

Violence against women in Iraq

Women and girls in Iraq are at higher risk of becoming victims of gender-based violence after the US-led invasion that removed Saddam Hussein and the Ba'ath regime from power in 2003.

The invasion did not bring with it an increased respect for or protection of women's rights, but rather reinforced ethnic and sectarian divisions. Religious extremism and traditional and patriarchal attitudes have, as a result, been strengthened. As a rule, women and girls are unable to access protection against violence because of inadequate legislation, a dysfunctional criminal justice system and lack of publicly funded shelters and other forms of support for women and girls victims of gender-based violence.

In southern and central Iraq there has been further deterioration of the security situation since late 2012, increasing the vulnerabilities of women and girls to all forms of violence. In 2013 the United Nations Assistance Mission for Iraq (UNAMI) recorded the highest number of civilian casualties since 2008, with reports of more than 7,818 killed and almost 18,000 injured. In 2014, the fighting and violence ravaging the country have resulted in thousands of civilian casualties as well as the forcible displacement of about 400,000 persons from the Anbar governorate.

Violence against women

Recent comprehensive surveys show that:

- 44.5 percent of married women reported they had been subjected to psychological violence (humiliation, intimidation, threat and control of her behaviour) by their husbands in the past 12 months (Iraq Woman Integrated Social and Health Study, I-WISH 2011).
- 46 percent of girls between the ages of 10 and 14 reported that they had been beaten or humiliated by a family member in the past month (I-WISH 2011).
- 43 percent of women aged 15-49 in the Kurdistan Region of Iraq reported they had been subjected to some form of female genital mutilation (compared to 1 percent in the rest of Iraq) (Multiple Indicator Cluster Survey MICS 2011).
- 56 percent of men believe they have the right to beat their wife if she disobeys (I-WISH 2011).

The laws in Iraq do not criminalize all forms of violence against women.



A woman who has been the victim of violence has little hope of seeing her abuser being brought to justice. Photo: The Kvinna till Kvinna Foundation/ Anna Lithander

According to the Iraqi Penal Code, a man who rapes a woman or a girl would escape punishment if he marries the victim. In southern and central Iraq, it is not criminal for a husband to “discipline” his wife. The gaps in legislation do not only result in widespread impunity for offences, but also contribute to the lack of reporting on violence against women.

Others reasons for impunity and lack of reporting are that many women have no faith in the criminal justice system. Only 2.8 percent of women say that they are willing to report violence to the police. The reasons behind this are, among other things, that the women are afraid of damaging their reputation or because they believe the police are unable to solve the situation (I-WISH 2011). This lack of faith is well-founded. UNAMI refers to a culture in Iraqi society of blaming the victim of violence rather than the perpetrator, with many officials in the criminal justice system believing that domestic violence does not constitute real crime and is socially acceptable. Even when cases are reported, it is very rare with arrests and prosecutions, let alone convictions.

Much of the violence against women in Iraq is committed by state agents. In a 2014 report on women in detention in Iraq, Human Rights Watch revealed that Iraqi security forces regularly arrest women without support of law. Often women are targeted not only for crimes they themselves are said to have committed, but to harass male family or tribal members. These women risk torture and ill-treatment, including being subjected to sexual assaults and threats of sexual assault. When released they often face stigmatization by their family or tribe who would consider them to having been dishonoured. There is no accountability for abuses against women in detention facilities – investigations are very rare, and no official is known to have been prosecuted or convicted for torturing a detainee.

Honour killings

The practice of so called honour killings continues to be a problem all over the country. In southern and central Iraq, to commit a violent offence against another person in the name of honour is still considered to be a mitigating excuse in the penal code. Moreover, many deaths that bear the mark of honour killings are never reported. Women's rights organizations that have been in contact with hospitals report that doctors often choose not to register deaths as the result of killings in cases where bodies show signs of beatings and other violence. Out of fear from violent retaliation from relatives and tribes to the victims, they often determine such deaths as suicides.

Although the law in the Kurdistan Region of Iraq treats an honour killing in the same way as any other murder, the practice continues and women's organizations believe it is increasing. The NGO Warvin Foundation for Women's Issues was able to collect information about 60 murders and 27 suicides in the Kurdistan Region of Iraq in the first six months of 2013, but fear that the real number was much higher. Statistics from the Kurdistan Regional Government for 2013 say that 236 women suffered injuries from having been burned, and another 113 from self-immolation. The forensic institute in the Kurdistan Region of Iraq meanwhile reported of the deaths of 1,748 women by burning, shooting or suffocation in 2013.

Child marriages

- 21 percent of girls between the ages of 15 and 19 in Iraq are currently married (MICS 2011).
- 25 percent of girls get married before age 18 and 6 percent marry before the age of 15 (Population Reference Bureau, 2013).
- In 2013 there has been a 40 percent rise in child marriages in Kirkuk (Pana Center in Kirkuk).

The legal age of marriage in Iraq is 18 for both sexes. It is, however, possible for a judge to authorize marriages of girls and boys as young as 15. Most child and early marriages are not registered by the authorities leading to many women and girls ending up in an extremely

vulnerable situation in the event of a separation. Child and early marriage constitutes a serious threat to a young woman's health, and is also one of the main reasons why women in Iraq are not able to complete their education (I-WISH 2011).

Child marriages in Iraq have increased in the past decade. Women's rights organizations believe that the increase is due to the volatile economic situation many families are in, often caused or exacerbated by the security situation. In places like Kirkuk, where sectarian or ethnic tensions are high, early marriage is seen as a means of ensuring that boys and girls are prevented from entering into relationships with persons with another religious or ethnic belonging.

The Iraqi Constitution of 2005 sets out that all Iraqis are equal before the law and prohibits discrimination on the ground of gender (Article 14). However, the Constitution – which was drafted and adopted under the oversight of the US – also contains a provision allowing for the introduction of personal status laws based on religious or sectarian belonging (Article 41). This provision undermines the relatively progressive Iraqi Personal Status Law of 1959. In February 2014, the Iraqi Council of Ministers proposed the adoption of a so-called Jaafari personal status law for the Shi'ite majority in Iraq. The draft law would, among other things, lower the legal age of marriage for girls to the age of 9, prevent women from leaving their house with consent from their husbands and severely impact on women's rights in relation to inheritance and parental law after divorce.

Lack of protection

A woman or a girl who has been the victim of violence has little hope of seeing her abuser or abusers being brought to justice. She also has great difficulties in accessing protection against further abuse and medical and psychological rehabilitation. Often a woman's possibility to get support is dependent on her being able to seek out one of the women's organizations offering counselling or legal aid.

In southern and central Iraq there are no publicly funded or supported shelters for victims of domestic violence. The women's rights NGO OFWI (Organization of Women's Freedom in Iraq) runs two shelters in Baghdad but without government permission. In the Kurdistan Region of Iraq, there are currently three official shelters for women victims of gender-based violence. However, even when women are admitted to a shelter it is rare that they find effective protection against future violence. Both the legislation and the authorities are focusing on mediation or conciliation efforts with the families involved. Too often a woman at risk has no other option than returning to the family where she was originally abused. In the Kurdistan Region of Iraq, three young women who previously had been staying at official shelters were found killed in 2014 (Warvin Foundation for Women's Issues).