

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	1084
Land:	Irak
Kilde:	UK Home Office
Titel:	Country Policy and Information Note. Iraq: Kurdish 'honour' crimes
Udgivet:	August 2017
Optaget på baggrundsmaterialet:	25. oktober 2017



Home Office

Country Policy and Information Note

Iraq: Kurdish 'honour' crimes

Version 1.0

August 2017

Preface

This note provides country of origin information (COI) and policy guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the policy guidance contained within this note; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Country information

COI in this note has been researched in accordance with principles set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#) and the [European Asylum Support Office’s research guidelines, Country of Origin Information report methodology](#), namely taking into account its relevance, reliability, accuracy, objectivity, currency, transparency and traceability.

All information is carefully selected from generally reliable, publicly accessible sources or is information that can be made publicly available. Full publication details of supporting documentation are provided in footnotes. Multiple sourcing is normally used to ensure that the information is accurate, balanced and corroborated, and that a comprehensive and up-to-date picture at the time of publication is provided. Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source is not an endorsement of it or any views expressed.

Feedback

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Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office’s COI material. The IAGCI welcomes feedback on the Home Office’s COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. IAGCI may be contacted at:

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Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <http://icinspector.independent.gov.uk/country-information-reviews/>

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Policy guidance

Updated: 30 August 2017

1. Introduction

1.1 Basis of claim

- 1.1.1 Fear of persecution or serious harm from one's family/tribe or another tribe because of a perceived transgression that has been viewed as compromising the family or tribe's 'honour'.

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1.2 Points to note

- 1.2.1 For the purposes of this guidance an 'honour' crime is violence committed by those who aim to protect the reputation of their family or tribe.
- 1.2.2 Although 'honour' crimes may occur within all Iraqi communities, this note is confined to 'honour' crimes among Kurdish people.

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2. Consideration of issues

2.1 Credibility

- 2.1.1 For information on assessing credibility, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).
- 2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).
- 2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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2.2 Particular social group

- 2.2.1 Victims or potential victims of 'honour' crimes can form a particular social group (PSG) within the meaning of the 1951 Refugee Convention. This is because victims or potential victims of 'honour' crimes can share a common background that cannot be changed – the experience that they have compromised family or tribal 'honour' – and have a distinct identity that is perceived as being different by the surrounding society.
- 2.2.2 Although victims or potential victims of 'honour' crimes can form a PSG, establishing such membership is not sufficient to be recognised as a refugee. The question to be addressed is whether the particular person will face a real risk of persecution on account of their membership of such a group.
- 2.2.3 For further guidance on particular social groups, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

2.3 Assessment of risk

- 2.3.1 There are some reported incidents of 'honour' crimes against men, for example in cases where homosexuality is suspected, but a person at risk of an 'honour' offence is far more likely to be a woman, with the risk usually coming from male members of her family (see ['Honour crimes' – Prevalence](#)).
- See also the [Asylum Instruction on Gender Issues in the Asylum Claim](#).
- 2.3.2 Accurate data is limited, although unofficial estimates of 'honour' crimes in the Kurdistan Region of Iraq (KRI) range from around 300 to 600 a year. Official figures are likely to be underestimates due to underreporting and 'honour' crimes being passed off as accidents or suicides (see ['Honour crimes – Prevalence](#)).
- 2.3.3 Punishments for perceived 'honour' offences range from physical abuse, confinement, forced marriage, forced suicide and murder (see ['Honour crimes – Definition](#)).
- 2.3.4 Decision makers must consider what the woman has done, or is perceived to have done, for her to fear harm because of a perceived 'honour' offence. Such 'offences' can include marriages that are not accepted by the family; sex before marriage; friendships that are viewed as inappropriate; being the victim or rape or kidnapping; and even 'inappropriate' dress (see ['Honour crimes – Definition](#)).
- 2.3.5 A woman at real risk of having an 'honour' crime being committed against her will be at risk of serious harm.
- 2.3.6 For further guidance on assessing risk, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

2.4 Protection

i. Kurdish authorities

- 2.4.1 There are constitutional and legal protections against 'honour' offences. These have strengthened in recent years; a landmark and comprehensive Bill in 2011 criminalised domestic violence (including 'honour' crimes) (see [State protection – Constitution](#), [Penal Code](#), [Personal Status Law](#) and [The Domestic Violence Act](#)).
- 2.4.2 However, sources suggest that the power of tribes and the sympathetic attitude of the authorities towards families mean that enforcement of the law is inadequate (see [Enforcement of the law](#)). There are government-run shelters for women in the KRI, but service provision is inadequate (see [Government shelters](#)). For these reasons, the Kurdish authorities are able but unwilling to provide effective protection to those at risk from 'honour' crimes. Decision makers must, however, assess each case on its merits.

ii. Tribes

- 2.4.3 Tribal disputes are mediated and resolved first and foremost through their own mechanisms, such as tribal courts. Tribes are very powerful and are a rival to the formal authorities in the administration of justice and protection (see [Importance of the tribe](#), [Tribal courts](#) and [Blood feuds – Tribal redress](#) and [‘Honour’ crimes – Tribal redress](#)).
- 2.4.4 In cases involving ‘honour’, the tribe is likely to protect the family’s ‘honour’ above the integrity of the individual (usually a woman) (see [‘Honour’ crimes – Definition](#)). A tribe therefore cannot be considered willing (even though they may be able) to provide effective protection in the case of an ‘honour’ offence.

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2.5 Internal relocation

i. Those who fear an ‘honour’ crime

- 2.5.1 A person who has a well-founded fear of an ‘honour’ crime may be able to relocate to escape the risk. Decision makers must first consider whether a person (a Kurd) can relocate within the KRI. Decision makers must assess each case on its merits, in particular the power/reach of the agent of persecution, given that some tribes are powerful and influential in the region.
- 2.5.2 If relocation within the KRI is not reasonable, then decision makers must consider whether relocation to other parts of Iraq is reasonable. Decision makers must note that those who fear ‘honour’ crimes are most likely to be women, which may impact on their ability to relocate. Each case must be considered on its merits.

ii. Kurds in general

- 2.5.3 Most Kurds in Iraq live in the northern, semi-autonomous KRI; there are also significant populations of Kurds in Ninewah, Diyala and, especially, Kirkuk. According to official data from the Baghdad provincial council, there are 300,000 Kurds in Baghdad, accounting for approximately 4% of the capital’s population (see [Kurds in Iraq](#)).
- 2.5.4 Although a person’s Kurdish ethnicity will be relevant in an assessment of internal relocation, there is no part of Iraq to which a Kurd, as a general principle, cannot relocate specifically because of their Kurdish ethnicity. The onus will be on the person to demonstrate why they cannot relocate to a given area specifically because of their ethnicity, if it is claimed that is why they cannot do so.
- 2.5.5 In the country guidance case of [AA \(Article 15\(c\)\) Iraq CG \[2015\] UKUT 00544 \(IAC\)](#), heard on 18-19 May 2015 (and promulgated on 30 October 2015), the Upper Tribunal found that relocation to Baghdad (except to parts of the ‘Baghdad Belt’, the urban environs around Baghdad City, which bordered Anbar, Diyala and Salah al-Din) was possible as a general matter (paragraph 204, A2, A3). The Upper Tribunal went on to find that, in assessing whether relocation to Baghdad was unreasonable, a number of factors are likely to be relevant. Two of these factors are particularly relevant for Kurds. These are:

- whether a person can speak Arabic (as those who cannot are less likely to find employment) (paragraph 204, D, 15(b));
 - whether a person is from a minority community (paragraph 204, D, 15(f))
- 2.5.6 For further information and guidance, see [Country Information and Guidance – Iraq: Return/Internal Relocation](#)
- 2.5.7 For further guidance on internal relocation, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.6 Certification

- 2.7.1 Where a claim is refused, it is unlikely to be certifiable as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002.
- 2.7.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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3. Policy summary

- 3.1.1 A person at risk because of an ‘honour’ offence is most likely to be a woman and the risk will usually come from male members of the family or tribe. Decision makers must consider what the woman has done, or is perceived to have done, for her to fear harm because of a perceived ‘honour’ offence. A woman at real risk of having an ‘honour’ offence being committed against her will be at risk of serious harm.
- 3.1.2 A person’s reluctance to seek protection, or lack of knowledge of it, does not mean that the protection is not available.
- 3.1.3 The Kurdish authorities are able but unwilling to provide effective protection to those at risk from ‘honour’ crimes.
- 3.1.4 A person who has a well-founded fear of an ‘honour’ crime may be able to relocate to escape the risk. Decision makers must first consider whether a person (a Kurd) can relocate within the Kurdistan Region of Iraq (KRI). Decision makers must assess each case on its merits, in particular the power/reach of the agent of serious harm, given that some tribes are powerful and influential in the region.
- 3.1.5 If relocation within the KRI is not reasonable, then decision makers must consider whether relocation to other parts of Iraq is reasonable. Decision makers must note that a person who fears an ‘honour’ crime is likely to be a woman, which may impact on their ability to relocate. Each case must be considered on its merits.
- 3.1.6 Where a claim is refused, it is unlikely to be certifiable as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002.

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4. Kurds

- 4.1.1 For information on the Kurdish people, Kurds in Iraq, the Kurdistan Region of Iraq (KRI) and the Kurdistan Regional Government (KRG), see the country information and guidance note on [Political opinion in the Kurdistan Region of Iraq \(KRI\)](#).

