violence were physical violence and psychological abuse. Sexual violence was also indicated (conjugal rape, incest, sexual harassment, forced prostitution). In some cases, the husband prevented family members from fulfilling their basic needs, refused to work, forced family members to work, or stole the wife's wages or property. In some cases, the wife was prevented from completing her studies or from working.¹³³ In 68 cases, a woman had attempted suicide, apparently as a result of violence in the family. It was unclear whether these women acted alone or whether they had been encouraged or coerced into an attempt to take their own lives.¹³⁴ Most of the women never reported the domestic violence to any authorities, citing the following reasons: opposition from family and relatives (42%), fear of divorce (24%), fear of loss of reputation (12%), distrust of the authorities (5%), fear of losing income/assistance (4%), and belief that the sanction would not be severe enough (3%).¹³⁵

In 2016, the UNFPA conducted a study in eight provinces where there was an ongoing conflict¹³⁶ to investigate violence against women among internally displaced persons and refugees. The study revealed widespread gender violence in all the provinces examined. Such violence was considered normal and justified for cultural and religious reasons by the offenders and their communities – and by the victims themselves. The offenders were most commonly the husband or the husband's parents. Psychological abuse was the topic most willingly discussed by the victims. Most did not want to disclose that they had been subject to physical violence. It was rare for a victim to reveal sexual violence. An exception to this was formed by Yezidi women: they sought help from religious leaders or NGOs when subjected to sexual and physical violence by ISIS members.¹³⁷

The study revealed that husbands or fathers-in-law might limit or deny women food, necessities or money. The husband or older people in the household might keep all the family's food ration

¹²⁹ Al-Sudani M., 'Tasjeel akthar min 22 alf halat 'anf usri fi al-'iraq', Al-Mada, 6 Dec 2014, in MRG & CCCR / Puttick, Miriam 2015a, p. 17.

¹³⁰ Al Jazeera Net, 'Al-'anf al-usri fi Missan yaqoud lil-ya's wa al-intihar', 18 Apr 2014, in MRG & CCCR / Puttick, Miriam 2015a, p. 17.

¹³¹ MRG & CCCR / Puttick, Miriam 2015a, pp. 5-6.

¹³² MRG & CCCR / Puttick, Miriam 2015a, pp. 11-12.

¹³³ MRG & CCCR / Puttick, Miriam 2015a, pp. 12-13.

¹³⁴ MRG & CCCR / Puttick, Miriam 2015a, p. 15.

¹³⁵ MRG & CCCR / Puttick, Miriam 2015a, pp. 13-14.

¹³⁶ Baghdad, Diyala, Kirkuk, Najaf, Kerbala, Erbil, Dohuk, Sulaymaniyah.

¹³⁷ UNFPA 2016, pp. 7-8, 21-26.



cards (public distribution system cards, PDS cards)¹³⁸ in their possession and use these as leverage and punishment to force the wife to obey the violent husband. Women tended not to report violence perpetrated by a family member because they were ashamed, feared repercussions or wished to protect their husband or family members. Women were worried that if they report violence, they would be denied resources (food, etc.) or be separated from their children. Although taking children away from their mother is not lawful under Iraqi law, it is a deep-seated cultural practice, particularly in rural areas.¹³⁹

The study showed that public services offered to victims were underused and that victims primarily sought protection from their own nuclear or extended family. They turned to their family for conciliation, protection and the resolution of disputes. In cases where the family was unable to resolve the situation, they tended to approach the elders of the community or tribal leaders (especially in the Nineveh province). However, these authorities were not approached by the women themselves but by more influential members of their family such as a parent, brother or parent-in-law. The second most common recourse was to turn to Women Community Centres, 'safe spaces' maintained by NGOs for women for the purpose of offering education and recreational services. Distrust deterred victims from going to the police. Women were worried that the police would simply send them back home rather than afraid of being maltreated by the police. Women accepted psychological counselling provided by the centres when this was combined with services that benefited her children and family. The women felt that individual support for themselves alone was incompatible with their roles as caregivers. Linking other services to individual support also dispelled the stigma attached to the women. Most female victims did not consult a physician, because to do so they would have needed permission from their husband or parents, have a male relative accompany them, find time amidst their everyday duties, and travel long distances. Reasons preventing women from seeking help included limitations on movement for cultural reasons, lack of free time, the language barrier, lack of knowledge about the available services available, declining social networks, attitudes of the family and community, and tensions between ethnic groups. In Baghdad, Kirkuk and Dohuk in particular, women were unwilling to seek help from a counsellor belonging to a different ethnic or religious group.¹⁴⁰

4.3. Honour violence

'Honour violence' is defined as violence perpetrated by a family member, usually a man, against another family member who has brought or is perceived to have brought shame on the family or tribe. The purpose of such a deed is to protect the reputation or honour of the family or extended family. The vast majority of honour-related offences are committed by men against female relatives, although men occasionally fall victim to such offences. Honour violence is rooted in the concept that the honour of a family depends on its female members, whose movements and sexuality must be controlled in order to avoid shame being brought upon the entire family. Honour violence is found in areas where religiously conservative or tribal traditions remain strong. A family or tribe will violently assault any member, usually a woman, who has acted in a manner

¹³⁸ The universal food ration system or Public Distribution System, which came into effect in 1990

(PDS); distribution is controlled through PDS cards. The distribution system is based on place of residence. Source: UNICEF 2017, p. 13.

¹³⁹ UNFPA 2016, pp. 7-8, 21-26.

¹⁴⁰ UNFPA 2016, pp. 7-8, 21-26.



which brings shame upon the family or tribe. Honour violence may take the form of physical violence, house arrest, restrictions on movement, preventing education, forced marriage, murder, forced suicide or public shaming.¹⁴¹

Honour violence most commonly occurs when a woman has engaged or is assumed to have engaged in one of the following: a friendship with a man, a premarital relationship, refusing to marry the man chosen by her family, marrying against the family's wishes, or committing adultery. Victims of rape or kidnapping may also be subjected to honour violence.¹⁴²

Honour violence harms not only the victim herself but all women in society. The very existence of the practice shows all other women and girls what will probably happen to them if they do not adapt their conduct and choices to the community's expectations. The practice therefore imposes pre-emptive restrictions on women's lives and activities.¹⁴³

According to the UN (2013), honour killings are common in Iraq, partly because the Penal Code allows for the mitigation of punishment if the offence is committed for an honour-related motive.¹⁴⁴

There is no precise information on the number of honour killings; the figures given in various sources differ. In an article in the Guardian (2013), reference is made to Unifem, according to which at least 400 honour killings are committed in Iraq every year, but honour killings, suicides and other violence against female family members remain under-reported. In Iraqi Kurdistan, honour killings are believed to be the second most common cause of death among women after death from natural causes.¹⁴⁵ The PassBlue website cites the UN as claiming that some 50 honour killings are committed in Iraqi Kurdistan every month, but that most of them remain unreported.¹⁴⁶ In some cases, a death presented as a suicide is actually an honour killing committed by the family.¹⁴⁷ An estimated 300 to 400 women are burned alive in Iraqi Kurdistan every year. These deaths are frequently reported as suicides, but they are also often linked to domestic violence or honour violence.¹⁴⁸

According to the US DoS report on human rights for 2017, several women have refused to leave prison after completing their sentences in Basra, for fear that their families will harm them or keep them under perpetual house arrest for 'bringing shame to the family'.¹⁴⁹

Tribes seek to defend the honour of the family at the expense of the individual, usually a woman. A woman's tribe cannot therefore be considered a source of protection against honour violence.¹⁵⁰

¹⁴¹ UNAMI & UN HRC 2016 pp. 29-31; UNAMI & UN HRC 2017, p. 14; Begikhani, Gill and Hague in MRG & CCCR / Puttick, Miriam 2015a, p. 26; UK Home Office 2017, pp. 5, 8.

¹⁴² MRG & CCCR / Puttick, Miriam 2015a, p. 26.

¹⁴³ New Statesman / Gill, Aisha 4 Jun 2014.

¹⁴⁴ UN CEDAW 2013, p. 2.

¹⁴⁵ The Guardian / Dosky, Berivan 17 Mar 2013.

¹⁴⁶ Pass Blue / Higgs, Johanna & Rudzite, Liga 6 May 2014.

¹⁴⁷ US DoS 2017a, p. 52.

¹⁴⁸ Lattimer Mark / CCCR in EASO 2017, p. 21.

¹⁴⁹ US DoS 2018, p. 42.

¹⁵⁰ UK Home Office 2016a, p. 7.



4.4. Female genital mutilation

Sources present conflicting information on the incidence of female genital mutilation/cutting (FGM/C) in Iraq. According to the UNICEF report on female genital mutilation/cutting published in 2013, based on a Multiple Indicator Cluster Survey (MICS) conducted by UNICEF in 2011,¹⁵¹ Iraq as a whole is classified as a country where the incidence of female genital mutilation/cutting is low, mainly occurring in a few areas in the north. FGM/C is mainly practiced in the Erbil and Sulaymaniyah provinces in Iraqi Kurdistan, and in the Kirkuk province in the disputed areas. Analysed by province, the percentages of girls and women aged 15 to 49 subjected to FGM/C were as follows: Erbil (KRG) 58%; Sulaymaniyah (KRG) 54%; Kirkuk 20%; Dohuk (KRG) 2%; Salah al-Din 2%; Qadissiya 1%. The figure was zero in the following provinces: Nineveh, Diyala, Anbar, Baghdad, Kerbala, Babylon, Wassit, Najaf, Muthanna, Missan, Dhi-Qar and Basra.¹⁵² According to UNICEF, the majority of FGM/C operations are performed on minors. Among women aged 45 to 49, 10% are circumcised, while the figure for women aged 15 to 19 is 5%. The practice is more prevalent in poor families than in rich ones, and more prevalent in families where the mother is uneducated. UNICEF noted that the practice is somewhat more prevalent in towns and cities (9%) than in rural areas (6%).¹⁵³ On the other hand, according to the US DoS human rights report for 2017, the practice is particularly persistent in rural areas in Iraqi Kurdistan.¹⁵⁴

In the report by the MRG and CCCR (2015), it was noted that the topic has been taboo in Iraq and in Iraqi Kurdistan, and was not debated widely in public until local activists explored just how common it was in Iraqi Kurdistan. According to the report, the official position is that the practice does not occur outside the northern Kurdish provinces, but in the light of recent local studies this is debatable.¹⁵⁵ According to the report by the US Department of State for 2015, information obtained from the Wadi and Pana NGOs indicates that 25% of women in central and southern Iraq had been circumcised.¹⁵⁶ By contrast, according to the survey published by UNICEF in 2016 on the basis of the MICS study conducted in 2011, 51% to 80% of women aged 15 to 49 in the Sulaymaniyah and Erbil provinces had been circumcised; the figure was 10% to 25% in the Kirkuk province and less than 10% in other provinces.¹⁵⁷

On the basis of a study conducted in the Kirkuk province in 2011–2012, the Wadi NGO also concluded that FGM/C was a nationwide problem that was not confined to Iraqi Kurdistan. Wadi noted that the topic was not mentioned in public, the few activists who oppose the practice acted covertly, the media and politicians were silent on the matter, and the entire issue was taboo.¹⁵⁸ In its report, Wadi noted that Kirkuk was Iraq's 'melting pot', where all the major ethnic and religious groups were represented. There were differences in the incidence of FGM/C among the groups surveyed, which could be extrapolated to estimate the incidence of FGM/C among these groups in Iraq in general. It was found that about 38% of women and girls aged 14 or over were

¹⁵¹ UNICEF 2013, p. 5

¹⁵² UNICEF 2013, p. 31.

