

Kurdistan Region of Iraq (KRI)

*Women and men in honour-
related conflicts*

**Report based on interviews
in Erbil and Sulaimania, KRI**



Ministry of Immigration
and Integration

The Danish
Immigration Service



LANDINFO
Country of Origin Information Centre

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The Danish Immigration Service
Ryesgade 53
2100 Copenhagen
Denmark

Phone: +45 35 36 66 00
newtodenmark.dk

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Disclaimer

This report was written according to the EASO COI Report Methodology.¹ The report is based on approved minutes from meetings with carefully selected sources. Statements from sources are used in the report and all statements are referenced.

This report is not, and does not purport to be a detailed or comprehensive survey of all aspects of the issues addressed in the report and should be weighed against other available country of origin information on honour-related violence in Kurdistan Region of Iraq (KRI).

The report at hand does not include any policy recommendations or analysis. The information in the report does not necessarily reflect the opinion of the Danish Immigration Service or Landinfo.

Furthermore, this report is not conclusive as to the determination or merit of any particular claim to refugee status or asylum. Terminology used should not be regarded as indicative of a particular legal position.

This report differs from other Landinfo products, as Landinfo does not usually publish reports solely based on meeting records. Landinfo's policy is to include analysis based on both interviews and other sources. An exception is made in this case, as the report is a result of a common fact-finding mission.

¹ European Union: European Asylum Support Office (EASO), EASO Country of Origin Information report methodology, 10 July 2012. <http://www.refworld.org/docid/4ffc33d32.html>

Introduction and methodology

The report at hand is the product of a joint mission conducted by Landinfo – the Norwegian Country of Origin Information Centre, Norwegian Directorate of Immigration (UDI) and the Country of Origin Information Division, Danish Immigration Service (DIS) to Erbil and Sulaimania, Kurdistan Region of Iraq, (KRI) from 22 to 30 April 2018. In the planning phase of the mission, contacts were established with relevant sources who confirmed their availability on the given dates of the mission.

The purpose of the mission was to collect updated information on three issues recurring in cases regarding Iraqi asylum seekers in Denmark:

- Security situation and the situation for internally displaced persons (IDP) in the disputed areas, incl. access to KRI
- Women and men in honour-related conflicts
- Issuance of the new ID card

The present report focuses on the prevalence of honour conflicts, social reactions to honour conflicts, consequences of extramarital relationships, possibility for protection for women and men, and the possibility for a woman to exit from KRI with her child without the consent of the father.

The terms of reference (ToR) for the mission were drawn up jointly by DIS and Landinfo, in consultation with the Danish Refugee Appeals Board as well as an advisory group on COI ('Referencegruppen').² ToR is included at the end of the report (Appendix 2).

In the scope of compiling this report, the delegation consulted 15 interlocutors, comprising an international organisation, NGOs, authorities in the Kurdistan Regional Government (KRG), an academic informant, a diplomatic representation as well as a lawyer. The sources interviewed were selected by the delegation based on the expertise, merit and role of each source relevant to the mission. All sources were consulted in Erbil or Sulaimania, KRI.

The sources were asked how reference might be made to them in the report. Four out of 15 sources requested varying degrees of anonymity for the sake of discretion and upholding tolerable working conditions, as well as for personal safety. All sources are referenced in the report according to their own request.

The sources consulted were informed about the purpose of the mission and that their statements would be included in a public report. The minutes from the meetings with the sources were forwarded to them for approval, giving them a chance to amend, comment or correct their statements. All sources but the Directorate of Nationality and Civil Status and Director General Sami Hallal Hussein, KRG Ministry of the Interior have approved their statements.

² The group consists of Danish Refugee Council, Amnesty International in Denmark, Danish Institute for Human Rights, Dignity, representatives of two Christian organizations ("Europamissionen" and "Åbne Døre"), the National Commissioner of Police and the Danish Bar and Law Society (representing asylum lawyers).

The report is a synthesis of the sources' statements relevant to ToR and does thus not include all details and nuances of each statement. In the report, care has been taken to present the views of the sources as accurately and transparently as possible. All sources' statements are found in their full extent in Appendix 1 of this report. During the interview sources highlighted issues that are not addressed in ToR. Since these issues could be relevant to refugee status determination; they are included in Appendix 1, but they are not addressed in the synthesis.