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5. Status of women

- 5.1.1 Wadie Jwaideh, in his 1960 book on the Kurds, noted: 'Most writers seem to agree that Kurdish women enjoy a remarkable degree of freedom in comparison with many Arab women...In this respect, Kurds are more like the people of eastern Europe than the people of the Middle East.' He further observed that: 'The Kurdish woman is the mistress of her home. Her influence in the family circle is considerable, and her counsel is heeded and respected' and '[w]omen have often attained positions of great power and influence in Kurdistan, some of them even being recognised as chiefs of their tribes.'¹
- 5.1.2 A post dated May 2014 in Pass Blue, a blog which styles itself as 'Independent coverage of the UN' and is a project of the Ralph Bunche Institute, CUNY [City University of New York] Graduate Center, said:
- 'We were told by a Kurdish man here [in Kurdistan] that women have no value. The man, who in the past worked for a women's empowerment center but now wishes to remain anonymous, said that women are treated more or less as objects for men to use for their own needs...
- '...In April, as we conducted our research, the stories we were told and information we learned revealed an extreme bias against women in Kurdistan...
- 'Women cannot have a boyfriend, but it's an honor for a man to have a girlfriend. A divorced woman is like a disease, whereas a divorced man is just a man. A free woman is a bad woman, but a free man is a righteous man.'²
- 5.1.3 The blog post continued:
- 'In the 1980s, many rights activists said, women had been freer in society. But those days are long over...

¹ Jwaideh, Wadie, 'The Kurdish National Movement: Its Origins and Development', 1960, pp. 42-44

² Pass Blue, 'In Kurdistan and Beyond, Honor Killings Remind Women They Are Worthless', 6 May 2014, <http://www.passblue.com/2014/05/06/in-kurdistan-and-beyond-honor-killings-remind-women-they-are-worthless/>. Date accessed: 16 March 2017

'We asked the male Kurdish activist who used to work for a women's group to clarify this mind-set.

'Everything that a woman or a girl does is a reflection of the man in the home, he said. A girl is expected to do as she is told, which means going to school until her family decides that she has received enough education. Then it is time to get married and produce children.

'Her responsibilities become focused on her husband and her children. She must cook, clean and take care of all the husband's needs. Most important, she must be a virgin before she gets married...' ³

- 5.1.4 The Huffington Post, in an article dated July 2014, quoted Bahar Muzir, coordinator of Zhyan (meaning 'Life' in Kurdish), 'a group that was formed to lobby the government and the public to end honor killing in Iraqi Kurdistan': "The underlying issue is a lack of equality...In our society, a woman is seen as the property of her family and then her husband. They are under the control of the males of the household — to give or sell in marriage, to control their conduct and movements. While progressive families may allow more freedom within the home, society does not tolerate women who make their own choices". ⁴

See: ['Honour' crimes – Reasons](#)

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6. Kurdish marriage

6.1 Importance of marriage

- 6.1.1 In 'Kurdish Marriage Patterns', the Marriage and Family Encyclopaedias observed:

'Kurdish marriage arrangements are very complex and defined by tribal traditions...

'Marriage is one of the most important events for establishing alliances and creating social hierarchies within and between tribes. Upon marriage, a woman leaves her birth homestead and moves to her husband's village. Traditionally, a woman did not move away from the territory of her lineage since most marriages were within the lineage where members live a short distance away. However, urban migration and diaspora relations resulted in contemporary marriages in which women not only move from their paternal homes, but frequently cross national borders...For boys and girls, marriage establishes the passage to adulthood.' ⁵

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³ Pass Blue, 'In Kurdistan and Beyond, Honor Killings Remind Women They Are Worthless', 6 May 2014, <http://www.passblue.com/2014/05/06/in-kurdistan-and-beyond-honor-killings-remind-women-they-are-worthless/>. Date accessed: 16 March 2017

⁴ The Huffington Post, 'Kurdish Teenager's "Honor Killing" Fades to Memory as Iraq Violence Swells', 17 July 2014, http://www.huffingtonpost.com/the-groundtruth-project/kurdish-teenagers-honor-k_b_5596318.html. Date accessed: 16 March 2017

⁵ JRank, Marriage and Family Encyclopaedias, 'Kurdish Families – Kurdish Marriage Patterns', undated, <http://family.jrank.org/pages/1026/Kurdish-Families-Kurdish-Marriage-Patterns.html>. Date accessed: 28 November 2016

6.2 Marrying age

6.2.1 'Kurdish Marriage Patterns', in the Marriage and Family Encyclopaedias, observed:

'The marriageable age of male and female children varies according to socioeconomic class and the specific needs of individual families. The average age for marriage increases in urban areas, where the parties involved are usually educated and employed. Although the marriage age of boys is slightly higher than girls, this depends on various social and economic strategies of households. Generally, girls' marriages are postponed when there is a labor shortage in the family. However, they may be given in marriage at an early age to settle a dispute in a case of kidnapping, taking an unmarried girl by force to marry against her will. That is, if a son of family A kidnaps a girl from family B, the resulting dispute between the two families can't be settled unless family A gives a girl to family B. The possibilities of both eloping and kidnapping also contribute to the desire to arrange early marriages for girls.'⁶

6.2.2 A report by the Norwegian Refugee Council (NRC) observed that, in Dohuk, local Kurdish women reported that the common age for girls to marry was between 15 and 18, 'but they felt that the best age was at 25'. 'In contrast, the male focus group in KRI felt girls should marry at 15-20 years whereas men should wait until they were 25-30 years old. Many of the females felt they were subjected to parental pressure'. It quoted one woman from Dohuk who said: "'When a girl gets a proposal the family accepts because it's not socially accepted to refuse.'"⁷

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6.3 Types of marriage

6.3.1 Jwaideh observed:

'Orthocousin marriage, especially to the daughter of a paternal uncle, is considered to be the ideal marriage among the Kurds, particularly in tribally organized communities where the patrilineal system underlies the social structure. This pattern of marriage, which is connected with the feud and political power in general, provides certain economic and political advantages to both parties.'⁸

6.3.2 The source further commented:

'Marriage among the Kurds is governed by Muslim law and practice and by local Kurdish custom. Although as Muslims the male Kurds are permitted to marry four wives, only tribal chieftains and some wealthy landowners are

⁶ JRank, Marriage and Family Encyclopaedias, 'Kurdish Families – Kurdish Marriage Patterns', <http://family.jrank.org/pages/1026/Kurdish-Families-Kurdish-Marriage-Patterns.html>. Date accessed: 28 November 2016

⁷ Norwegian Refugee Council (NRC), 'A future in the balance: How the conflict on Syria is impacting on the needs, concerns and aspirations of young people across the Middle East', p.14, <https://www.nrc.no/globalassets/pdf/reports/a-future-in-the-balance---syria.pdf>. Date accessed: 8 December 2016

⁸ Jwaideh, Wadie, 'The Kurdish National Movement: Its Origins and Development', 1960, p. 45. Hard copy only

able to do so; the average Kurd is monogamous. As a result of the freedom of movement enjoyed by the Kurdish woman, who goes unveiled and mingles freely with men, marriage is often the result of love rather than merely a family arrangement.⁹

6.3.3 In 'Kurdish Marriage Patterns', the Marriage and Family Encyclopaedias observed: 'Traditionally Kurdish marriages are arranged marriages. Marriage arrangements may be completed even before children are born.'¹⁰

6.3.4 The source further noted:

'Historically, tribal endogamy—the obligation to marry within the tribe—is followed in Kurdish marriages... According to Kurdish traditions, a man has the right to marry his paternal uncle's daughter. Any arrangement contrary to this rule must be negotiated between the two brothers. Therefore, for all Kurds the preferred form of marriage is with patrilateral cousins (the children of siblings of the same sex, FBD/FBS—father's brother's daughter and son) while cross-cousin (the children of the siblings of opposite sex, FZD/FZS—father's sister's daughter and son) marriages are rarely practiced. The lineage endogamy is secured by marrying a first parallel cousin, and if this is not possible, a second or a more distant patrilateral cousin. The patrilateral cousins' marriage keeps property in the family and reinforces patriarchal and tribal solidarity.

'Marriages are often arranged in the form of direct exchanges, *pê-guhurk*. Direct exchange marriages are made if one household head, who gives a daughter to another one as a wife for their son, demands a wife in return. The most common form of a direct exchange between two households is sister exchange. In rare cases, marriages are arranged between three families: family A gives a daughter to family B, family B gives a daughter to family C, and family C completes the circle of exchange by giving a daughter to family A. Direct wife and sister exchanges eliminate the payment of bride-price in marriages.

'In Kurdistan, a widowed woman stays with her husband's family. If she is widowed when her children are young, she is obliged to marry her deceased husband's brother. This form of marriage is called *levirate*. *Sororate* is another custom: When a man loses his wife before she bears a child or she dies leaving young children, her lineage provides another wife to the man, usually a younger sister with a lowered bride-price. Both *levirate* and *sororate* are practiced to guarantee the well being of children and ensure that any inheritance of land will stay within the family.'¹¹

6.3.5 The source further noted:

⁹ Jwaideh, Wadie, 'The Kurdish National Movement: Its Origins and Development', 1960, p. 45. Hard copy only

¹⁰ JRank, Marriage and Family Encyclopaedias, 'Kurdish Families – Kurdish Marriage Patterns', <http://family.jrank.org/pages/1026/Kurdish-Families-Kurdish-Marriage-Patterns.html>. Date accessed: 28 November 2016

¹¹ JRank, Marriage and Family Encyclopaedias, 'Kurdish Families – Kurdish Marriage Patterns', <http://family.jrank.org/pages/1026/Kurdish-Families-Kurdish-Marriage-Patterns.html>. Date accessed: 28 November 2016

'Most Kurdish marriages are monogamous marriages. However, Islam allows polygynous [sic] marriages; a man may have as many as four wives at one time providing that he fulfils [sic] his obligations as prescribed in Islam. Although statistically rare, polygynous marriages are practiced by Kurdish men who have high economic and political status or claim to have such status. Patriarchal ideology justifies these marriages by emphasizing the Islamic prescription that asserts that social harmony will develop between wives who share household chores and childcare. In reality, polygyny complicates social relations between the members of extended households.'¹²