¹⁵³ UNICEF 2013, pp. 40-41, 44, 101, 103, 107, 174-177, 181, 183.

¹⁵⁴ US DoS 2018, p. 41.

¹⁵⁵ MRG / CCCR / Puttick, Miriam 2015a, p. 31.

¹⁵⁶ US DoS 2016, p. 55.

¹⁵⁷ UNICEF 2016, p. 2.

¹⁵⁸ Wadi 2012, p. 5.



circumcised, but the actual figure was estimated to be higher because women are often reluctant to disclose the issue. Local variation ranged from 20% to 85%.¹⁵⁹ By far the most common type of FGM/C procedure was Type I (the least invasive type). The Type I procedure had been used in 96.1% of cases in urban areas and in 78.3% of cases in rural areas.¹⁶⁰ Type II procedures were more common among Arab women (17.5% of procedures on Arab women) than among Kurdish or Turkmen women. FGM/C was found to be the most prominently practiced by Kurds (64% in Kirkuk city and 71.4% in rural areas), Arabs (19.5% and 29.6%, respectively) and Turkmen (8.5% and 21.2%, respectively). The survey found that Christians did not practice FGM/C. Age group analysis reveals that the incidence of the practice is decreasing. The procedure is somewhat less common among Shia Arabs than among Sunni Arabs (Shia 21.4%, Sunni 26.6%). Of the seven Kaka'i women who participated in the survey, three had been circumcised.¹⁶¹

The findings of a survey conducted jointly by several bodies in Wassit and Qadissiya provinces in 2014 also differed from the UNICEF figures. In this, 25.7% of the surveyed women had been circumcised. The procedure had been decided on by the woman's husband in 14% of the cases, by the husband's family in 28%, by the woman's parents in 32%, by the woman herself in 15% and by someone else in 11%. Most of the procedures were performed on minors, but several were performed on adult women, even beyond the age of 45. One physician reported that the procedure is performed on older women because a religious *fatwa* requires them to do so before going on a pilgrimage (*hajj, umrah*).¹⁶² The UK Home Office has noted that the incidence of FGM/C outside Iraqi Kurdistan is unclear and that the Iraqi government officially denies the existence of the practice outside Iraqi Kurdistan. The Home Office further noted that some studies (apparently a reference to the aforementioned NGO surveys) showed that the practice did occur nationwide in Iraq, but that it was much rarer outside Iraqi Kurdistan. The Home Office noted that the Kirkuk province was an exception to the above conclusion, but speculated that this may be due to its geographical and cultural closeness to Iraqi Kurdistan.¹⁶³

According to an article by Nirij (Network of Iraqi Reporters for Investigative Journalism), FGM/C is particularly prevalent in the Rania and Garmiya areas in Iraqi Kurdistan, because tribal traditions are particularly strong in those areas and FGM/C is practiced by particular tribes.¹⁶⁴ In some areas, the practice has become purely symbolic since religious leaders banned the procedure. Under a symbolic procedure, a knife is allowed to fall to the floor from the girl's dress, accompanied by a prayer to God to preserve her purity.¹⁶⁵

In Iraqi Kurdistan, it is usually a female family member who requests the FGM/C procedure. These are traditionally-minded women – mothers, aunts and others who want what is best for the

¹⁵⁹ Wadi 2012, p. 10-12.

¹⁶⁰ In the survey, a three-step classification was used rather than the WHO classification. The classification used in the survey was as follows: Type I: removal of the clitoris; Type II: removal of the clitoris and inner labia; Type III: removal of the clitoris and inner and outer labia. Wadi 2012, pp. 12-13.

¹⁶¹ Wadi 2012, pp. 13, 18-20.

¹⁶² Civil Society Activists and Medical Researchers from the South-Central Area of Iraq 2014.

¹⁶³ UK Home Office 2016, p. 6.

¹⁶⁴ In the article, it was noted that FGM/C was particularly prevalent within the Bashdar, Bardashami, Mir Odaly and Mankur tribes. The article cited researcher Ronak Faraj, according to whom there were tribes such as the Sorj where some in the tribe practiced FGM/C and others did not. In the Tarakhan tribe, there have been no known occurrences for a decade. Nirij / Berwani, Dlovan [undated]

¹⁶⁵ Nirij / Berwani, Dlovan [undated]



girl. The purpose of the practice is to ensure the girl's marriageability and honour in the eyes of the Kurdish community.¹⁶⁶ The origins of the tradition in this region are unclear. Some said that it is an ancient tradition, while others ascribed it to social pressures and associated it with conceptions of purity and the marriageability and respectability of girls in the community. Some felt that female sexuality is something that needs to be controlled. Most believed that the procedure is of religious origin (Sunna). Because women are in an inferior social and financial position and have lower educational attainment, their ability to make informed choices is impaired. Their subordinate status also makes it difficult to shift their beliefs regarding FGM/C.¹⁶⁷ The procedure causes both immediate and long-term health problems for the women subjected to it. They also suffer from psychological trauma for years afterwards.¹⁶⁸

A survey conducted by the Iraq CSO in 2012 indicated that Iraqi men agreed that the ritual is harmful.¹⁶⁹ On the other hand, a survey conducted by Wadi in Kirkuk revealed that most men were aware of the practice and were in favour of it.¹⁷⁰

Mutilation is prohibited by the Iraqi Penal Code. In practice, this offers no protection against FGM/C for three reasons: traditional restrictions on sexuality; the victims usually being too young to file a report on an offence themselves; or the parents of the girl or young woman being themselves involved in performing the procedure.¹⁷¹

FGM/C was prohibited by law in Iraqi Kurdistan in 2011, and the incidence of the practice has since decreased. However, the authorities do not enforce the law systematically, and midwives are able to carry on performing the procedure unsanctioned.¹⁷²

4.5. Kidnapping and human trafficking

Women are kidnapped in Iraq for reasons such as extracting a ransom and for human trafficking.¹⁷³ Even if the victim is released later, abduction has serious consequences for women. Due to the honour-based culture, kidnapped women suffer from long-lasting stigma or, at worst, become the victim of an honour killing by their family because it is assumed that they have been subjected to sexual violence.¹⁷⁴ According to the report on human trafficking by the US Department of State, Iraq is both a source and destination country for women and children subjected to sex trafficking, and men, women and children subjected to forced labour.¹⁷⁵

¹⁶⁶ HRW 2010.

¹⁶⁷ HRW 2010.

¹⁶⁸ HRW 2010.

¹⁶⁹ CSO / UNFPA 2012, p. 53.

¹⁷⁰ Wadi 2012, p. 25.

¹⁷¹ Heartland Alliance 2017, p. 6.

¹⁷² UN CRC 2015, p. 11; Wadi 2017b; Wadi 2017c.

¹⁷³ The UN Palermo Protocol defines human trafficking thus: *“‘Trafficking in persons’ shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”*. Source: UNTC 2000

¹⁷⁴ MRG / CCCR / Puttick Miriam 2015b, p. 18; HRW 2011 p. 8.

¹⁷⁵ US DoS 2017b.



According to the US Department of State report, ISIS kidnapped women and girls and sold, rented or gifted them to ISIS fighters for forced marriage or sexual slavery; they also imposed restrictions on their clothing and movement. These infringements were aimed at ethnic and religious minorities unacceptable to ISIS, particularly the Yezidis.¹⁷⁶ It was noted in the report that, according to KRG authorities, a total of 3,293 Yezidis kidnapped by ISIS (over the years) were still in ISIS captivity at the end of 2017, mainly women and children. It was further noted that, according to the Turkmen Women's Association, 495 of the around 500 Shia Turkmen women and children abducted by ISIS in the Nineveh province remained in captivity at the end of 2017.¹⁷⁷ According to the HRW annual report, the ISIS Islamic police (*Diwan al-Hisba*) imposed severe restrictions on the clothing and mobility of girls and women. Sunni women reported that they were only allowed to leave home wearing a niqab and accompanied by a close male relative.¹⁷⁸

Refugees and internally displaced persons are at an elevated risk of being kidnapped due to their socially and financially weaker status. NGOs and Members of the KRG Parliament have submitted reports to the US Department of State on human trafficking networks in Iraqi Kurdistan that collaborate with the KRG local authorities, judges, the Asayish security service and the border authorities. Syrian refugee women have been coerced into sex trafficking with Asayish support, particularly in the Domiz refugee camp. For some internally displaced persons and Syrian refugees, human trafficking networks have promised a placement outside Iraqi Kurdistan. Such women end up in forced prostitution in Baghdad, Basra and other southern cities. Some officials in the KRG administration and the Iraqi central administration have been amenable to bribery in cases of human trafficking.¹⁷⁹

Some internally displaced persons have sold their children to other families in order to guarantee them a better future. Such children are at risk of falling victim to human trafficking. Traditional practices such as forced marriages, temporary marriages and *fasliya* – giving a family member to another tribe to resolve tribal disputes – place women and girls at particular risk of falling victim to human trafficking. In some cases, girls who have fled home in fear of an honour killing have ended up in sex trafficking conducted by criminal networks.¹⁸⁰ Their recruiters, mainly women, target young girls who have fled their families due to fear, abuse, forced marriage or the threat of an honour killing. The recruiters claim to be providing protection, but take the girls to a brothel instead. The girls are typically approached in large cities and other public transport hubs, because they are running away from home. They are eventually sold on, once a price has been agreed. Recruitment is also undertaken at hairdressers' salons, cosmetics and jewellery shops, prisons and fruit stalls. Although the recruiters are usually women, the real operators are men, who are needed to set up the brothels or sex clubs or rent accommodation.¹⁸¹ There are various 'recreational establishments' in Baghdad, such as casinos and nightclubs, particularly in the Karrada district.¹⁸²

¹⁷⁶ US DoS 2018, pp. 1, 20, 40-41.

