

# 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 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. 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.

The security situation has further deteriorated since the Islamic State's (IS) takeover of Mosul 10 June 2014. The United Nations Assistance Mission for Iraq (UNAMI) reports that at least 11,600 civilians were killed and almost 22,000 civilians injured in 2014. The UN also reports that women and girls in territories controlled by the IS are suffering severe restrictions on their human rights, such as their right to freedom of movement and right to education. Thousands of women, mainly belonging to minorities such as the Yazidi, have been abducted and become victims of atrocities such as trafficking, forced marriages and sexual and other forms of gender-based violence. In addition, women community and political leaders have become specific targets for abduction, torture and killings in IS-controlled territories.

The terror ravaging Iraq has resulted in mass forced displacement. Even before the current crises, Iraq had one of the world's largest populations of internally displaced persons (IDPs). Today Iraq's IDP population is around 2,6 to 3,1 millions. Women IDPs are at particular risk of violence due to their gender.

## Violence against women

Women have suffered widespread and serious human rights violations in Iraq long before the 2014 escalation of the armed conflict involving the Islamic State. Recent comprehensive surveys show that:

- 44.5% of married women report they have been subjected to psychological violence (humiliation, intimidation, threat and control) by their husbands in the past 12 months (Iraq Woman Integrated Social and Health Study, I-WISH 2011).



Kvinna till Kvinna's partner organisation Pana center in Kirkuk, Iraq, demands support for women. Photo: Pana Centre/Nahdha Ali

- 43% of women aged 15-49 in the Kurdistan Region of Iraq report they have been subjected to some form of female genital mutilation (compared to 1% in the rest of Iraq) (Multiple Indicator Cluster Survey MICS 2011).

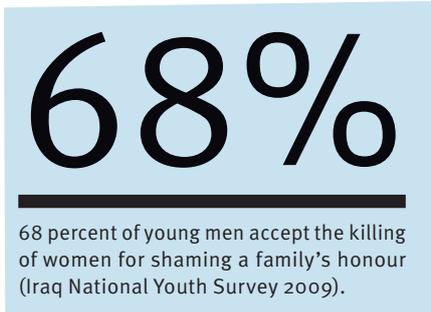
- 56% of men believe that they have the right to beat their wife if she disobeys (I-WISH 2011).

The laws in Iraq do not criminalize all forms of violence against women. According to the Iraqi Penal Code, a man who rapes a woman or a girl would escape punishment if he marries the victim. In 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.

Violence against women in Iraq is also 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 honour killings continues to be a problem all over the country. To commit a violent offence against another person in the name of honour is in Iraq 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 organisations report that doctors often choose not to register deaths as the result of killings even in cases where bodies show signs of beatings and other violence. Instead, 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 organisations believe it is increasing. In February 2015, it was reported that figures from the Kurdistan Health Ministry show that in the last five years over 3,000 women have been killed as a result of domestic violence in the Kurdistan Region. The real number is likely to be higher.

### Child marriages

- 21% of girls between the ages of 15 and 19 in Iraq are currently married (MICS 2011).
- 17% of girls get married before the age of 18 (UNICEF 2013).

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.

Child marriages in Iraq have increased in the past decade. Women's rights organisations 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 from 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 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 have lowered the legal age of marriage for girls to the age of 9 and prevented women from leaving their house with consent from their husbands. In March 2015, the draft Jaafari law has not been formally withdrawn.

### 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 organisations offering counselling or legal aid.

In 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 shelters in Baghdad but without government permission. In the Kurdistan Region of Iraq, there are government 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 with the families involved. Too often a woman at risk has no other option than returning to the family where she was originally abused.