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6.4 Bride-price (*naxt*)

6.4.1 Jwaideh defined 'brideprice' as a

'... certain sum of money that the bridegroom pays to the bride's father or guardian. Several writers imply that the brideprice is retained by the bride's father or guardian. According to Kamuran Bedir Khan, however, this money is the marriage dowry and is withheld for a certain period by the bride's family as a guarantee of the husband's good conduct and is usually given to him after a number of year'.¹³

6.4.2 'Kurdish Marriage Patterns', Marriage and Family Encyclopaedias, commented:

'Bride-price is called *naxt* in Kurdish. It is given to the family of the bride at the time of betrothal or may be paid in increments until the wedding ceremony. It is paid in cash and gold and may include gifts to the bride and her family, the expenses of the wedding ceremony, a rifle, a revolver, jewelry, household goods, electronic equipment, and hoofed animals. The wedding expenses, including the bride-price and the construction and preparation of a room for the marrying couple, may be as much as one year's income for an average household. The amount of the bride-price varies according to the wealth and social standing of the groom's family. However, the bride-price is decreased if the marriage is an FBD/FBS marriage. The bride does not claim any of the bride-price. Generally, most fathers of young sons use the bride-price, which they receive from their daughter's marriages, to pay the family providing a bride for their sons. Fathers of young women are expected to prepare a trousseau and a dowry, which may include jewelry and livestock, for their marrying daughters. *Kaleb* or *sirdan*, so-called milk money, is not negotiated between families; rather, it is courteously presented to the mother of the bride, generally in the form of gold jewelry, for her loss of a daughter and a laborer.'¹⁴

¹² JRank, Marriage and Family Encyclopaedias, 'Kurdish Families – Kurdish Marriage Patterns', <http://family.jrank.org/pages/1026/Kurdish-Families-Kurdish-Marriage-Patterns.html>. Date accessed: 28 November 2016

¹³ Jwaideh, Wadie, 'The Kurdish National Movement: Its Origins and Development', 1960, p. 45. Hard copy only

¹⁴ JRank, Marriage and Family Encyclopaedias, 'Kurdish Families – Kurdish Marriage Patterns', <http://family.jrank.org/pages/1026/Kurdish-Families-Kurdish-Marriage-Patterns.html>. Date accessed:

6.5 Ceremony

6.5.1 'Kurdish Marriage Patterns', Marriage and Family Encyclopaedias, noted:

'Traditionally, peasant weddings include everyone living in the village of the groom and involve elaborate ceremonies. Most able members of the village contribute to wedding preparations in different ways. The wedding ceremonies may last several days. Following proper rules of conduct, a newly married couple avoids being in the same room with the groom's father for close to a week, although they are living in the same house. It is only after this period of prohibition that a bride can visit her parents to receive their blessings.'¹⁵

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6.6 Inheritance

6.6.1 'Kurdish Marriage Patterns', Marriage and Family Encyclopaedias, noted:

'Among Muslim Kurds, despite the *sharia*, Islamic law, and civil inheritance laws where applicable, and among Yezidis, women are not given property, including land, pastures, houses, and livestock, as their inheritances. In addition, FBD/FBS marriages guarantee the continuity of patriarchal domination; it is less likely that her husband will support a woman's right to claim her inheritance. However, in urban areas, education, employment opportunities and nontraditional marriage arrangements situate women in more powerful positions to demand their legal inheritances...

'Brother-sister ties continue after her marriage. This bond guarantees the well being of the sister in her husband's household. In exchange, it secures the brother's right to keep all inherited property. Despite tribal ideology and the segmentary model, FBSs are usually close friends. Conflicts between the two of them, especially related to the division of landed property, are generally managed by the elder's mediation within village life. Cross-cousins (MBSs/MSSs) also usually have a close relationship and most often invest in trading activities together. Kurds are very clear in defining how close their relatives are with specific terms and references. The *distance* and the *closeness* of the kin are also strategically defined in terms of establishing ties with individuals who may be profitable to have as familial contacts. Kurds develop close relationships with their non-Kurdish neighbors through a mechanism called *tirib* relationships.'¹⁶

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¹⁵ JRank, Marriage and Family Encyclopaedias, 'Kurdish Families – Kurdish Marriage Patterns', <http://family.jrank.org/pages/1026/Kurdish-Families-Kurdish-Marriage-Patterns.html>. Date accessed:

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¹⁶ JRank, Marriage and Family Encyclopaedias, 'Kurdish Families – Kurdish Marriage Patterns', <http://family.jrank.org/pages/1026/Kurdish-Families-Kurdish-Marriage-Patterns.html>. Date accessed:

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6.7 Divorce

- 6.7.1 Jwaideh commented: 'Divorce, like polygyny, is rare among the Kurds as a whole and is more frequent among the wealthier class.' He further noted: 'Hay [a scholar of Kurdistan] mentioned that a certain sum of money would be settled on the bride in the case of divorce.'¹⁷

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7. 'Honour' crimes

7.1 Definition

- 7.1.1 The Huffington Post, in an article dated July 2014, noted: 'The term "honor killing" stems from the belief that a family's honor is dependent on the sexual purity of its female members, exempting such crimes from being classified as murder.' It also stated: 'The "crime" can range from sexual relations outside of marriage, to inappropriate dress or having any kind of contact with a man outside the family.'¹⁸
- 7.1.2 The same article noted that the 'perpetrators can be husbands, fathers, brothers, uncles or sons'.¹⁹
- 7.1.3 A joint report between Minority Rights Group International and Ceasefire Centre for Civilian Rights, dated November 2015, stated:
- 'So-called 'honour' crimes are acts of violence perpetrated by family members against a relative who is perceived to have brought shame upon the family or tribe. 'Honour' crimes are overwhelmingly perpetrated by male family members against female relatives, although occasionally males are also the victims of such violence...In Iraq, 'honour' crimes most often take the form of murder, although they can also encompass other forms of violence such as physical abuse, confinement, control of movement, deprivation of education, forced marriage, forced suicide and public dishonouring.'²⁰

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7.2 Reasons

- 7.2.1 Jwaideh noted: 'In the severely puritanical atmosphere of Kurdistan, death is the usual punishment for any breach of the moral code.'²¹

¹⁷ Jwaideh, Wadie, 'The Kurdish National Movement: Its Origins and Development', 1960, p.45. Hard copy only

¹⁸ The Huffington Post, 'Kurdish Teenager's "Honor Killing" Fades to Memory as Iraq Violence Swells', 17 July 2014, http://www.huffingtonpost.com/the-groundtruth-project/kurdish-teenagers-honor-k_b_5596318.html. Date accessed: 16 March 2017

¹⁹ The Huffington Post, 'Kurdish Teenager's "Honor Killing" Fades to Memory as Iraq Violence Swells', 17 July 2014, http://www.huffingtonpost.com/the-groundtruth-project/kurdish-teenagers-honor-k_b_5596318.html. Date accessed: 16 March 2017

²⁰ Minority Rights Group International and Ceasefire Centre for Civilian Rights, 'The Lost Women of Iraq: Family-based violence during armed conflict', November 2015, p. 27, <http://minorityrights.org/wp-content/uploads/2015/08/Lost-Women-English.pdf>. Date accessed: 16 March 2017

²¹ Jwaideh, Wadie, 'The Kurdish National Movement: Its Origins and Development', 1960, p. 42. Hard copy only

- 7.2.2 'Kurdish Marriage Patterns', Marriage and Family Encyclopaedias, noted that certain actions, such as kidnapping and eloping, can 'cause a social disruption and require mediation between lineages and families to recover from social and economic damages'. It noted: 'Both eloping and kidnapping bring shame to families. However, kidnapping may have far more serious consequences. It may result in inter-lineage and intertribal feuds, since it is believed that the woman's *honor* is stained; she is no longer considered a virgin, and can't be returned to her family.'²²
- 7.2.3 A post dated May 2014 in Pass Blue, a blog which styles itself as 'Independent coverage of the UN' and is a project of the Ralph Bunche Institute, CUNY [City University of New York] Graduate Center, reflected the views of an anonymous man in Kurdistan, who previously worked for a women's empowerment centre:
- 'Deviations from societal expectations regarding a girl's sexuality — like falling in love with a boy or a man — are so unacceptable that the only way to redeem a family's honor is to kill the girl...
- 'Should she step out of line or do anything that makes her husband suspicious that she is being unfaithful, like talking with another man in the street, it is his right to kill her.'²³
- 7.2.4 The source added: 'In our first interviews with the heads of several women's empowerment groups in this city...we were told that a woman could be killed by her own family just because she fell in love or she wanted to go to school.'²⁴
- 7.2.5 The same source explained further:
- 'Experts at the UN who work in Kurdistan explained the rationale for honor killings; that it boils down to one simplification: "It's the culture." Many people said that violence against women escalated after 1991, when more people began to keep guns in their homes and were reacting to the violent politics of Hussein, the Iraqi president at the time, whose repression against Kurds was deadly until a no-fly zone was installed by Western powers at the end of the second Gulf War in 1991...
- 'Yet some honor killings are apparently occurring because husbands are said to be cheating more, and when a wife gets angry he attacks her. [Tanya] Darwesh [of the PUK and manager of the Rasan Organization] said that there was a lot of prostitution in the region, fed by an influx of foreigners coming from Iran and Europe to work, as Kurdistan is becoming an oil region. Refugees flow in from Syria as well, "so it's very easy for a man to

²² JRank, Marriage and Family Encyclopaedias, 'Kurdish Families – Kurdish Marriage Patterns', <http://family.jrank.org/pages/1026/Kurdish-Families-Kurdish-Marriage-Patterns.html>. Date accessed: 28 November 2016

²³ Pass Blue, 'In Kurdistan and Beyond, Honor Killings Remind Women They Are Worthless', 6 May 2014, <http://www.passblue.com/2014/05/06/in-kurdistan-and-beyond-honor-killings-remind-women-they-are-worthless/>. Date accessed: 16 March 2017

²⁴ Pass Blue, 'In Kurdistan and Beyond, Honor Killings Remind Women They Are Worthless', 6 May 2014, <http://www.passblue.com/2014/05/06/in-kurdistan-and-beyond-honor-killings-remind-women-they-are-worthless/>. Date accessed: 16 March 2017

betray his wife,” Darwesh said, “inciting many cases of a wife wanting a divorce.”²⁵

- 7.2.6 The source also observed that there may be religious reasons to explain the persistence of ‘honour’ crimes. It referred to Suzan Aref, director of the Women Empowerment Organization, who said that religious leaders claimed that the 2008 law prohibiting ‘honour’ killings was ‘against Islam’ and that ‘they say a father needs to be in control of his children and a husband needs to be able to beat his wife, and they ran a campaign against the law’.²⁶

- 7.2.7 A joint report between Minority Rights Group International and Ceasefire Centre for Civilian Rights, dated November 2015, stated:

“‘Honour’ crimes are grounded in the cultural belief that women’s bodies are the site of honour and that their sexuality and movement must be strictly controlled in order to avoid bringing dishonour upon the entire family...