¹⁷⁷ US DoS 2018, p. 5.

¹⁷⁸ HRW 2018a.

¹⁷⁹ US DoS 2017b.

¹⁸⁰ US DoS 2017b, p. 52.

¹⁸¹ Khanzad Culture and Social Organization 2007 & Women Lawyers from Qurna 2009, julkaisussa NCA 2010, pp. 19-21

¹⁸² Al Monitor / Abu Zeed, Adnan, 5 Dec 2017.



The Iraqi Law Combating Trafficking in Persons does not prohibit all forms of human trafficking, nor is it consistent with the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons (2000). In Iraqi Kurdistan, there is no law prohibiting all forms of human trafficking, and the KRG has not adopted the Iraqi Law Combating Trafficking in Persons. Violence, security problems, absence of state control in some parts of the country, budget constraints and the stream of refugees and internally displaced persons, particularly to Iraqi Kurdistan, have weakened the government's ability to combat human trafficking. In 2016, the KRG appointed committees of police and judicial authorities to investigate the sex trade and set up courts of inquiry for cases of human trafficking. The KRG has not published figures on how many cases these committees and courts have handled. The central government of Iraq has been working with NGOs to provide training for the authorities in combating human trafficking. However, the inter-departmental committee on human trafficking, which includes a representative of the KRG, has noted that judges and first responders are not aware of legislation against human trafficking and have not enforced it in the appropriate manner or protected the victims during trials. The Iraqi police confuse human trafficking with prostitution, begging and illegal immigration.¹⁸³

The number of victims of human trafficking is unknown. The authorities did identify women and children abused by ISIS and offered them services, but failed to identify the victims of other kinds of human trafficking. According to the US Department of State report, the Iraqi authorities did not report having identified a single victim of human trafficking in 2016. A year earlier, the number of victims identified was 40. The authorities have no procedures for the proactive identification of victims of human trafficking or for offering them services. NGOs have reported that the authorities have never initiated a criminal investigation into a case of human trafficking without the victims themselves filing charges. In Iraqi Kurdistan too, the authorities expect victims to come forward and have only offered services to those who were willing to testify against human traffickers in court. Most victims in Iraq never pressed charges, because they could not identify the human traffickers or feared retribution. Victims of human trafficking were found to be vulnerable to arrest, imprisonment, abuse and deportation due to the unlawful acts into which they had been coerced, such as prostitution. Iraqi courts handed down severe sentences for prostitution – imprisonment from 15 years to life.¹⁸⁴

4.6. Sexual harassment/violence and rape

The law prohibits extramarital sexual relations, including sexual harassment. The law likewise prohibits sexual harassment in the workplace. The law also provides that punishment may be waived if the parties concerned marry each other. According to the US Department of State human rights report for 2017, no information is available on how effectively the authorities enforce these provisions. In most areas, there are very few publicly funded shelters, information sources or support services for women, or none at all, nor is training available for the police in how to handle such matters sensitively. In the absence of shelters, the authorities often arrest or imprison the victim of sexual harassment in order to protect them. Some women become homeless owing to lack of options.¹⁸⁵

¹⁸³ US DoS 2017b.

¹⁸⁴ US DoS 2017b.

¹⁸⁵ US DoS 2018, p. 42.



In the territory controlled by the central government, extramarital rape is a criminal offence. Unlike in the rest of Iraq, in Iraqi Kurdistan conjugal rape is a criminal offence.¹⁸⁶ No reliable estimates are available on the incidence of rape in Iraq, or on how efficiently the authorities enforce the law in this regard.¹⁸⁷

According to a study involving more than 10,000 households published by the Iraq CSO in 2012, about 9% of recently married women had been subjected to sexual violence by their husbands.¹⁸⁸

In July 2014, there were news reports that unknown persons had attacked two alleged brothels in the Zayouna district in Baghdad and killed 29 to 31 persons, mainly women. According to local residents, the procurer was a person of influence in the district who had been bribing officials for years.¹⁸⁹ The UNHCR (2013) reported that Roma women in the Basra area often ended up in prostitution and as victims of regular abuse.¹⁹⁰

According to the US Department of State, ISIS members sexually abused women. These infringements were aimed at ethnic and religious minorities unacceptable to ISIS, particularly the Yezidis. The report further stated that Yezidi women who became pregnant by ISIS fighters were forced to have abortions.¹⁹¹

Towards the end of the ISIS conflict, tribal and religious authorities published their views and decisions as to how the aftermath of the conflict should be handled. In February 2017, a group of sheiks and tribal leaders published a document titled 'Iraqi Tribes' Document for Communal Peace', where they declared that women who were raped or otherwise sexually abused were victims who required psychological and moral support from humanitarian organisations and the community.¹⁹² In addition, Iraq's Diwan of Sunni Endowment (*Sunni Waqf*) and the Iraq Supreme Council of Fatwa pledged their support for raped women.¹⁹³

According to humanitarian aid workers, the conditions in camps for internally displaced persons (IDP) contributed to the incidence of sexual abuse.¹⁹⁴ Women living in IDP camps as heads of their households, particularly those whose male relatives were suspected of being associated with ISIS, have reported being raped, sexually abused and systematically discriminated against in matters such as access to food, water or other basic resources.¹⁹⁵ According to a survey conducted by Refugees International in Nineveh, Salah al-Din and Anbar, one of the key problems facing women and girls suspected of ISIS connections was that they tended to be arrested and sexually abused by the Iraqi security forces and other authorities.¹⁹⁶

¹⁸⁶ US DoS 2018, pp. 39, 41.

¹⁸⁷ US DoS 2018, p. 39.

¹⁸⁸ CSO / UNFPA 2012, pp. 47-48.

¹⁸⁹ AFP / Hürriyet Daily News 14 Jul 2014; BBC News 12 Jul 2014.

¹⁹⁰ UNHCR (undated) in SGBV Sub Working Group 2013, p. 15.

¹⁹¹ US DoS 2018, pp. 1,20, 40-42.

¹⁹² *Iraqi Tribes Document for Communal Peace*, Para. 18, in UNAMI & OHCHR 2017b, p. 8.

¹⁹³ Dewan of Sunni Endowments, Iraqi Supreme Council of Fatwa, Ref.:1,10, Feb 2017, part 4, in UNAMI & OHCHR 2017b, p. 8.

¹⁹⁴ US DoS 2018, p. 40.

¹⁹⁵ AI 2018a, p. 204.

¹⁹⁶ Refugees International / Vigaud-Walsh, Francisca 2017, p. 1.



The IILHR (2010) reported that adultery being a criminal offence has had serious repercussions for women: They were unable to defend themselves, and adultery was a mitigating circumstance in cases of domestic violence and honour violence. They might be prosecuted; women forced into prostitution were given harsh sentences; raped women were not protected and might end up having to marry their rapists; and abortion was prohibited even when the woman's life was in danger.¹⁹⁷

4.7. Infringements related to marital practices

4.7.1. Marriages not registered in a civil court

When a marriage is concluded in Iraq, a religious ceremony is usually performed in a mosque or other religious venue such as a church. A religious ceremony is not required; in order to be lawful, a marriage must either be concluded or registered by a civilian authority, which also issues the marriage certificate.¹⁹⁸ In an article published in the Arab Weekly on 30 Oct 2015, it was noted that the number of marriages not registered in a civil court, i.e. concluded in a religious ceremony only, had increased since 2003. An unregistered marriage may lead to problems later, for instance if the husband dies or abandons his wife and children. It may be difficult for the wife to prove her relationship with her children.¹⁹⁹

In a survey conducted in 2015, 4,265 marriages in nine provinces were examined. Of these, 33.9% had been concluded outside a civil court. In 22% of the latter, the wife was under 14 years of age.²⁰⁰ The Baghdad Women's Association estimated (2014) that in some districts in Baghdad 80% of marriages were concluded outside the courts.²⁰¹

According to the Harvard Human Rights Journal (2015), children born out of wedlock (i.e. not in a registered marriage) could not prove their parentage and were thus not recognised as Iraqi citizens and could not be issued with a birth certificate, passport or ID. Without documentation, these children could not go to school or use public services. Their mothers were likely to be socially stigmatised.²⁰²

4.7.2. Marriages and forced marriages of minors

Some marriages are concluded with underage brides. About 5% of Iraqi women marry for the first time under the age of 15. More than 20% of women marry under the age of 18. These percentages are roughly the same in the central government territory and in Iraqi Kurdistan. The percentages vary slightly depending on the source and the manner in which the statistics are compiled.²⁰³ Marriages concluded when either partner is underage are considered forced marriages, because children generally lack the maturity and information required for making an informed choice. Children generally accept marriage under pressure. They may face the threat of

¹⁹⁷ IILHR 2010, p. 5.

¹⁹⁸ British Embassy 21 Jul 2011 in RDC 2013, p. 2.

¹⁹⁹ The Arab Weekly 30 Oct 2015.

²⁰⁰ Legal Clinic Network: *Survey Report on Marriage Outside the Court* 16 May 2015, in MRG & CCCR / Puttick, Miriam 2015a, p. 23.

²⁰¹ MCD, 'Al-'Iraq nisab al-ziwaj kharij al-mahakim qad tasil ila 80% wa jil min al-atfal bidoun awraq', 8 Dec 2014, in MRG & CCCR / Puttick, Miriam 2015a, p. 23.

²⁰² Harvard Human Rights Journal / Fisher, Betsy 6 Jan 2015, p. 4.

²⁰³ UNICEF [undated]; CSO / UNFPA 2012, pp. 20, 30.



violence, or actual violence.²⁰⁴ Forced marriages are also concluded between persons who are aged 18 or over.