‘Honour’ crimes are most often perpetrated after a woman has committed or is suspected of committing any of the following: engaging in friendships or pre-marital relationships with a member of the opposite sex; refusing to marry a man chosen by the family; marrying against the family’s wishes; committing adultery; or being a victim of rape or kidnapping...

‘Transgressions of honour are seen as unforgivable and the ‘taint’ on the family’s honour does not decrease over time. In most cases, the only way to absolve a transgression of honour is to kill the woman, and sometimes the man as well. Perpetrators of ‘honour’ killings are often prepared to serve long prison sentences for murder rather than to face the humiliation of not avenging the honour of the family or tribe.’²⁷

- 7.2.8 A June 2016 article in the New Statesman by Dr Aisha Gill, a Professor of Criminology at the University of Roehampton, noted:

‘My own research on gender-related killings of women and girls in the Indian sub-continent and Iraqi Kurdistan shows that “honour” codes (and associated patriarchal views about the subordinate position of women) are embedded in broad and pervasive ways of thinking that revolve around gendered values and traditions that legitimise men’s control of women’s bodies and behaviour. These traditions and values heavily restrict the lives and activities of women, with any perceived “deviation” likely to attract some form of retribution or punishment. Punishment is often visible or public as it is only by punishing – and being seen to punish – those who transgress the “honour” code that a family’s reputation can be restored in the eyes of the wider community or society. Thus, “honour”-based violence, including ‘honour’ killings, do not just represent punishment for individuals but show

²⁵ Pass Blue, ‘In Kurdistan and Beyond, Honor Killings Remind Women They Are Worthless’, 6 May 2014, <http://www.passblue.com/2014/05/06/in-kurdistan-and-beyond-honor-killings-remind-women-they-are-worthless/>. Date accessed: 16 March 2017

²⁶ Pass Blue, ‘In Kurdistan and Beyond, Honor Killings Remind Women They Are Worthless’, 6 May 2014, <http://www.passblue.com/2014/05/06/in-kurdistan-and-beyond-honor-killings-remind-women-they-are-worthless/>. Date accessed: 16 March 2017

²⁷ Minority Rights Group International and Ceasefire Centre for Civilian Rights, ‘The Lost Women of Iraq: Family-based violence during armed conflict’, November 2015, p. 26, <http://minorityrights.org/wp-content/uploads/2015/08/Lost-Women-English.pdf>. Date accessed: 16 March 2017

other women and girls what is likely to happen to them if they do not conform to patriarchal social expectations as regards their behaviour and life choices.¹²⁸

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7.3 Prevalence

7.3.1 An article in The Guardian, dated March 2013, noted:

'There are no accurate statistics for violence against women in Iraq, making it difficult to deal with the problem. In spite of limited data, all agree that the violence is widespread. Some analysts claim, with reference to Unifem [United Nations Development Fund for Women], that there are at least 400 honor killings a year; but most honor killings, suicides and other acts against women go unreported. In fact, after natural causes, honor killings are thought to be one of the leading causes of death for women in Kurdistan.'²⁹

7.3.2 A joint report between Minority Rights Group International and Ceasefire Centre for Civilian Rights, dated November 2015, also referred to the claim that 'honour' killings may be the leading cause of death for Kurdish women after natural causes, noting that this is 'according to some speculation'.³⁰

7.3.3 An article in The Economist, dated March 2014, observed: 'Honour killings by male family members are still common in Kurdistan'. The article quoted a Mr Muradkan-Shaker, of the Kurdish NGO WADI, who said that the frequency of such acts 'leads many Kurdish women to view their families not as protectors but as "people who might attack you at any minute."³¹

7.3.4 In a post dated May 2014, Pass Blue noted that 'honour' killings and 'honour' suicides are 'continuing in Kurdistan if not on the rise, some people say'. It continued: 'In Kurdistan, the UN estimates that the number of honor killings might be as high as 50 each month, and that most of the deaths go unreported. One reason that they continue to be a leading cause of death for women may be the increasingly oppressed position of women in Iraqi society.'³²

7.3.5 An article by the Kurdish Middle Eastern Women's Organisation, dated May 2014, noted that 'honour' killing is a 'daily crime'. It then says: 'According to

²⁸ New Statesman, Aisha Gill, 'Enough is enough: Putting an end to "honour"-based violence against women and girls', 4 June 2016, <http://www.newstatesman.com/world-affairs/2014/06/enough-enough-putting-end-honour-based-violence-against-women-and-girls>. Date accessed: 16 March 2017

²⁹ The Guardian, 'My broken dream for Iraqi Kurdistan', 17 March 2013, <https://www.theguardian.com/commentisfree/2013/mar/17/broken-dream-iraqi-kurdistan>. Date accessed: 16 March 2017

³⁰ Minority Rights Group International and Ceasefire Centre for Civilian Rights, 'The Lost Women of Iraq: Family-based violence during armed conflict', November 2015, p. 28, <http://minorityrights.org/wp-content/uploads/2015/08/Lost-Women-English.pdf>. Date accessed: 16 March 2017

³¹ The Economist, 'Why are so many Kurdish women setting themselves on fire?', 18 March 2014, <http://www.economist.com/blogs/pomegranate/2014/03/suicide-kurdistan>. Date accessed: 16 March 2017

³² Pass Blue, 'In Kurdistan and Beyond, Honor Killings Remind Women They Are Worthless', 6 May 2014, <http://www.passblue.com/2014/05/06/in-kurdistan-and-beyond-honor-killings-remind-women-they-are-worthless/>. Date accessed: 16 March 2017

official statistics in the last four months of 2014 alone, 14 women have been murdered.¹³³

- 7.3.6 A joint report between Minority Rights Group International and Ceasefire Centre for Civilian Rights, dated November 2015, stated:

'...it is difficult to assess the true scale of 'honour' killings in Iraq because many are unreported or disguised by the family as accidents or suicides. When a woman is reported dead or admitted to hospital with suspicious injuries, authorities often accept the family's version of events and do not conduct thorough investigations to rule out the possibility of 'honour' killing. Female survivors of 'honour' violence themselves will often say it was an accident in order to avoid reprisals from family members'.³⁴

- 7.3.7 The same source added:

'According to one estimate, upwards of 12,000 Kurdish women were killed in the name of honour between 1991 and 2007. Many observers trace a connection between spread of arms in Kurdish society prompted by Saddam Hussein's repression of the Kurds and violence perpetrated against women. Although the provisions of the Iraqi Penal Code which allow mitigated sentences for 'honour' killings were repealed in the Kurdistan region upon independence, such killings continue to take place'.³⁵

- 7.3.8 The source also asserted: 'Particularly in rural areas, where illiteracy persists, 'honour' killings continue to take place in high numbers beyond the purview of the law'.³⁶

- 7.3.9 A representative of WADI, in correspondence with the Immigration and Refugee Board of Canada in 2016, stated that the "'official number of honour killing cases is 50-60 per year" for the Kurdistan region of Iraq, but that this is likely an underestimation, as cases "are not registered in a professional fashion," with only those cases involving a visit to the police station or hospital counted'.³⁷

- 7.3.10 The same source also stated that the 'prevalence and social attitudes do not differ between rural and urban areas because only a short time ago, all city dwellers used to live in the countryside'.³⁸

³³ Change.org, KMEWO – Kurdish and Middle Eastern Women's Organisation in UK, 'Bring Dunya's murderer to Justice, don't allow a Tribal Deal!', May 2014, <https://www.change.org/p/krg-kurdistan-bring-dunya-s-murderer-to-justice-don-t-allow-a-tribal-deal>. Date accessed: 16 March 2017

³⁴ Minority Rights Group International and Ceasefire Centre for Civilian Rights, 'The Lost Women of Iraq: Family-based violence during armed conflict', November 2015, p. 27, <http://minorityrights.org/wp-content/uploads/2015/08/Lost-Women-English.pdf>. Date accessed: 16 March 2017

³⁵ Minority Rights Group International and Ceasefire Centre for Civilian Rights, 'The Lost Women of Iraq: Family-based violence during armed conflict', November 2015, p. 28, <http://minorityrights.org/wp-content/uploads/2015/08/Lost-Women-English.pdf>. Date accessed: 16 March 2017

³⁶ Minority Rights Group International and Ceasefire Centre for Civilian Rights, 'The Lost Women of Iraq: Family-based violence during armed conflict', November 2015, p. 29, <http://minorityrights.org/wp-content/uploads/2015/08/Lost-Women-English.pdf>. Date accessed: 16 March 2017