Sometimes a promise of marriage is given on behalf of a girl when she is still a child. According to an article in the *Ekurd Daily* (2011), the KRG Ministry of Human Rights discovered 3,736 cases of childhood engagement in 2010. The incidence of cases was highest in the Ranya, Chwarqurna, Hajiawa, Betwate and Pishder areas.²⁰⁵

Yezidis marry at the age of 15 on average, and marriages are agreed between the fathers of the bride and groom. The future husband's family must pay a bride-price to the bride's family. Sometimes, the bride-price can be offset by promising the groom's sister to the bride's brother in marriage. Many rules are involved in Yezidi marriages. For instance, marriage to a non-Yezidi is not allowed. Any Yezidi who marries a non-Yezidi must renounce their Yezidi faith and is cast out of the family and tribe. Divorce is only allowed on the grounds of adultery.²⁰⁶

According to the US Department of State report on human rights for 2016, underage marriages, forced marriages and temporary marriages were common, particularly in areas held by ISIS at the time.²⁰⁷

4.7.3. Temporary marriages

Women and girls have been forced into what are known as temporary marriages (*muta'a*). This was originally a Shia practice and is thus more common among Shia than among Sunni. In a temporary marriage, a man pays a dowry to a girl's family and is allowed to marry her for a fixed term.²⁰⁸

4.7.4. Fasliya forced marriages

According to CCCR representative Mark Lattimer, several cases of *fasliya* (a practice where a female family member is given to another tribe as a gift to resolve a tribal dispute) have been discovered in southern Iraq, and he estimated that the practice is becoming more common again.²⁰⁹ A women's rights activist interviewed by the Raseef22 news agency claimed that nearly 3,300 *fasliya* marriages had been concluded in the last decade, the tradition being common in rural areas and often involving underage brides. According to tribal traditions, women forced into a *fasliya* marriage are no longer allowed to meet their own family members. A religious scholar interviewed for the same article stated that *fasliya* marriage is contrary to Islam, but tribal justice continues to permit it, particularly in the southernmost provinces of Iraq. A legal expert noted that the incidence of *fasliya* marriages is highest in poor areas.²¹⁰ In the al-Shawl and al-Kharamasha areas in Basra province, 50 women and girls were handed over for *fasliya* marriages to resolve tribal disputes in 2015.²¹¹

²⁰⁴ UNFPA 2016, p. 3.

²⁰⁵ *Ekurd Daily* / Muradkan-Shaker, Falah, 21 Jan 2011.

²⁰⁶ Açıkyıldız, Birgül 2010, pp. 100-102.

²⁰⁷ US DoS 2017a.

²⁰⁸ US DoS 2017a.

²⁰⁹ Lattimer, Mark / CCCR, in EASO 2017, p. 21.

²¹⁰ Raseef 22 / Zeidan Salam 17 Aug 2016.

²¹¹ Fair Observer / Aljabiri, Janan & Payton, Joanne 29 Dec 2015; ICSSI 8 Jul 2015.



4.7.5. Mixed marriages

Mixed marriages between Sunni and Shia were traditionally quite common in Iraq,²¹² but their number has declined, due to sectarian tensions, since 2003. People in mixed marriages are generally not subject to infringements in Iraq. In Iraqi Kurdistan, however, a woman entering a “problematic mixed marriage”, of which her family does not approve, may fall victim to an honour killing.²¹³ The CCCR has recorded the following problems stemming from mixed marriages: a family or community forcing Sunni–Shia couples to divorce as sectarian tensions heighten; wives being subjected to abuse and violence by their in-laws for belonging to another branch of Islam; and children being taken by the husband’s family during a divorce and being prevented from seeing their mother.²¹⁴

4.7.6. Cousin marriages and daughter exchange

Kurds traditionally regard a marriage between first cousins as ideal.²¹⁵ A girl can be forced to marry her cousin on her father’s side (*al nehwa* marriage).²¹⁶ Citing several sources, the UNCHR has mentioned that in northern rural areas there have been *zhin bi zhin* (‘a woman for a woman’) marriages, which may be considered forced marriages. In these, two families exchange daughters and thus do not have to pay a bride-price. This practice may be employed if one family cannot afford to pay the bride-price, or if there is a desire to strengthen relations between two tribes. The UNHCR noted that the practice could also be found elsewhere in the country.²¹⁷

4.7.7. Polygamy

Out of all households 12.3% are polygamous, meaning that the husband has more than one wife.²¹⁸ Polygamy is more common among older than younger age groups, and in rural areas than in cities.²¹⁹ In Iraqi Kurdistan, most marriages are monogamous. In this region, those men who are polygamous have or give the appearance of having high financial or political status.²²⁰ The tradition of polygamy may be used as a recruiting tool: a procurer may marry several women and sell them off into prostitution.²²¹

4.7.8. Divorce

According to the US Department of State human rights report for 2016, forced divorces were found in the southern part of the country in particular. In a forced divorce, a husband or his family threatens his wife with divorce in order to coerce the wife’s family to pay more money to the husband or his family. Young wives subjected to a forced divorce are obliged to leave their

²¹² BBC News / Kamal, Nesrine 18 Jun 2016; e-mail from IGC (International Crisis Group) 3 Jan 2018 to IRB in IRB 2018; Lattimer, Mark / CCCR, in EASO 2017, p. 19.

²¹³ Lattimer, Mark / CCCR in EASO 2017, p. 24.

²¹⁴ E-mail from CCCR representative 8 Jan 2018 to IRB in IRB 2018.

²¹⁵ JRank, [undated].

²¹⁶ UN CRC 2015, p. 11.

²¹⁷ UNHCR 2012. p. 39.

²¹⁸ Republic of Iraq 2008, *Family Health Survey 2006/2007*, in Care / Oxfam [undated], p. 1.

²¹⁹ Ministry of Planning Iraq 2011, in Care 2015, p. 11.

²²⁰ JRank, [undated].

²²¹ NCA 2010, p. 20.



husbands and families. In many cases, the honour code prevents these young divorcees from returning to their childhood homes, leaving them as cast-offs.²²²

Several factors complicate a woman's petitioning for divorce. In addition to the aforementioned legislative restriction and the indifference of the authorities, women may choose to remain in a difficult marriage due to the strong stigma associated with divorce.²²³

It has been reported in a blog of The Economist magazine (2014) that an estimated 10,000 women have set themselves on fire in Iraqi Kurdistan since 1991, including girls as young as 13. According to the Wadi representative interviewed for the article, those who survived the self-immolation stated that they had acted in such a manner due to feeling trapped in a traditional, arranged marriage and being unable to get a divorce. In some cases, the women had been promised or betrothed at birth, and most had been subjected to violence by their father, husband or in-laws.²²⁴ A blog of the Huffington Post also cited the Wadi NGO, mentioning that 10,000 women had been burned but noting that there had been no investigation of how many were cases of self-immolation. The article noted that women had decided to set themselves on fire to escape their sorrows, their shame or coercion by their families.²²⁵ In an article in the Thomson Reuters Foundation News, a woman forced to marry her rapist reported that she took every opportunity to argue with her husband and thus, in practice, force him to divorce her.²²⁶

4.8. Women in 'ISIS families'

ISIS members are reported to have forced Sunni Arab women to marry them.²²⁷ ISIS fighters included not only local Iraqis but also foreign nationals who, after being killed or abandoning the organisation, had left behind Iraqi families or women who had been raped and had a child as a result.²²⁸

Amnesty International reported (2018) on women of 'ISIS families'²²⁹ who remained heads of their families and as such were stigmatised and punished for offences in which they played no part. Such women included those who had had or still had connections – in some cases quite remote – to men associated with ISIS, or men who had fled areas formerly held by ISIS. In IDP camps, these women and their children had been denied food, water and health care, had not been issued with identity documents and were unable to renew their old ones. The women could not therefore move around freely, work or draw a pension, and their children could not attend school. In some cases, the authorities in the IDP camps did not even allow them to leave the camps.

²²² US DoS 2017a.

²²³ MRG / CCCR / Puttick, Miriam 2015a, p. 15.

²²⁴ The Economist 18 Mar 2014 [blog].

²²⁵ The Huffington Post / Shelton, Tracey, 6 Dec 2017 [blog].

²²⁶ Thomson Reuters Foundation News / Kanso, Heba, 29 Mar 2018.

²²⁷ HRW 2017e.

²²⁸ Lattimer, Mark / CCCR in EASO 2017, p. 22.

²²⁹ In the Amnesty International report, it was noted that, according to Iraqi IDP camp administrators and local and international humanitarian aid workers, an 'ISIS family' was defined as a family whose relative was a member of ISIS. An individual might be considered an 'ISIS family' member even if the relationship were distant and there was no blood relation. The relative in question may not even have been an ISIS fighter or commander, but an administrator, cook or driver, for instance. Other factors that branded a family as an 'ISIS family' included the following: the family had lived in an ISIS-controlled area and fled from it at a late stage in the conflict; the family belonged to a tribe the majority of which supported ISIS; one or more male members of the family had been arrested when fleeing from an ISIS-controlled area or upon arrival at an IDP camp. AI 2018b, p. 12.



They were vulnerable to abuse and rape by armed groups operating in the camps. Many of them were prevented from returning home due to threats or orders issued by tribes, local authorities, Iraqi security forces or PMU forces.²³⁰ Those who have returned home have faced attacks, evictions, arrests or other abuse, due to which they have returned to the camps.²³¹

According to the US Department of State, due to the military operation against ISIS the Iraqi security forces, PMUs and KRG peshmerga forces had increased the number of checkpoints and roadblocks. Iraqi security forces had relocated people to IDP camps. In the most serious cases, families suspected of being associated with ISIS, including women and children, had been transported to sub-standard locations and their movements were restricted. The report names the Hamam al-Alil and Tel Kaif camps in Nineveh and the al-Shahama camp in Salah al-Din.²³² According to AI, women who were heads of their households were at risk of rape, other sexual abuse and systematic discrimination.²³³

It was found in a report by Refugees International (2017) that sexual abuse of women was widespread in the al-Shahama detention camp (in Salah al-Din) and was also widespread in the short-lived Bartala camp in Nineveh, and in IDP camps at Hammam al-Alil and Jeddah in Nineveh, at Kilo 19 and Habbaniya in Anbar, and in the unofficial settlement of Al Heet in Anbar. Infringements were being committed by camp management, armed guards, and army and militia members, in and around the camps. They might demand sex in exchange for food or other necessities, for allowing women to see a physician, or to serve prostitution rings run by camp administrators.²³⁴

Genocide, crimes against humanity and war crimes are not criminal offences in Iraq or in Iraqi Kurdistan.²³⁵ Thus, persons committing such acts are convicted of murder or other acts under the Penal Code, or else under the Anti-Terrorism Law (No. 13), which covers multiple situations. The latter Law is widely applied, because it is easier to prosecute suspects on a general level or comprehensively. The judicial system in Iraq does not fulfil international standards for fair trials and is largely based on confessions, on the basis of which charges are brought. Confessions are often not made immediately upon arrest. Convictions should be considered in this context. Punishments are imposed on collective grounds: it is a widespread principle that punishments and common-law justice should be applied for the purpose of settling scores between various groups. Mark Lattimer has noted that there is a danger that family members of individuals alleged to have been involved in ISIS have difficulty in securing protection. According to him, a distinction should be made between fighters and non-fighters, i.e. it should be investigated whether the suspected individual had actually fought and committed crimes in the name of ISIS, or had been in some other role.²³⁶

²³⁰ Popular Mobilization Units (PMU) or Popular Mobilization Forces (PMF) (*Hashd al-Shaabi*), mainly Shia militias and forces from other population groups such as Sunni Arabs, Turkmens and Christians. These paramilitary forces were legalised in November 2016. Source: Finnish Immigration Service / Country Information Service 2017, pp. 1-2.