³⁷ Immigration and Refugee Board of Canada (IRC), 'Iraq: Honour-based violence in the Kurdistan region; state protection and support services available to victims [IRQ105424.E]', 15 February 2016, <https://www.justice.gov/eoir/file/879841/download>. Date accessed: 16 March 2017

³⁸ Immigration and Refugee Board of Canada (IRC), 'Iraq: Honour-based violence in the Kurdistan region; state protection and support services available to victims [IRQ105424.E]', 15 February 2016,

- 7.3.11 The same source stated that ‘boys and men are “not very likely” to become victims of honour-based violence in Iraqi Kurdistan, and when they are affected, “most” of the time it is due to “supposed homosexuality”’.³⁹
- 7.3.12 The same source stated that information on male victims of honour-based violence was scarce, but cited the ‘country representative for Diakonia, an international development organization in the city of Dahuk’: “men are equally at risk of becoming victims of honour crimes as women”. The source quoted another source, Dr. Aisha Gill, an expert in criminology at the University of Roehampton, who in a March 2014 article
- ‘...similarly states that men are most likely to cause dishonour as a result of their behaviour towards women, including through (i) their choice of romantic and/or sexual partners, (ii) refusing an arranged marriage, (iii) coming out as gay, bisexual or transgender, and/or (iv) refusing to commit an act of HBV [honour-based violence]. Nevertheless, the fact remains that the majority of victims are female and the majority of perpetrators male.’⁴⁰

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7.4 Self-immolation

- 7.4.1 An article in The Economist, dated May 2014, noted:
- ‘Self-immolation as a dramatic and deadly form of protest by women is known across the Middle East, from Egypt to Pakistan. But it has become alarmingly common in the Kurdish region of northern Iraq. By some estimates self-burning has claimed the lives of as many as 10,000 women, including girls as young as 13, since the region gained autonomy in 1991...
- ‘Survivors of self-burning often explain that they felt trapped in traditional, arranged marriages, which in some cases means they were betrothed at birth to cousins or tribal kinsmen. A majority have also faced some form of domestic violence whether by fathers, husbands, or in-laws.’⁴¹
- 7.4.2 An article in The Huffington Post, dated July 2014, stated: ‘In Iraqi Kurdistan, suicide by self-immolation has replaced honor killing in many cases. Most often the decision is made by a woman herself either to escape a life of misery or shame, or due to pressure from her family members. The majority of these are reported as accidents.’ The article reported that Falah Muradkan-Shaker, coordinator for women’s rights group WADA, estimated that ‘around 10,000 women have burned to death since the Kurdish region

<https://www.justice.gov/eoir/file/879841/download>. Date accessed: 16 March 2017

³⁹ Immigration and Refugee Board of Canada (IRC), ‘Iraq: Honour-based violence in the Kurdistan region; state protection and support services available to victims [IRQ105424.E]’, 15 February 2016, <https://www.justice.gov/eoir/file/879841/download>. Date accessed: 16 March 2017

⁴⁰ Immigration and Refugee Board of Canada (IRC), ‘Iraq: Honour-based violence in the Kurdistan region; state protection and support services available to victims [IRQ105424.E]’, 15 February 2016, <https://www.justice.gov/eoir/file/879841/download>. Date accessed: 16 March 2017

⁴¹ The Economist, ‘Why are so many Kurdish women setting themselves on fire?’, 18 March 2014, <http://www.economist.com/blogs/pomegranate/2014/03/suicide-kurdistan>. Date accessed: 16 March 2017

gained autonomy in 1991. Just how many of these were suicides is unknown as such cases are never investigated.¹⁴²

- 7.4.3 An article in Open Democracy, dated May 2015, stated that, since the fall of Saddam Hussein, self-immolation has ‘become an alarmingly common trend in the Kurdish region of northern Iraq’. The source continued:

‘While some doctors estimate self-immolation has claimed the lives of as many as 10,000 women since the region gained autonomy in 1991, reliable data is scarce. Some doctors I spoke to say there are incidents of self-immolation every day, others refute the claim and say media reports have inflated the issue...

‘There has been anecdotal evidence to suggest the incidence of self-immolation has been getting worse but it’s difficult to paint an accurate picture of the scope of the problem because of a lack of reliable figures.’¹⁴³

- 7.4.4 A joint report between Minority Rights Group International and Ceasefire Centre for Civilian Rights, dated November 2015, stated:

‘In many communities in Iraq, including Kurdistan, there are large numbers of female suicides, especially by self-immolation. Families will sometimes compel a female member accused of wrongdoing to kill herself as an alternative to carrying out the ‘honour’ killing themselves. The data collected by ASUDA [a Kurdish women’s NGO] includes 68 cases of suicide or attempted suicide. However, it is difficult to ascertain whether all of these cases were true suicides, or whether some may have been forced suicides or ‘honour’ killings disguised as suicides.’¹⁴⁴

- 7.4.5 The same source stated:

‘Between January 2014 and June 2015 alone, the General Directorate to Combat Violence against Women recorded 160 cases of self-burning and 85 other cases of suicide in the Kurdistan region...it is often difficult to tell how many of these are true suicides and how many are disguised ‘honour’ killings. Since many survivors of self-immolation describe being trapped in forced marriages, exposed to domestic violence and unable to get a divorce for fear of shaming their families, suicides can be seen as part and parcel of the same culture of violence and control of women that allows ‘honour’ killings to occur.’¹⁴⁵

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¹⁴² The Huffington Post, ‘Kurdish Teenager’s “Honor Killing” Fades to Memory as Iraq Violence Swells’, 17 July 2014, http://www.huffingtonpost.com/the-groundtruth-project/kurdish-teenagers-honor-k_b_5596318.html. Date accessed: 16 March 2017

¹⁴³ Open Democracy, ‘Self-immolation in Kurdish Iraq’, 12 May 2015, <https://www.opendemocracy.net/arab-awakening/sophie-cousins/selfimmolation-in-kurdish-iraq>. Date accessed: 16 March 2017

¹⁴⁴ Minority Rights Group International and Ceasefire Centre for Civilian Rights, ‘The Lost Women of Iraq: Family-based violence during armed conflict’, November 2015, p. 27, <http://minorityrights.org/wp-content/uploads/2015/08/Lost-Women-English.pdf>. Date accessed: 16 March 2017

¹⁴⁵ Minority Rights Group International and Ceasefire Centre for Civilian Rights, ‘The Lost Women of Iraq: Family-based violence during armed conflict’, November 2015, pp. 27 - 28, <http://minorityrights.org/wp-content/uploads/2015/08/Lost-Women-English.pdf>. Date accessed: 16 March 2017

7.5 Tribal redress

- 7.5.1 Jwaideh observed that the 'abduction of married women, which is rare, is regarded as extremely disgraceful'. He further commented: 'In the region of Ushnu, according to Nikitive, when a married woman or girl is abducted, the abductor is obliged to pay her husband or father a sum of money known as *déwitané*'.⁴⁶
- 7.5.2 The Danish report stated: 'Various sources...referred to many locals usually turning to traditional justice, for example through tribal links, to resolve cases related to 'honour'.⁴⁷

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8. State protection

8.1 Constitution

- 8.1.1 The following table shows relevant Articles from the Iraqi Constitution.

Article	Description
2(1)	Islam is the official religion of the State and is a foundation source of legislation: A. No law may be enacted that contradicts the established provisions of Islam B. No law may be enacted that contradicts the principles of democracy. C. No law may be enacted that contradicts the rights and basic freedoms stipulated in this Constitution.
14	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.
15	Every individual has the right to enjoy life, security and liberty. Deprivation or restriction of these rights is prohibited except in accordance with the law and based on a decision issued by a competent judicial authority.

⁴⁶ Jwaideh, Wadie, 'The Kurdish National Movement: Its Origins and Development', 1960, p. 47

⁴⁷ Danish Refugee Council (DRC) and Danish Immigration Service (DIS), 'The Kurdistan Region of Iraq (KRI) – Access, Possibility of Protection, Security and Humanitarian Situation – Report from fact finding mission to Erbil, the Kurdistan Region of Iraq (KRI) and Beirut, Lebanon, 26 September to 6 October 2015', April 2016, p. 47, <https://www.nyidanmark.dk/.../FactfindingreportKurdistanRegionofIraq11042016.pdf>. Date accessed: 13 December 2016

19(2)	There is no crime or punishment except by law.
29(4)	All forms of violence and abuse in the family, school, and society shall be prohibited.
41	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.
45(2)	The State shall seek the advancement of the Iraqi clans and tribes, shall attend to their affairs in a manner that is consistent with religion and the law, and shall uphold their noble human values in a way that contributes to the development of society. The State shall prohibit the tribal traditions that are in contradiction with human rights.