²³¹ AI 2018b, pp. 5-6, 20-38.

²³² US Dos 2018, p. 30.

²³³ AI 2018, p. 204.

²³⁴ Refugees International / Vigaud-Walsh, Francisca 2017, pp. 2,5.

²³⁵ HRW 2017d, p. 21; Lattimer, Mark / CCCR in EASO 2017, p. 22.

²³⁶ Lattimer, Mark / CCCR in EASO 2017, pp. 22-23.



According to the researcher Hisham al-Hashim interviewed by Niqash, one of the key problems facing the Iraqi government is how to treat ISIS families professionally and humanely. There are some 100,000 people with ISIS connections. al-Hashim has said that the government's policy of interning these people in camps in inhumane conditions and covering up retaliatory action against them would lead to the emergence of a new ISIS generation.²³⁷ Refugees International has noted that many humanitarian aid agencies believed the camps to be a form of collective punishment for people believed to have been associated with ISIS. The Iraqi authorities, meanwhile, described the camps as a protective measure to shield the inmates from retaliation.²³⁸

According to a survey conducted by HRW in Mosul in 2018, for many people the major obstacle to returning to their home region was lack of documentation. Missing documents may include birth, death, marriage and divorce certificates, personal IDs, 'welfare cards' (apparently meaning PDS food cards) and passports. Acquiring such documents requires passing a security check made by the Ministry of the Interior, the intelligence service or the security service; in these checks, ISIS families are automatically rejected because of their suspected ISIS connections. Nearly all families who lived in ISIS-controlled areas between 2014 and 2017 lack at least one document they would need for this purpose. ISIS confiscated official documents and issued documents of its own, which the Iraqi authorities will not accept as valid. In addition, government security forces have confiscated documents from refugees and persons arriving at IDP camps.²³⁹

It was noted on the Irin news website (2017) that, according to the UNHCR, families fleeing from Mosul lacked 1 to 3 crucial documents on average. The 70,000+ inhabitants of five IDP camps lacked around 31,400 documents in total, according to the Qandil NGO.²⁴⁰ The authorities are attempting to issue documents at 'mobile offices', with the support of the UNHCR and its partners, as best they can, but their resources are inadequate compared to the need.²⁴¹

By law, a woman may file for a 'judicial divorce' if her husband has been absent for at least two years, is imprisoned for at least three years, or has been missing for at least four years. Women who are unable to obtain identification documents and whose husbands are dead or missing may be prevented from receiving humanitarian assistance, because such assistance is distributed according to the names of male heads of families. Women also have difficulty obtaining death certificates for dead husbands. A death certificate is necessary for obtaining birth certificates for children, and for being able to remarry. HRW proposes that Iraq introduce interim provisions for the faster issuing of death certificates and missing person certificates.²⁴² A widow without a death certificate for her husband cannot remarry, inherit the husband's property or draw a pension.²⁴³

In February 2018, the Ministry of Labour and Social Affairs (MoLSA) announced that it would treat the children of ISIS members as victims and work to integrate families at two camps in Nineveh and Anbar. Families are prevented from returning home not only by a lack of documents, but also by the decision of tribes in Nineveh, Anbar and Salah al-Din provinces to prevent ISIS families

²³⁷ Niqash / Habib, Mustafa 16 Nov 2017.

²³⁸ Refugees International / Vigaud-Walsh, Francisca 2017, p. 1-2.

²³⁹ HRW 2018b.

²⁴⁰ IRIN 18 Jul 2017.

²⁴¹ IRIN 18 Jul 2017; UNHCR 2018b.

²⁴² HRW 2018b.

²⁴³ HRW 2018b.



from returning, and these tribes' desire for revenge. In an interview with AI Monitor, a member of the Abu Nimr tribe said that since ISIS had killed 16 tribe members, it would be impossible to tolerate 'terrorists' residing in the area. According to Abdul Rahman al-Louiz, a Member of Parliament interviewed for the AI Monitor article, tribal justice imposes severe punishments on those convicted of murder. The areas liberated from ISIS are tribal areas, where the tribal justice system is more effective than that of the government.²⁴⁴

AI estimated that abuses were likely to increase at IDP camps as the role of international organisations diminished and that of armed groups grew. IDP camps would inevitably have a disproportionate number of ISIS families because, unlike some other families, they cannot return to their home regions.²⁴⁵

²⁴⁴ AI Monitor / Zeed, Adnan Abu 1 Mar 2018.

²⁴⁵ AI 2018b, p. 45.



5. Women as heads of households

5.1. General information on women as heads of households

The IOM report (2011) referred to 'female headed households', meaning women who were divorced, involuntarily separated or widowed, or women who were caring for their sick husbands.²⁴⁶ It was noted in the report of the International Committee of the Red Cross (ICRC)(2011) that no precise statistics existed, but that the number of female headed households was estimated to be more than one million; however, the report apparently only referred to widows.²⁴⁷

According to a study covering more than 10,000 households and published by the Iraq CSO in 2012, the average household size in Iraq is about 6 persons (6.3 persons on average in central government territory and 5.2 persons on average in Iraqi Kurdistan). The study also indicates that female headed households account for around 10.7% of all households (about 9.8% in the central government territory and 14.9% in Iraqi Kurdistan).²⁴⁸ Of the women included in the study who were or had once been married, 94.3% were currently married, 3.7% were widows and 2.0% were divorced.²⁴⁹

In 2013, the IOM reported that one in ten households were female headed households. According to another report by the IOM, published in 2017, internally displaced families were partly separated, and in some cases the head of the family was a woman. This was particularly true in Wassit, where female headed households accounted for 17% of IDP families. The comparable figure was 9% in the Thi Qar province, 10% in the Basra province, 14% in the Missan province and 10% in the Kerbala province. In other provinces, the figure was lower. Of the women who were heads of their households, 66% were unable or unwilling to work due to reasons such as poor health or community pressure to remain at home. Only 2% of these women were in regular employment. It was estimated that about 48% of women who were heads of their families were illiterate, and 58% had to rely on aid to support their families.²⁵⁰

In a report in 2011, the IOM noted that, as their three main priorities, female headed households reported access to work, obtaining food and obtaining essential non-food items, which demonstrated just how important a regular and sustainable income was to them. Only 2% of the women involved in the study, who were heads of their families, were in regular employment. The remaining 98% were unemployed, retired, employed occasionally or unable or unwilling to work; 39% relied on help from relatives and neighbours, and only 19% received aid from the state or from NGOs.²⁵¹

A study by the International Committee of the Red Cross (ICRC)(2011) noted that Iraqi society was slowly coming to accept that women who are heads of their households should work and be independent, but that change was slow and employment opportunities were scarce.²⁵²

²⁴⁶ IOM 2011, p. 1.

²⁴⁷ ICRC 2011, p. 2.

²⁴⁸ CSO / UNFPA 2012, pp. 8, 13.

²⁴⁹ CSO / UNFPA 2012, p. 14.

²⁵⁰ IOM 2017a, p. 19; IOM 2013, p. 5.

²⁵¹ IOM 2011, p. 1.

²⁵² ICRC 2011, p. 2.



Female headed households do not necessarily have access to financial assets, social welfare benefits or the Public Distribution System. Conflicts and the decline of the rule of law have affected many women, particularly in female headed households, many of which do not have a breadwinner.²⁵³

Due to the many obstacles to employment, women have to resort to other means for their livelihood: support from their families and aid provided by the authorities and by NGOs. While, in theory, most women in Iraq are entitled to public or NGO aid, in practice only 20% to 25% of them receive such aid. Moreover, the aid covers only part of the needs of any given household. Thus, women are obliged to find other means of survival, such as borrowing money, rationing food and sending their children out to work; in the long term, these only make the family worse off.²⁵⁴

The UN Office for the Coordination of Humanitarian Affairs (OCHA) reported (2017) that internally displaced persons, particularly women in female headed households, widows, disabled women and girls and teenage girls were at risk of falling victim to abuse and experienced difficulties in getting humanitarian aid.²⁵⁵ Of internally displaced families living in female headed households, 43% were classified as without food security in some provinces. Underemployment was more common in female headed households than in male headed households, and such households were dependent on child labour.²⁵⁶

According to the aforementioned study conducted by the ICRC in five areas (2011),²⁵⁷ women who were the head of the family often had mental health problems. Nearly all of them (92%) relied on relatives or existing social networks for help.²⁵⁸ 70% of women had more expenses than income and had been obliged to borrow money from relatives and neighbours to cover their living costs. The average debt per person was IQD 900,000, which is high compared to the average monthly income (IQD 40,000 to 187,000). Half of the women interviewed were working; most of them had only sought employment since their husband died or went missing. The most common jobs taken by women were as shopworkers (22%), in agriculture (22%), in baking (18%), in cleaning (11%) or in sewing (7%). Most received food aid through the Public Distribution System, but not regularly. About 30% of those in the study had no regular income from employment or regular aid from relatives or other persons, instead relying on occasional income such as the assistance handed out once a year during Ramadan (*zakat*), food donations and other gifts.²⁵⁹

The ICRC report (2011) noted that the Women's Directorate was the government agency responsible for assisting female headed households. The assistance provided varied from IQD 50,000 to 175,000 per month (about USD 43 to 150), depending on the number of children in the family. Registering with the Directorate required documentation that could be difficult and time-consuming to obtain. The Directorate had inadequate resources, and as a result processing times

²⁵³ UNDP 2012, pp. 4,7.

²⁵⁴ IOM 2013, p. 6.

²⁵⁵ UN OCHA 2017, p. 15.

²⁵⁶ UN OCHA 2017, p. 20.