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8.1.2 A joint report by Minority Rights Group International and Ceasefire Centre for Civilian Rights commented on Article 2(1):

'This article is problematic because it is not clear who has the authority to interpret Islam. For example, some clerics hold the view that husbands have the right to discipline their wives or that Islam does not set a minimum age for marriage, and therefore object to the passage of laws that criminalize domestic violence or child marriage. Moreover, it is not clear what the appropriate course of action should be if the provisions of Islam appear to contradict with the rights and freedoms guaranteed in the Constitution or vice versa. In practice, there are laws in place which agree with constitutional rights and freedoms but are seen as contradicting Islam, or that follow Islamic jurisprudence but contradict constitutional rights.'⁴⁹

8.1.3 The source also commented on Article 41: 'This provision provides a legal basis for the establishment of a system of separate sectarian personal status laws, which would allow Iraqis to be judged according to different standards and could also allow religious laws to be enforced that might contradict the rights and freedoms stipulated in the Constitution.'⁵⁰

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⁴⁸ Iraqi Constitution, http://www.iraqinationality.gov.iq/attach/iraqi_constitution.pdf. Date accessed: 16 March 2017

⁴⁹ Minority Rights Group International and Ceasefire Centre for Civilian Rights, 'The Lost Women of Iraq: Family-based violence during armed conflict', November 2015, p. 7, <http://minorityrights.org/wp-content/uploads/2015/08/Lost-Women-English.pdf>. Date accessed: 16 March 2017

⁵⁰ Minority Rights Group International and Ceasefire Centre for Civilian Rights, 'The Lost Women of Iraq: Family-based violence during armed conflict', November 2015, p. 7, <http://minorityrights.org/wp-content/uploads/2015/08/Lost-Women-English.pdf>. Date accessed: 16 March 2017

8.2 Penal Code

8.2.1 The following table shows relevant Articles from the Iraq Penal Code of 1969 (as amended in 2010):

Article	Description
41(1)	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.
128	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. The court must identify in its decision the excuse that discharges a person from a penalty.
398	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. Legal proceedings will resume or the sentence will be reinstated, according to the circumstances if such marriage ends in divorce brought about by the husband without legal justification or in a divorce ordered by the court for wrongs committed by the husband or for his bad behavior within 3 years following the cessation of the proceedings. The public prosecutor, the accused, the victim or any person who has an interest in the proceedings may, according to the circumstances, make application for the proceedings, investigation, procedures or execution of the sentence to be stopped or for their resumption or for the reinstatement of the sentence.

409	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.
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8.2.2 A joint report by Minority Rights Group International and Ceasefire Centre for Civilian Rights commented on Article 41: 'This provision essentially legalizes domestic violence, in contradiction to Article 29 of the Constitution. The limits to this 'punishment' are very vaguely defined, which could legitimize a whole spectrum of types of abuse of varying severity.'⁵²

8.2.3 The source further commented:

'A Revolutionary Command Council Order passed in 2001 further expanded the Penal Code's provisions on honourable motives, by considering it a mitigating factor 'if a man kills his wife or *maharem* [female kin by blood or marriage] for honour reasons, or if one of the relatives of the deceased woman killed the one who imputed dishonour ...' However, if a person takes revenge against the perpetrator of an honour killing, that person is punishable by execution. Since 'honourable motives' are not defined, these articles of the Penal Code and the Revolutionary Command Council order provide a legal cover for murder and other serious crimes against women on a wide variety of grounds, and allow perpetrators of such crimes to receive greatly reduced sentences.'⁵³

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8.3 Personal Status Law

8.3.1 Act No 15 of the Personal Status Law states:

(1) No relative or non-relative has the right to force marriage on any person, whether male or female, without their consent. The contract of a forced marriage is considered void if the marriage is not yet consummated. Moreover, none of the relatives or other people has the right to prevent whoever is eligible for marriage from being married by virtue of the provisions of this marriage law.

⁵¹ Iraq Penal Code, <http://www.refworld.org/docid/452524304.html>, accessed 16 March 2017

⁵² Minority Rights Group International and Ceasefire Centre for Civilian Rights, 'The Lost Women of Iraq: Family-based violence during armed conflict', November 2015, p. 7, <http://minorityrights.org/wp-content/uploads/2015/08/Lost-Women-English.pdf>. Date accessed: 16 March 2017

⁵³ Minority Rights Group International and Ceasefire Centre for Civilian Rights, 'The Lost Women of Iraq: Family-based violence during armed conflict', November 2015, pp. 7-8, <http://minorityrights.org/wp-content/uploads/2015/08/Lost-Women-English.pdf>. Date accessed: 16 March 2017

- (2) A first degree relative who breaches the provisions of paragraph 1 of this article shall be sentenced to no more than three years imprisonment and charged with a fine of a specified amount. If the person who breaches this provision is not a first degree relative, he shall be sentenced to an imprisonment term varying from a minimum of three years to a maximum of ten years.
- (3) The Shari'a Court or the Personal Status Court must notify the investigation authorities of any violation of the provisions of paragraph 1 of this article so that they take legal action against the person in question. The court is entitled to hold him in custody to ensure his appearance before the said authorities. Furthermore, the person who was subject to coercion or prevention has the right to refer directly to the investigation authorities concerning this matter.⁵⁴

8.3.2 A joint report by Minority Rights Group International and Ceasefire Centre for Civilian Rights, dated November 2015, commented: 'Nonetheless, the Personal Status Code still contains some provisions that disadvantage women or prevent victims of violence from accessing justice. Forced marriages are only voided automatically if they have not been consummated, leaving victims of forced marriages that have been consummated to pursue legal proceedings in order to obtain a divorce.'⁵⁵

8.3.3 The source added:

'After the establishment of autonomy, the KRG suspended several laws in force in Iraq that discriminated against women. In 2001, Article 377 of the Penal Code was amended to hold men and women equally responsible for the committing of adultery, while in 2004 a law was passed prohibiting mitigated sentences for perpetrators of 'honour' crimes. The KRG has since made significant progress in addressing violence at the level of legislation and policy. In 2007, the government established the High Commission on Violence against Women and the General Directorate to Combat Violence against Women as a division of the Ministry of the Interior. Directorates were also set up in each Kurdish governorate to receive complaints and collect data about violence against women.'⁵⁶

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8.4 The Domestic Violence Act

8.4.1 A joint report by Minority Rights Group International and Ceasefire Centre for Civilian Rights, dated November 2015, commented:

'In 2011, the Kurdish parliament passed a long-awaited law against domestic violence, considered as a significant advancement for women's rights in the

⁵⁴ Law No (188) of the year 1959 Personal Status Law and amendments, <http://www.refworld.org/docid/469cdf3011.html>. Date accessed: 16 March 2017

⁵⁵ Minority Rights Group International and Ceasefire Centre for Civilian Rights, 'The Lost Women of Iraq: Family-based violence during armed conflict', November 2015, p. 8, <http://minorityrights.org/wp-content/uploads/2015/08/Lost-Women-English.pdf>. Date accessed: 16 March 2017

⁵⁶ Minority Rights Group International and Ceasefire Centre for Civilian Rights, 'The Lost Women of Iraq: Family-based violence during armed conflict', November 2015, p. 9, <http://minorityrights.org/wp-content/uploads/2015/08/Lost-Women-English.pdf>. Date accessed: 16 March 2017

region and providing a legal basis for a wide variety of violent acts to be prosecuted as criminal offences. The law defines domestic violence as ‘any act, statement, threat or omission committed on the basis of gender by one member of the family against another member up to the fourth degree that results in physical, psychological, sexual or economic harm or deprivation of rights’. Moreover, the law is relatively comprehensive in its list of offences which constitute domestic violence, which includes forced marriage, marriage of minors, FGM [Female Genital Mutilation], forcing family members to leave employment, suicide due to domestic violence, battering children and family members, assaulting, cursing or insulting family members, putting psychological pressure on family members, forced sexual intercourse between a husband and wife, among others. The law also calls for the establishment of specialized courts to deal with domestic violence cases, as well as a special division of the police force staffed principally by women. The law further tasks the Ministry of Labour and Social Affairs with the responsibility of providing shelter for victims of domestic violence.’⁵⁷

8.4.2 The source added:

‘Since the passage of the law, the Kurdish government has also developed a Strategy for the Development of Women’s Status in the Kurdistan Region (2013–19) and a National Strategy to Confront Violence against Women in Kurdistan (2012–16). The strategies include plans for legal reform, awareness campaigns, protection programmes and provision of health and psychosocial support services for victims of violence.’⁵⁸

8.4.3 A [copy of the law translated into English](#) is available.

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8.5 Enforcement of the law

8.5.1 The Danish report commented on the enforcement of the law generally in the KRI:

‘Human Rights Watch said that compared to south and central Iraq, the effectiveness in terms of law enforcement in KRI is higher. An international humanitarian organisation characterized law enforcement in KRI as exceptionally effective but said that it varies in other Kurdish controlled areas. The international humanitarian organisation added that law enforcement in Kirkuk is very effective but that, in some Peshmerga controlled areas outside KRI, there are many pockets with lack of law enforcement, especially in a westward direction of KRI towards Anbar.

‘According to two sources, the Kurdish authorities have the potential to provide very effective security in the areas that they control. Being one of these sources, the international humanitarian organisation, however, stated that if Kurdish authorities do not want to protect an individual, they can also

⁵⁷ Minority Rights Group International and Ceasefire Centre for Civilian Rights, ‘The Lost Women of Iraq: Family-based violence during armed conflict’, November 2015, p. 9, <http://minorityrights.org/wp-content/uploads/2015/08/Lost-Women-English.pdf>. Date accessed: 16 March 2017

⁵⁸ Minority Rights Group International and Ceasefire Centre for Civilian Rights, ‘The Lost Women of Iraq: Family-based violence during armed conflict’, November 2015, p. 10, <http://minorityrights.org/wp-content/uploads/2015/08/Lost-Women-English.pdf>. Date accessed: 16 March 2017

enforce that very effectively. Correspondingly, Journalist Osama Al Habahbeh said that the possibility to receive protection from KRI authorities depends on who the persecutor is. Journalist Osama Al Habahbeh explained that the authorities would not protect an individual in case the person had a conflict with a politician. In line with this, Human Rights Watch characterized the Kurdish court system as being under political influence and used to stifle dissent and target critical voices, including journalists.

‘According to UNHCR, there is very little regard of law enforcement among the local population in KRI and people do not make use of the police or the courts. UNHCR said that the courts are not seen to respond, even though, in principle, they have a number of excellent laws meeting international standards. In addition, UNHCR explained that access to rule of law is dependent on ethnic and religious affiliation, tribe, connections, family and relatives, and it is very difficult, if not impossible, for an individual to stand up for his rights by himself.’⁵⁹

- 8.5.2 An article by the Iraqi Civil Society Solidarity Initiative, dated March 2013, stated:

‘Honor killing has a long history in the Kurdish society, especially since 1991. At that time, there were no institutions, court or police. The law favored those who kill women for honor.