²⁵⁷ Northern part of Nineveh, city of Kirkuk, northern part of Diyala, Baghdad, Anbar.

²⁵⁸ ICRC 2011, p. 3.

²⁵⁹ ICRC 2011, pp. 6-9.



were lengthy. Consequently, according to official national statistics only about 40% of female headed households have duly registered.²⁶⁰

In a report on Kirkuk published by the international humanitarian organisation Care in 2015,²⁶¹ it was noted that men and women had distinct roles and responsibilities in Iraq. If a man was the head of the family, he usually made the decisions. If a woman was the head of the family, decisions concerning the family were usually made by male relatives. Most women in Iraq needed the permission of a man to use health care services or undertake long journeys. The report indicated that widows had more control over their families than other women. Some men were unable to leave their homes because of security problems, and in such families women and boys were freer to go out of the house to manage their affairs. Women living on their own without men was not acceptable under social norms. Female headed households not conforming to those norms were at a particularly high risk of violence.²⁶²

5.2. Widows

In the report by the UN Committee on the Elimination of Discrimination Against Women (CEDAW)(2014), it was noted that most widows were the heads of their families. The report indicated that widows were at risk of becoming victims of violence and abuse, including sexual abuse, because of their insecure financial and social situation. The CEDAW was concerned that only a small portion of all widows in Iraq (about 200,000 out of around 1.5 million) received financial support from the government through the Department of Women's Welfare. In addition, widows suffered from a lack of capacity building and empowerment.²⁶³

It was noted in an article in the New York Times (2011) that, according to the Iraqi Ministry of Planning, some 9% of women in Iraq were widows (about 900,000). The Department of Women's Welfare estimated that there were around one million widows. The large number of widows is explained by war and internal conflicts, in which men in particular have been killed.²⁶⁴ Also citing official figures, the Al Monitor article from 2016 put the number of widows in Iraq at around 850,000. The survey did not cover the provinces of Nineveh and Anbar, which would augment the figure. In addition, it did not cover matters considered sensitive such as the remarrying of widows.²⁶⁵

By Kurdish tradition, a widow remains a member of her dead husband's family. If she becomes a widow while the children are still young, she is obliged to marry her dead husband's brother (*levirate*). If, on the other hand, a husband loses his wife before any children are born or while the children are still young, the wife's family may offer another woman – often the wife's younger sister – as a replacement (*sororate*). Both of these practices are intended to ensure the welfare of the children and to keep real estate in the family.²⁶⁶

²⁶⁰ ICRC 2011, p. 8.

²⁶¹ Further information on the organisation: <https://www.care-international.org/where-we-work/iraq>

²⁶² Care 2015, pp. 5, 11.

²⁶³ CEDAW 2014, p. 14.

²⁶⁴ The New York Times / Kramer, Andrew E. 24 Nov 2011.

²⁶⁵ Al Monitor / Al-Jaffal, Omar 14 Aug 2016.

²⁶⁶ JRank, [undated].



According to prevalent traditions in Iraq, a widow should move in with her parents or parents-in-law,²⁶⁷ but families are increasingly unable to provide such help.²⁶⁸ Of the widows interviewed for the ICRC report, only one in four had done so, and they felt they were a burden and would have preferred to live independently. More than 70% did live independently, but near their parents-in-law.²⁶⁹

Two articles in the New York Times (2009 and 2011) mentioned two caravan sites near Baghdad, where widows and their children lived.²⁷⁰ The widows and assisting NGOs interviewed for the 2011 article reported that widows did not make attractive brides. It was noted in the article that the Ministry of Labor and Social Affairs paid widows minimum assistance of about USD 80 per month.²⁷¹ In the 2009 article, it was noted that those distributing social welfare benefits reported widows having been forced into temporary marriages, for a fixed period of anything from one hour to one year, in order to gain financial assistance from the government, a religious leader or a tribal leader. Some widows have ended up as prostitutes or suicide bombers. According to information received from the authorities, only about one in six widows received financial assistance from the government. According to widows and their advocates, to obtain financial assistance widows require political connections or must agree to temporary marriages with those controlling the distribution of state funds.²⁷²

The AI Monitor article mentioned a widow whose options were either staying with her parents-in-law with her child without remarrying, or remarrying and leaving her child with her parents-in-law. It was noted in the article that the government assistance was so small and the bureaucracy involved in applying for it so heavy that many widows never registered with the appropriate authorities.²⁷³

The Shia militias have sought to increase their influence by setting up social services of their own. For instance, it was reported in the Washington Post in 2013 that the Asa'ib Ahl al-Haq, emulating the Hizbollah in Lebanon, had created a programme for assisting widows and orphans.²⁷⁴

5.3. Unmarried women

As noted above, women marry very young in Iraq on average, and marriage is considered the norm. The majority of women are married. No information on the potential of an unmarried woman to live an independent life could be found in the available sources. The presumably rather small group of unmarried women may have been categorised among female headed households in various statistics and reports.

Several sources interviewed on the fact-finding mission of the Danish Immigration Service in Iraqi Kurdistan stated that the scenario of an unmarried woman living alone in Iraqi Kurdistan is a hypothetical one; there are always some family members or relatives who can take care of a

²⁶⁷ ICRC 2011, p. 4; HRW 2011, p. 22.

²⁶⁸ HRW 2011, p. 22.

²⁶⁹ ICRC 2011, p. 4.

²⁷⁰ The New York Times / Kramer, Andrew E. 24 Nov 2011; The New York Times / Williams Timothy 22 Feb 2009.

²⁷¹ The New York Times / Kramer, Andrew E. 24 Nov 2011.

²⁷² The New York Times / Williams Timothy 22 Feb 2009.

²⁷³ AI Monitor / Al-Jaffal, Omar 14 Aug 2016.

²⁷⁴ The Washington Post / Sly, Liz 18 Feb 2013.



young woman until she gets married.²⁷⁵ A representative of the International Rescue Committee (IRC) noted that, although it was rarely possible for unmarried women to live alone, in some cases they were able to work outside the home. A woman travelling alone because of work is more acceptable to the community than a woman travelling alone for recreation.²⁷⁶ According to a representative of Intersos, among internally displaced persons in Iraqi Kurdistan there are only a few unmarried women living alone, although there are some living in IDP camps. Without a family to protect her, an unmarried woman is vulnerable, because by tradition an unmarried woman must be taken care of by her family.²⁷⁷

In the US DoS human rights report for 2016, it was noted that the 'Committee for the Promotion of Virtue and Prevention of Vice' distributed leaflets in the Missan province declaring that unmarried women must wear a full-length abaya and that those who refused to do so were sinful and unsuitable for matrimony. The leaflets also stipulated that women were not to wear makeup and not to smile or laugh in the company of unknown persons. The Provincial Council held an emergency session concerning the matter, the result of which is unknown.²⁷⁸

5.4. Divorced women

It was noted in an article in Shafaaq News (2015) that, according to court statistics, some 2.62 million marriages were concluded between 2004 and 2014. During the same period, some 517,000 divorces were filed. On the basis of these numbers, the article concluded that about 20% of marriages ended in divorce (although this was incorrect, because the divorce statistics included marriages concluded before 2004 that ended in divorce). According to a judge interviewed for the article, 70% of divorce petitions are filed by women, and some women waive their rights when filing for a divorce.²⁷⁹

According to the IOM programme leader in Erbil, the divorce rate is high in urban areas of Iraqi Kurdistan, but in rural areas getting a divorce is more difficult.²⁸⁰

According to an interview-based survey conducted by the Asuda NGO, the stigma of divorce was so strong that wives' families forced them to stay with their violent husbands; 19.8% of marriages where wives were subjected to domestic violence ended in divorce. Divorcees returning to their childhood homes were often abused due to their divorced status. In many cases, the divorcee had been threatened by her husband to make her waive her legal rights, such as the right to financial compensation or child custody. In some cases, the husband divorced his wife while

²⁷⁵ Representative of an international NGO 28 Sep 2015 & Mochizuki, Daihei 28 Sep 2015 & Younis, Vian Rasheed 1 Oct 2015. Interviews, Danish Immigration Service fact-finding mission . Erbil. This international NGO has more than five years of experience in working with internally displaced persons in Iraqi Kurdistan. Vian Rasheed Younis is the director of the Erbil Refugee Council (ERC). Daihei Mochizuki is the IOM programme leader in Iraqi Kurdistan, DIS 2016, pp. 61, 87, 108, 131.

²⁷⁶ Milutinovic, Aleksandar 27 Sep 2015. Interview, Danish Immigration Service fact-finding mission. Aleksandar Milutinovic is the Country Director of the International Rescue Committee (IRC). DIS 2016, pp. 61-62.

²⁷⁷ Guertin, Trista 27 Sep 2015. Interview, Danish Immigration Service fact-finding mission. Erbil. Trista Guertin is the Intersos head of mission in Iraqi Kurdistan. DIS 2016, pp. 145-147.

²⁷⁸ US DoS 2017a p. 53.

²⁷⁹ The article did not specify exactly which rights these women waived. These may include the right to custody of a child or to financial compensation. Shafaaq News, 2 May 2015.

²⁸⁰ The source did not specify exactly why it was more difficult to get a divorce in rural areas. The matter was discussed under the heading of honour violence. Mochizuki, Daihei 28 Sep 2015. Interview, Danish Immigration Service fact-finding mission. Erbil. Daihei Mochizuki is the IOM programme leader in Erbil. DIS 2016, pp. 131, 137.



absent from home and without informing her, giving her little chance to influence the arrangements. There were also cases where either the husband or the husband's family forcibly removed the children from their mother and prevented her from seeing them.²⁸¹

The OFPRA report cited the AI Monitor article and noted that it was difficult for divorced women to remarry. They may end up in an unofficial, unregistered marriage, placing them at a disadvantage.²⁸²

²⁸¹ Asuda in MRG / CCCR / Puttick, Miriam 2015a, p. 15.

²⁸² AI Monitor / Sadah, Ali Abel 17 Mar 2013. *Iraqi Divorce Rates, Social Problems on the Rise* in OFPRA 2016, p. 6.



6. Obtaining documents and housing independently

6.1. Family register / family record

Local authorities register residents' personal details (name, names of parents, date and place of birth, marital status and religion) in what is known as a family register or family record; taken together, these form the population information system. The family register is the basis for issuing ID cards. All changes in marital status, births and deaths are entered in the family register. When a couple registers their marriage, they are given a new page of their own in the family register. In the case of a divorce, the details of both spouses are re-entered in their respective families' family registers. Births of children are registered on the basis of birth certificates. This manually maintained population information system is gradually being digitised through the introduction of new electronic ID cards.²⁸³

6.2. Obtaining an ID card

The report by the Norwegian country information service, Landinfo (2018), noted that all Iraqis must carry an ID card (*bitaka shakhsiyeh / bitaqa hawwiya*). An ID card is required for all transactions with the authorities, such as interaction with health care and social services, with schools, or when buying or selling a home or a car.²⁸⁴ ID cards are issued by the Civil Status Affairs Directorate, which has offices all over the country. The introduction of new electronic/biometric ID cards,²⁸⁵ which will eventually replace not only the old ID cards but also nationality certificates (*shahadet al-jensiyya*) and residence cards (*bitaka sakan/zanyari*), began in September 2015. Many Iraqis still have old-style ID cards and nationality certificates.²⁸⁶ In addition, old-style cards are still being issued in those communities that do not have the equipment required for issuing new-style cards.²⁸⁷

According to the US Department of State report for 2017, women could not obtain ID documents without the consent of a male relative. Local NGOs have reported that this restriction affects women in conflict areas in particular.²⁸⁸ According to the report by Iraqi and international women's organisations (2015), it was very difficult for a woman to obtain ID documents without a male family member to verify her identity. For this reason, women fleeing a conflict or gender violence found it difficult to obtain services afterwards.²⁸⁹ In the report of the UN Committee against Torture (2015), it was noted that the government should issue ID documents without requiring the prior consent of a male relative.²⁹⁰ In the report of the Norwegian country information service, Landinfo (2018), it was noted that when a woman applied for an old-style ID card, the signature of the head of her family,²⁹¹ her guardian or a lawyer was required on the application form. She was

²⁸³ Landinfo 2018, pp. 16-18.

²⁸⁴ Landinfo 2018, p. 18.

²⁸⁵ At the moment, new-style ID cards are not issued at foreign missions. Landinfo 2018, p. 4.

²⁸⁶ Landinfo 2018, p. 4.

²⁸⁷ Landinfo 2018, p. 22.

²⁸⁸ US DoS 2018, p. 43.

²⁸⁹ IWHR & Madre & OWFI 2015, p. 12.

²⁹⁰ UN CAT 2015, p. 7.

²⁹¹ The source did not indicate whether the 'head of the family' could be a woman (unmarried, widowed, divorced or without a safety net).



also required to present a birth certificate (when applying for her first ID card) and the ID card of a close relative such as her father or grandfather.²⁹² According to information received by Landinfo from the Iraqi authorities, applicants for a new-style ID card must present their current ID card and nationality certificate.²⁹³ Information received from the US Embassy in Baghdad indicates that applicants are also required to present a residence certificate and PDS card.²⁹⁴ The old-style ID card includes an entry on marital status, and the card has had to be replaced every time the bearer's marital status changes.²⁹⁵ The new-style ID card does not have a marital status entry as such,²⁹⁶ but does carry a family number that indicates whether or not the bearer is married.²⁹⁷

6.3. Obtaining a resident card/residency card

According to information provided to the Immigration and Refugee Board of Canada (IRB) by the International Organization for Migration (IOM) in 2013, the following documents were required when applying for, renewing or replacing a resident card/residency card: Iraqi nationality certificate of the applicant (and of his wife and children, if any); the ID card of the applicant (and of his wife and children, if any); the original resident card of the applicant's father; the PDS food ration card of the applicant or his father; the marriage certificate; and a letter of recommendation.²⁹⁸ The new-style ID card is intended to eventually replace the residency card.²⁹⁹ It is uncertain when the residency card will be incorporated into the new-style ID card.³⁰⁰

6.4. Obtaining a nationality certificate

It was noted in the aforementioned Landinfo report (2018) that, according to information provided to the IRB by the IOM, Iraqi nationals resident in Iraq are required to present the following documents in order to obtain a nationality certificate: the nationality certificate of the applicant's father or brother; the applicant's ID card; the resident card of the applicant or his father; and the PDS food ration card of the applicant or his father.³⁰¹ Landinfo assumes that, with the introduction of the new-style ID card, the nationality certificate will no longer be needed, because the new-style ID card is proof of both identity and Iraqi nationality. The exceptions to this are the areas where new-style ID cards are not yet being issued.³⁰² A nationality certificate used to be necessary for applying for public-sector jobs and for gaining access to education and other public services. A nationality certificate has also been necessary for passport applications, obtaining a birth certificate for one's own child, and for obtaining marriage and death certificates.³⁰³ According to information provided to Landinfo by the KRG authorities, a nationality certificate applicant may

²⁹² Landinfo 2018, p. 24.

²⁹³ Iraq Ministry of Interior in Landinfo 2018, p. 21.

²⁹⁴ US Embassy in Baghdad in Landinfo 2018, p. 21.

²⁹⁵ Landinfo 2018, s. 23. Norway ID-center 2013 in Landinfo 2018, p. 23.

²⁹⁶ Giesecke & Devirent 2015 in Landinfo 2018, p. 20.

²⁹⁷ Landinfo 2018, p. 20.

²⁹⁸ E-mail from IOM representative in Iraq 23 Nov 2013 in IRB 2013. No indication of a change in this practice could be found in the available sources. The Norwegian Landinfo also cited this source in its 2018 report.

²⁹⁹ Norwegian Embassy in Amman 2016, in Landinfo 2018, p. 19.

³⁰⁰ E-mail from representative of Iraqi Embassy February 2018, in Landinfo 2018, p. 19.

³⁰¹ Landinfo, 2018, pp. 29-30.

³⁰² Landinfo 2018, p. 28.

³⁰³ Landinfo 2018, p. 29.



present either his/her father's or mother's nationality certificate, as per the Nationality Law.³⁰⁴ However, according to information received by Landinfo from the Iraq mission in Oslo, a mother cannot obtain a nationality certificate for her child without the consent of the child's father.³⁰⁵

6.5. Obtaining a passport

The sources contain conflicting information as to whether a woman has the right to apply for a passport independently. In the aforementioned US Department of State report, it was noted that women could not apply for a passport without the consent of a male guardian or legal representative.³⁰⁶ In the Freedom House report (2018), it was noted that women must have the consent of a male guardian in order to obtain a passport.³⁰⁷ According to the Landinfo report (2018), under the Passport Law that entered into force in 2015 all Iraqi citizens aged 18 or over are entitled to obtain a passport without the consent of a spouse or guardian. The report noted that this is also stated on the website of the passport department.³⁰⁸ However, according to information received from four different sources by the Belgian country information service (2017), this law is not applicable to women in central and southern Iraq. Women there are still required to provide the consent of their spouse or guardian. In Iraqi Kurdistan, women no longer need their husband's consent to obtain a passport.³⁰⁹ Applicants under the age of 18 must obtain the consent of their guardian. Applicants who have a new-style ID card need only present their residency certificate in addition to the ID card.³¹⁰ Applicants who have an old-style ID card must also present a nationality certificate. In Iraqi Kurdistan, the old-style ID card is no longer accepted when applying for a passport.³¹¹

6.6. Finding housing

In the available sources, no mention could be found of women not being able to rent a home independently, without a male relative or family member. Based on the sources used for the present report, it should be noted that the principal obstacles to renting a home appear to be financial difficulties; missing documentation³¹² needed to confirm the place of residence; discrimination, i.e. the negative attitudes of some parties regarding independent women; and safety risks.

³⁰⁴ KRG authorities in Landinfo 2018.

³⁰⁵ KRG authorities, Iraqi Embassy in Oslo, in Landinfo 2018, p. 30.

³⁰⁶ US DoS 2018, p. 43.

³⁰⁷ Freedom House 2018.

³⁰⁸ Landinfo 2018, p. 10.

³⁰⁹ Cedoca 2017, pp. 5-6, in Landinfo 2018, p. 10.

³¹⁰ Landinfo 2018, pp. 9-10.

³¹¹ Iraqi ambassador in Oslo 2018 & Norwegian ambassador in Amman 2016, in Landinfo 2018, p. 9.

³¹² Registration of residency requires that applicants present an ID card, nationality certificate, residency card and PDS food ration card, a permit from the local authorities, and proof of residence such as a lease. Source: Foreign & Commonwealth Office / British Embassy in Baghdad 27 Jul 2011 in UK Home Office 2016b, p. 57



7. Protection to women offered by the authorities

The joint report by the UN Assistance Mission for Iraq (UNAMI) and the OHCHR (2017) noted that Iraq's laws did not adequately protect women and children against domestic violence, sexual violence or gender violence, nor did they protect those who had already become victims. In cases of domestic violence and sexual violence, offenders were not brought to justice.³¹³

The Iraqi Ministry of Interior maintains family protection units (FPU) at 16 police stations around the country. These are tasked with resolving domestic disputes and assisting victims of abuse, such as women and children who have been subjected to sexual abuse and human trafficking. The units focus on achieving reconciliation within the family rather than protecting the victim.³¹⁴ Calls to the helpline were typically answered by the male unit commander, who would not redirect the victim to services. Victims of domestic violence in Basra reported that they were afraid to contact the FPU, because they feared that the police would inform their families.³¹⁵ In most areas, there are very few publicly funded shelters, information sources or support services for sexually abused women, or none at all, nor is training available for the police in how to handle such matters sensitively.³¹⁶ The authorities may be reluctant to investigate cases of domestic violence thoroughly and to bring offenders to justice; women fleeing domestic violence may be considered prostitutes.³¹⁷ According to the authorities, not a single victim of human trafficking was referred to assistance services through FPUs in 2016.³¹⁸ The most recent report on FPUs dates from 2014.³¹⁹ In the UNAMI & OHCHR report (2013), the FPUs in Kirkuk and Basra were described as follows: The unit had limited capacity due to a shortage of competent staff and inadequate facilities. The FPU in Kirkuk had no female staff. The female staff at the Basra FPU only performed secretarial duties and body searches. The FPU was located on the first floor above the police station, which discouraged women from going there. During the period under review, only a handful of cases came to the attention of the Kirkuk FPU, all referred by women's rights organisations.³²⁰

According to a statistical survey of more than 10,000 households published by the Iraq CSO in 2012, many women aged 15 to 54 considered the police untrustworthy in cases of violence.³²¹

The police may treat victims of human trafficking or sexual abuse as if they were prostitutes. According to the AI Monitor article, in Iraqi Kurdistan the police recorded men and women at a brothel on video, demanded confessions from the men on the video, and then published the video. This approach prompted a wave of protests against the police, and many feared that, given how common honour killings are in this society, these women would end up being killed by their families.³²²

³¹³ UNAMI & OHCHR 2017, pp. x, 11, 13.