‘Nowadays, there are institutions, judiciary and police, yet they are not successful in protecting women. Moreover the same laws that are supposed to protect women still discriminate and stigmatize them. Despite the Kurdish Parliament high number of women representatives (36 of 111) and the Domestic Violence Law approved last June 21, 2011, which criminalizes domestic violence, Kurdistan is far from achieving justice for women who are victims of violence. The law has been approved but in reality is not enforced as it has proved difficult to implement these reforms in a society governed by tribal honor codes, where tribal leaders continue to be the most powerful and influential actors when resolving family conflicts.’⁶⁰

- 8.5.3 The Guardian, in an article dated May 2013, opined: ‘The [Kurdistan] government has failed...to institute civil protections for women or prosecute these sorts of crimes [‘honour’ offences].’⁶¹

- 8.5.4 The OECD Development Centre’s Social Institution and Gender Index 2014 (the latest at the time of writing) reported: ‘In most cases, crimes go unreported, and even when the police do learn of a case, they are often

⁵⁹ Danish Refugee Council (DRC) and Danish Immigration Service (DIS), ‘The Kurdistan Region of Iraq (KRI) – Access, Possibility of Protection, Security and Humanitarian Situation – Report from fact finding mission to Erbil, the Kurdistan Region of Iraq (KRI) and Beirut, Lebanon, 26 September to 6 October 2015’, April 2016, p. 45, <https://www.nyidanmark.dk/.../FactfindingreportKurdistanRegionofIraq11042016.pdf>. Date accessed: 20 March 2017

⁶⁰ Iraqi Civil Society Solidarity Initiative (ICSSI), ‘International Women’s Day in Kurdistan – A year’s review’, 7 March 2013, <http://www.iraqicivilsociety.org/archives/1325>. Date accessed: 16 March 2017

⁶¹ The Guardian, ‘My broken dream for Iraqi Kurdistan’, 17 March 2013, <https://www.theguardian.com/commentisfree/2013/mar/17/broken-dream-iraqi-kurdistan>. Date accessed: 16 March 2017

sympathetic towards the family and agree that they have done the right thing.¹⁶²

- 8.5.5 Pass Blue, in a blog post dated May 2014, observed: 'Though there are new laws in Kurdistan promoting women's rights, they are not accepted generally, said Suzan Aref, the director of the Women Empowerment Organization, a 10-year-old nonprofit group in Erbil that offers skill-building workshops and other training on enhancing one's rights.'⁶³
- 8.5.6 The source cited one (anonymous) female activist as saying:
'Most honor killings...occur outside Kurdistan's big cities, and they are not taken seriously by the police or the legal system.
'Tanya Darwesh, a member of the Patriotic Union of Kurdistan political party, manages the Rasan Organization in Erbil, which was started in 2004 to offer legal advice to women. She said that one of the biggest problems for women is that even though there are laws to protect their rights, most women do not know the laws exist. Ignorance about the laws extends to the police, she added, most of whom are men'.⁶⁴
- 8.5.7 An article by the Kurdish Middle Eastern Women's Organisation, dated May 2014, described the murder of 15 year-old Dunya by her 45-year old husband in the Kalakji district of Kurdistan. The article stated:
'While the perpetrator is still on the run; it is been reported that tribal deals has been offered to Dunya's father, which is being considered. This is the most shameful and revolting way of dealing with crimes against women especially if the matter is related to "honour"; if a tribal deal is agreed and Dunya's father announce his forgiveness for a sum of money; this will enormously reduce any judicial punishment and undermines the law that should not accepts any justification for killing women in the name of "honour".'⁶⁵
- 8.5.8 The same article noted that 'the authorities seem unable or unwilling to offer them [those at risk of 'honour' crimes] any protection'.⁶⁶
- 8.5.9 The Huffington Post, in an article dated July 2014, quoted Mr Muradkan-Shaker, of the Kurdish NGO WADI and author of three books on prison conditions in Iraq, who 'said no man has ever served more than a year in

⁶² Organisation for Economic Cooperation and Development (OECD) Development Centre. Social Institutions and Gender Index - Iraq, 2014, <http://genderindex.org/country/iraq>. Date accessed: 20 March 2017

⁶³ Pass Blue, 'In Kurdistan and Beyond, Honor Killings Remind Women They Are Worthless', 6 May 2014, <http://www.passblue.com/2014/05/06/in-kurdistan-and-beyond-honor-killings-remind-women-they-are-worthless/>. Date accessed: 16 March 2017

⁶⁴ Pass Blue, 'In Kurdistan and Beyond, Honor Killings Remind Women They Are Worthless', 6 May 2014, <http://www.passblue.com/2014/05/06/in-kurdistan-and-beyond-honor-killings-remind-women-they-are-worthless/>. Date accessed: 16 March 2017

⁶⁵ Change.org, KMEWO – Kurdish and Middle Eastern Women's Organisation in UK, 'Bring Dunya's murderer to Justice, don't allow a Tribal Deal!', May 2014, <https://www.change.org/p/krg-kurdistan-bring-dunya-s-murderer-to-justice-don-t-allow-a-tribal-deal>. Date accessed: 16 March 2017

⁶⁶ Change.org, KMEWO – Kurdish and Middle Eastern Women's Organisation in UK, 'Bring Dunya's murderer to Justice, don't allow a Tribal Deal!', May 2014, <https://www.change.org/p/krg-kurdistan-bring-dunya-s-murderer-to-justice-don-t-allow-a-tribal-deal>. Date accessed: 16 March 2017

Iraq for femicide': "During my prison research, all the prisoners told me the easiest crime you can commit and get away with is killing a woman..."⁶⁷

- 8.5.10 An article in Ekurd Daily, dated October 2015, noted: 'Faraj [Runak Faraj, member of the Kurdistan High Council of Women's Affairs] criticized the way honor killings are treated in Kurdistan, saying that murderers often get away with their crimes.'⁶⁸
- 8.5.11 A joint report between Minority Rights Group International and Ceasefire Centre for Civilian Rights, dated November 2015, stated:
'The community at large often accepts tribal solutions in cases of perceived transgressions of honour, so that 'honour' killings are not reported or taken seriously by the police. The police and the court system are also prone to influence from prominent families and tribes, which can lead to perpetrators being acquitted of charges even when there is clear evidence against them.'⁶⁹
- 8.5.12 The same source also noted: 'Several recent cases show the inability of the law and the justice system to deter crimes against women and the continuing salience of 'honour' as a justification for violence.' The source then lists and describes numerous examples.⁷⁰
- 8.5.13 The source also noted: 'As a general rule, crimes go unreported and unprosecuted and are seen by the police and judicial authorities as falling within the responsibility and discretion of male family members. Very few of such cases make it to court, and when they do, perpetrators are often acquitted or given very light sentences.'⁷¹
- 8.5.14 A representative of WADI, in correspondence with the Immigration and Refugee Board of Canada in 2016, stated that the law against honour killing is not implemented and that the police 'will not investigate because honour crimes are regarded as family matters'. It continued that 'no person who has committed honour-based violence "has ever had to serve a prison term longer than two years - provided he is sentenced to prison at all...The same source stated that in order to grant early release from prison, the judge "expects negotiations" and when they are carried out, "they are easy

⁶⁷ The Huffington Post, 'Kurdish Teenager's "Honor Killing" Fades to Memory as Iraq Violence Swells', 17 July 2014, http://www.huffingtonpost.com/the-groundtruth-project/kurdish-teenagers-honor-k_b_5596318.html. Date accessed: 16 March 2017

⁶⁸ Ekurd Daily, 'Father murders daughter in 'honor killing' in Iraqi Kurdistan', 8 October 2015, <http://ekurd.net/father-kills-daughter-honor-killing-kurdistan-2015-10-08>. Date accessed: 16 March 2017

⁶⁹ Minority Rights Group International and Ceasefire Centre for Civilian Rights, 'The Lost Women of Iraq: Family-based violence during armed conflict', November 2015, p. 29, <http://minorityrights.org/wp-content/uploads/2015/08/Lost-Women-English.pdf>. Date accessed: 16 March 2017

⁷⁰ Minority Rights Group International and Ceasefire Centre for Civilian Rights, 'The Lost Women of Iraq: Family-based violence during armed conflict', November 2015, p. 29, <http://minorityrights.org/wp-content/uploads/2015/08/Lost-Women-English.pdf>. Date accessed: 16 March 2017

⁷¹ Minority Rights Group International and Ceasefire Centre for Civilian Rights, 'The Lost Women of Iraq: Family-based violence during armed conflict', November 2015, p. 27, <http://minorityrights.org/wp-content/uploads/2015/08/Lost-Women-English.pdf>. Date accessed: 16 March 2017

because both sides are family. They agree, and the perpetrator is released".⁷²

- 8.5.15 The Huffington Post, in an article dated July 2014, however, noted that 'changes in law are also slowly beginning to wield their influence in the courtroom'. It gave the example of Osman Ali Mohammed, who was convicted to 15 years imprisonment for the murder of his wife, described as 'a breakthrough for women's rights in Kurdistan'.⁷³
- 8.5.16 A joint report between Minority Rights Group International and Ceasefire Centre for Civilian Rights, dated November 2015, noted: 'However, there have also been some recent positive developments in combating violence against women, including successful convictions of perpetrators of 'honour' killing.' It continued that, in cases like Osman Ali Mohammed [see above], '...the activism of rights groups in the Kurdistan region seems to have been making a difference in drawing public attention to cases of violence against women and demanding accountability. However, societal resistance against those who expose violence against women remains strong. Women's organizations often need armed guards outside their building for security and regularly receive death threats from the families of women who have approached them for help. According to one activist, she received nearly 500 threats as a result of her activism surrounding the Nigar Rahim case alone.'⁷⁴
- 8.5.17 The Danish report noted: 'UNHCR stated that, in KRI, it would be difficult for a victim of an honour crime to escape the perpetrators and seek protection from the authorities. Journalist Osama Al Hababbeh said that a woman fleeing honour killing cannot hide anywhere in Iraq.'⁷⁵
- 8.5.18 The US State Department (USSD), in their 2016 human rights report on Iraq, stated:
- 'The law in the IKR [Iraqi Kurdistan Region] makes domestic violence...a crime. The government implemented the provisions of the law, creating a special police force to investigate cases of gender-based violence and establish a family reconciliation committee within the judicial system, but local NGOs reported that these programs were not effective at combating gender-based violence.'⁷⁶