³¹⁴ US DoS 2017b, pp. 214 - 215; US DoS 2018, pp. 40-41.

³¹⁵ US DoS 2018, p. 41.

³¹⁶ US DoS 2018, p. 42.

³¹⁷ UNAMI & OHCHR 2017, pp. x, 11, 13.

³¹⁸ US DoS 2017b, pp. 214 - 215.

³¹⁹ US DoS 2018, p. 11.

³²⁰ UNAMI & OHCHR 2013, p. 19.

³²¹ CSO / UNFPA 2012, pp. 25-26.

³²² AI Monitor / Hawramy, Fazel 11 Mar 2018.



According to an IOM representative interviewed during the fact-finding mission of the Danish Immigration Service to Iraqi Kurdistan, unofficial conciliation is very common in all kinds of disputes in Iraqi Kurdistan. Most honour-related disputes are resolved through a process of negotiation conducted by the tribe or family members, in parallel with the official courts. The court is then informed of the settlement reached in the negotiations. Women are often unwilling to involve the authorities in the processing of such matters. In many cases, the authorities themselves indicate that the matter should be resolved out of court.³²³ Honour killings are a criminal offence in Iraqi Kurdistan, but the courts lack the professional competencies required to deal with them. Courts tend to record honour killings with the verdict “killed by persons unknown” and then close the case.³²⁴ According to the interviewee Osama Al Habahbeh, some influential tribes rank above the government authorities in Iraqi Kurdistan. Women threatened by honour violence cannot gain protection from their tribe (which in fact may be the party threatening the violence in the first place), and the police will not intervene in such matters. Conciliation with the family is not possible in these cases.³²⁵

In the Niqash article about tribal disputes in the Missan area, it was noted that the officials enforcing legislation were themselves tribe members. The authorities may therefore be reluctant to interfere in inter-tribal disputes, because this could lead to their escalation.³²⁶ According to the UNHCR, some officials take the side of their tribe in disputes.³²⁷

Osama Al Habahbeh said that internally displaced persons who belonged to ethnic or religious minorities could not obtain protection from the authorities in Iraqi Kurdistan. There was harassment in IDP camps, for instance between Sunni Arabs and Yezidi. Lack of protection by the authorities was apparent in the fact that ghettos organised by ethnicity had been established in the camps.³²⁸

³²³ Mochizuki, Daihei 28 Sep 2015. Interview, Danish Immigration Service fact-finding mission. Erbil. Daihei Mochizuki is the IOM programme leader in Iraqi Kurdistan. DIS 2016, pp. 46-47, 131.

³²⁴ Mustafa, Shwan S. 29 Sep 2015 & Malo, Hoshyar 29 Sep 2015. Interviews, Danish Immigration Service fact-finding mission. Erbil. Shwan S. Mustafa is a member of the board of directors of the Public Aid Organization (PAO). Hoshyar Malo is the director of the Kurdish Human Rights Watch (KHRW). DIS 2016, pp. 47, 168-169, 172.

³²⁵ Al Habahbeh, Osama 23 Oct 2015. Interview, Danish Immigration Service fact-finding mission. Copenhagen. Osama Al Habahbeh is the programme leader of International Media Support. DIS 2016, p. 152.

³²⁶ Niqash / Al-Husseini Haider 17 Sep 2015.

³²⁷ UNHCR 2018c, p. 4.

³²⁸ Al Habahbeh, Osama 23 Oct 2015. Interview, Danish Immigration Service fact-finding mission. Copenhagen. Osama Al Habahbeh is the programme leader of International Media Support. DIS 2016, p. 153.



8. Women's shelters

According to the US Department of State human rights report for 2017, the family protection units (FPU) of the authorities did not maintain shelters in most areas. Those shelters that did exist, maintained by the authorities or NGOs, were often the targets of violent attacks.³²⁹

The report noted that there is no law specifically prohibiting NGOs from maintaining shelters for victims of gender-based crimes. The law allowed the Ministry of Labor and Social Affairs (MoLSA) to decide whether a particular shelter could remain open. NGOs report that communities often regard shelters as brothels and demand that the authorities shut them down. In order to placate communities, the Ministry regularly shut down shelters but allowed them to be reopened at different locations.³³⁰ On the other hand, it was also noted in the aforementioned human rights report that, by law, NGOs were not allowed to maintain shelters for victims of human trafficking, but that some NGOs continued to maintain such shelters without official approval. The shelters were at risk of official action being taken against them, or of being attacked by extremist groups.³³¹

It was noted in the report by Iraqi and international women's organisations (2015) that the Law Combating Trafficking in Persons (No. 28, 2012) stipulates that the MoLSA must set up shelters, but that the authorities have chosen to interpret this to mean that *only* the government is allowed to maintain shelters. Despite the risks, some women's organisations continued to maintain shelters in secret. Women's rights activists reported that shelters were thought to encourage women to disobey their husbands. Shelters were also assumed to be havens for immoral women, akin to brothels. They were continuously inspected by the police and raided by militias.³³²

It was noted in the report by UNAMI and the OHCHR (2017) that temporary women's shelters did not receive sufficient financial assistance or other support.³³³ According to Mark Lattimer of the CCCR, in practice women fleeing domestic violence do not have a safe place to go in the central government territory. Targeted attacks have been made against shelters in Baghdad. Women sometimes seek refuge in prison, because there is no other place to go.³³⁴ It was noted in the UNAMI & OHCHR report (2013) that (innocent) women have been held in prisons in Baghdad and Kirkuk together with convicted criminals, because these were the only places where the authorities could provide protection for them. According to information provided to UNAMI by the Basra FPU, women suffering from domestic violence who have no relatives to provide shelter and accommodation often end up living on the streets.³³⁵

The Constitution of Iraqi Kurdistan provides for shelters for women who are not protected by a family: "the government of the Region shall guarantee the establishment of special homes to protect and care for women who have, for social reasons, lost their family security."³³⁶ There are said to be 3 or 4 women's shelters maintained by the authorities in Iraqi Kurdistan, depending on

³²⁹ US DoS 2018, pp. 40-41.

³³⁰ US DoS 2018, pp. 40-41.

³³¹ US DoS 2017b, p. 215.

³³² IWHR & Madre & OWFI 2015, p. 4.

³³³ UNAMI & OHCHR 2017, pp. x, 11, 13.

³³⁴ Lattimer, Mark / CCCR in EASO 2017, pp. 21 – 22.

³³⁵ UNAMI & OHCHR 2013, p. 14.

³³⁶ IILHR 2010, p. 7.



the source.³³⁷ The problem is that a woman needs a decision from a judge in order to be entitled to stay at a shelter.³³⁸ Official regulations in Iraqi Kurdistan set minimum standards for shelters. However, the economic crisis in the region has had a negative impact on plans to expand or improve shelters. For example, the Dohuk shelter, which was opened in December 2016, was partly furnished with UN support. In a report published in December 2017, the UN noted that this particular shelter still lacked furniture and fuel.³³⁹ It was noted in the US Department of State report that shelters could offer some protection and help to victims, but that their facilities were limited and their service offering was weak.³⁴⁰ Osama Al Habahbeh, who was interviewed during the fact-finding mission of the Danish Immigration Service (2015), noted that the only way to protect women against honour killings was to put them in prison or a prison-like shelter, where they would be at risk of being raped or sold to human traffickers by the authorities.³⁴¹

According to the UNHCR representative interviewed, in Iraqi Kurdistan it was difficult for a victim of honour violence to escape from the offender and seek protection from the authorities. The interviewee noted that women were not generally mistreated at the shelters, but that the authorities did not respect the rights of victims. For instance, the offender might be brought to the shelter to negotiate a settlement at the victim's cost and without the victim's consent.³⁴² In Iraqi Kurdistan, family members are able to track down women who have run away from home,³⁴³ although there is no official tracking system.³⁴⁴

NGOs operating in Iraqi Kurdistan play a crucial role in providing services such as legal counsel to victims, who often cannot get help from the authorities. There is a private shelter operating in the region.³⁴⁵ The Asuda NGO offers help to vulnerable women and girls (e.g. widows and victims of sexual violence). Their services include psychological and social support, legal counsel and referring victims to a shelter.³⁴⁶

It was noted in the article by the Gulf Center for Human Rights (2014) that several women's rights organisations had armed guards protecting their premises against attacks by family members of the women being helped. Several women's rights activists had received threats from unknown

³³⁷ US DoS 2017b, p. 215; Lattimer, Mark / CCCR in EASO 2017, pp. 21 – 22.

³³⁸ Lattimer, Mark / CCCR in EASO 2017, pp. 21 – 22.

³³⁹ UNAMI & OHCHR 2017, p. 15.

³⁴⁰ US DoS 2018, p. 41.

³⁴¹ Al Habahbeh, Osama. 23 Oct 2015. Interview, Danish Immigration Service fact-finding mission. Copenhagen. Osama Al Habahbeh is the programme leader of International Media Support. DIS 2016, pp. 152, 48.

³⁴² Parlevliet, Jacqueline 29 Sep 2015 & Nugmanova, Leyla 29 Sep 2015. Interviews, Danish Immigration Service fact-finding mission . Erbil. Jacqueline Parlevliet is a Senior Protection Advisor in Iraqi Kurdistan. Leyla Nugmanova is a Senior Protection Officer in Erbil. DIS 2016, pp. 47-48, 182.

³⁴³ Mansour, Renad 5 Oct 2015 & Mochizuki, Daihei 28 Sep 2015 & Al Habahbeh, Osama 23 Oct 2015. Interview, Danish Immigration Service fact-finding mission. Erbil and Copenhagen. Renad Mansour is a Research Fellow at the Carnegie Middle East Centre. Daihei Mochizuki is the IOM programme leader in Iraqi Kurdistan. Osama Al Habahbeh is the programme leader of International Media Support. DIS 2016, pp. 48, 131, 152, 195.

³⁴⁴ A Western diplomat 29 Sep 2015 & representative of an international NGO 28 Sep 2015. Interviews, Danish Immigration Service fact-finding mission . Erbil. This international NGO has more than five years of experience in working with internally displaced persons in Iraqi Kurdistan. DIS 2016, pp. 48, 101.

³⁴⁵ US DoS 2018, p. 41.

³⁴⁶ Asuda [undated].



persons after making public statements. They had also received death threats from the families of the women they were helping.³⁴⁷

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