⁷² Immigration and Refugee Board of Canada (IRC) 'Iraq: Honour-based violence in the Kurdistan region; state protection and support services available to victims [IRQ105424.E]', 15 February 2016, <https://www.justice.gov/eoir/file/879841/download>. Date accessed: 16 March 2017

⁷³ The Huffington Post, 'Kurdish Teenager's "Honor Killing" Fades to Memory as Iraq Violence Swells', 17 July 2014, http://www.huffingtonpost.com/the-groundtruth-project/kurdish-teenagers-honor-k_b_5596318.html. Date accessed: 16 March 2017

⁷⁴ Minority Rights Group International and Ceasefire Centre for Civilian Rights, 'The Lost Women of Iraq: Family-based violence during armed conflict', November 2015, p. 29, <http://minorityrights.org/wp-content/uploads/2015/08/Lost-Women-English.pdf>. Date accessed: 16 March 2017

⁷⁵ Danish Refugee Council (DRC) and Danish Immigration Service (DIS), 'The Kurdistan Region of Iraq (KRI) – Access, Possibility of Protection, Security and Humanitarian Situation – Report from fact finding mission to Erbil, the Kurdistan Region of Iraq (KRI) and Beirut, Lebanon, 26 September to 6 October 2015', April 2016, p. 48, <https://www.nyidanmark.dk/.../FactfindingreportKurdistanRegionofIraq11042016.pdf>. Date accessed: 20 March 2017

⁷⁶ US State Department (USSD), Country Reports on Human Rights Practices for 2016 – Iraq,

8.6 Government shelters

8.6.1 An article in the Economist, dated March 2014, stated:

'While Kurdistan does have laws against honour killings and domestic violence, the framework for care and provision of assistance to affected women is minimal. Mr Muradkan-Shaker [of the Kurdish NGO WADI] says the region's two lone women's shelters are not enough, and the lack of proper training for government services, including the police force, means that women are rarely directed to these safe spaces.'⁷⁷

8.6.2 A joint report between Minority Rights Group International and Ceasefire Centre for Civilian Rights, dated November 2015, noted:

'The fact that, in many of these cases, women were released from shelters and handed back to their families despite the risk of further harm to them shows serious flaws in the shelter system. According to statistics from the General Directorate to Combat Violence against Women, in the first 11 months of 2014, 218 women sought protection in the Sulaymaniyah shelter, but only 25 of them remained in the shelter, of whom nine were children. This shows that the vast majority of women in government-run shelters end up returning home in the short term. Without a systematic procedure in place to ensure that women who are released from shelters will not be exposed to further harm, it is doubtful that the directorates are fulfilling their responsibility to protect women from violence. Instead, they tend to emphasize family reconciliation as a solution, as evidenced by the signing of protection agreements. These documents have little legal sway and are often not effective: in February and March 2014 alone, two women were killed by their families in Erbil, one three days after leaving a shelter and another two days after returning home.'⁷⁸

8.6.3 The USSD 2016 report stated:

'In the IKR [Iraqi Kurdistan Region], one privately operated shelter and four labor ministry-operated shelters provided some protection and assistance for female victims of gender-based violence and human trafficking. Space was limited, and service delivery was poor...Instead of using legal remedies, authorities frequently attempted to mediate between women and their families so that the women returned to their homes. Other than marrying or returning to their families, which often resulted in further victimization by the

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons, March 2017, <https://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>. Date accessed: 26 June 2017

⁷⁷ The Economist, 'Why are so many Kurdish women setting themselves on fire?', 18 March 2014, <http://www.economist.com/blogs/pomegranate/2014/03/suicide-kurdistan>. Date accessed: 16 March 2017

⁷⁸ Minority Rights Group International and Ceasefire Centre for Civilian Rights, 'The Lost Women of Iraq: Family-based violence during armed conflict', November 2015, p. 30, <http://minorityrights.org/wp-content/uploads/2015/08/Lost-Women-English.pdf>. Date accessed: 16 March 2017

family or community, there were few options for women accommodated at shelters.⁷⁹

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9. Non-Government Organisations (NGOs)

- 9.1.1 An article by the Iraqi Civil Society Solidarity Initiative, dated March 2013, stated:

'At that time [2012] the women's movement was divided, and despite there were other events, all were with scarce participation. Yet the murder of Mamosta Sakar Hamdamin was the drop that filled the glass. Sakar, a 28-year-old teacher from Rania, was killed by her father on February 4th 2012. Mobilization was necessary and immediate; "Not for Honor Killing under the Name of Tradition and Culture: Mamosta Sakar Campaign" started in mid-February and has since then transformed the women's movement in Kurdistan.'⁸⁰

- 9.1.2 Pass Blue, in a blog post dated May 2014, noted: 'Even advancing women's rights can be lethal in Kurdistan...One female activist whom we interviewed and leads an organization advocating women's rights asked not to be named because she has received death threats.'⁸¹

- 9.1.3 An article by the Gulf Center for Human Rights, dated December 2014, stated:

'Two of the most important civil society organisations, the Democracy and Human Rights Centre (DHRC) and the Association for Crisis Assistance and Solidary Development Cooperation (WADI) in Sulaimaniya, continue to provide strong independent advocacy and support services, primarily in the field of women's rights. DHRC is an advocacy and support organisation working on legal issues including women's rights and prisoners' rights.'⁸²

- 9.1.4 The source continued:

'Several of the organisations concerned with women's rights had armed guards outside the premises in order to protect them from violent attacks by the families of women to whom they had offered shelter or for whom they had provided advocacy. Several women's rights activists reported that they received multiple threats from unknown sources after making public statements on high profile women's issues, in particular in relation to honour

⁷⁹ US State Department (USSD), Country Reports on Human Rights Practices for 2016 – Iraq, Section 6. Discrimination, Societal Abuses, and Trafficking in Persons, March 2017, <https://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>. Date accessed: 26 June 2017

⁸⁰ Iraqi Civil Society Solidarity Initiative (ICSSI), 'International Women's Day in Kurdistan – A year's review', 7 March 2013, <http://www.iraqicivilsociety.org/archives/1325>. Date accessed: 16 March 2017

⁸¹ Pass Blue, 'In Kurdistan and Beyond, Honor Killings Remind Women They Are Worthless', 6 May 2014, <http://www.passblue.com/2014/05/06/in-kurdistan-and-beyond-honor-killings-remind-women-they-are-worthless/>. Date accessed: 16 March 2017

⁸² Gulf Center for Human Rights, 'Iraqi Kurdistan: No safe haven for human rights defenders and independent journalists', 31 December 2014, <http://www.gc4hr.org/report/view/28>. Date accessed: 16 March 2017

killings. Many had received death threats from the extended families of women they had helped.¹⁸³

9.1.5 The Danish report commented: 'An international humanitarian organisation exemplified the possibility of informal protection by explaining that if for instance an IDP is told to leave an area, religious leaders could try to mediate between the authorities and the concerned IDP. In this regard, the source mentioned that the church in KRI is strong and may mediate.'¹⁸⁴

9.1.6 A representative of WADI, in correspondence with the Immigration and Refugee Board of Canada in 2016, stated that there is no support for male victims of 'honour'-based violence.⁸⁵

9.1.7 The USSD 2016 report noted:

'The IKR had an active community of mostly Kurdish NGOs, many with close ties and funded by the PUK and KDP political parties. Government funding of NGOs is legally contingent upon whether an NGO's programming goals conform to already-identified priority areas. The region's NGO Directorate established formal procedures for awarding funds to NGOs, which included a public description of the annual budget for NGO funding, priority areas for consideration, deadlines for proposal submission, establishment of a grant committee, and the criteria for ranking proposals. During the year local and international NGOs did not report difficulties registering with the regional government and obtaining permits for their operations in KRG-administered areas.'⁸⁶

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⁸³ Gulf Center for Human Rights, 'Iraqi Kurdistan: No safe haven for human rights defenders and independent journalists', 31 December 2014, <http://www.gc4hr.org/report/view/28>. Date accessed: 16 March 2017

⁸⁴ Danish Refugee Council (DRC) and Danish Immigration Service (DIS), 'The Kurdistan Region of Iraq (KRI) – Access, Possibility of Protection, Security and Humanitarian Situation – Report from fact finding mission to Erbil, the Kurdistan Region of Iraq (KRI) and Beirut, Lebanon, 26 September to 6 October 2015', April 2016, p. 46, <https://www.nyidanmark.dk/.../FactfindingreportKurdistanRegionofIraq11042016.pdf>. Date accessed: 13 December 2016

⁸⁵ Immigration and Refugee Board of Canada (IRC), 'Iraq: Honour-based violence in the Kurdistan region; state protection and support services available to victims [IRQ105424.E]', 15 February 2016, <https://www.justice.gov/eoir/file/879841/download>. Date accessed: 16 March 2017

⁸⁶ US State Department (USSD), Country Reports on Human Rights Practices for 2016 – Iraq, Section 6. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights , <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>. Date accessed: 27 March 2017

Version control and contacts

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Clearance

Below is information on when this note was cleared:

- version **1.0**
- valid from **26 July 2017**

Changes from last version of this note

New CPIN

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