For the sake of reader-friendliness, transparency and accuracy, paragraphs in the meeting minutes in Appendix 1 have been given consecutive numbers, which are used in the report when referring to the statements of the sources in the footnotes. The intention hereby is to make it easier to find the exact place of a statement in the meeting minutes.

The Norwegian Embassy in Amman provided valuable assistance in the planning and execution phases of the mission.

The research and editing of this report was finalised by 24 October 2018.

The report is available on the websites of DIS and Landinfo, thus available to all stakeholders in the refugee status determination process as well as to the general public.

Abbreviations

COI	Country of Origin Information
DCVAW	Department for Combatting Violence against Women
DIS	Danish Immigration Service
DRC	Danish Refugee Council
DVIC	Domestic Violence Investigation Court
FGM	female genital mutilation
GBV	gender based violence
IDP	internally displaced person
IOM	International Organization for Migration
IQD	Iraqi Dinar
ISIS	Islamic State of Iraq and Syria
KPD	Kurdistan Democratic Party
KRG	Kurdistan Regional Government
KRI	Kurdistan Region of Iraq
NGO	non-governmental organisation
OCHA	Office for the Coordination of Humanitarian Affairs
PUK	Patriotic Union of Kurdistan
ToR	Terms of Reference
UDI	Norwegian Directorate of Immigration
USD	United States Dollar

Executive summary

On the prevalence of domestic violence and honour conflicts in KRI, the rate has recently increased. The sources mentioned many reasons for the increase, including the economic crisis due to the conflict with ISIS. Honour crime is underreported due to the fear of stigma and violence from the society and the family.

Honour crimes are more frequent in small towns and rural areas of KRI than in the urban areas. The towns mentioned by the sources are Ranya, Qaladze, Peshdar, Chamchamal, Kalar and Kifri. People in bigger cities like Dohuk and Erbil are also known to have conservative gender role attitudes.

A change among youths was perceived in terms of sexual relationships in the sense that they can choose their own spouse, especially in the cities and among educated families.

Sources disagreed on whether or not honour killings are widespread.

Extramarital relationships are seen as unacceptable in KRI, and people are aware that they take a severe risk by doing so. In the cities, the attitudes towards premarital relations are milder compared to the more conservative rural areas.

Women who have a premarital affair known to their families or who get married without the acceptance of their family are at risk of being killed. The surviving victims of honour crimes are often reluctant to approach the authorities. However, a majority of cases at the KRG authority Directorate of Combating Violence Against Women (DCVAW) are filed by women; a large part of these cases are characterised as complaints on less serious cases than honour killings and suicide attempts.

Legislation in KRI, as a rule, provides for protection of women against violence. However, there are many barriers to the implementation of the legislation, such as the discriminatory mentality of the authorities against women, the lack of investigation of criminal cases as well as the protection given by the ruling parties to some perpetrators. Furthermore, there are rape cases in which the woman is seen as the perpetrator. No, or very few, perpetrators are sentenced due to the lack of evidence; some perpetrators of honour crime are convicted to one year in prison. Both men and women are convicted in court for adultery, and the sentencing is five to seven years imprisonment. However, the convicted does not necessarily serve full time.

There is a shelter for women in each of the bigger cities in KRI: Erbil, Sulaimania and Dohuk. Women can access the shelters by court order; in order to leave the shelter, the women also need a court order. When the woman is released from the shelter, she will often return to her family. In some cases, they might protect her, while in other cases they might kill her. Yet another possible outcome is that the woman chooses to commit suicide or is pressured to do so.

Families prefer to settle disputes in tribal councils rather than in the courts. This is due to the risk of shame and stigma in case people outside the tribe found out about the conflict. Especially, in the rural areas, honour conflicts are often solved by the tribe.

There are very few known cases where the victim of an honour conflict had escaped. It was highlighted that a network for returnees was an important factor, which is why it is necessary for the returnee to reconcile with the family.

With regard to the possibility for a woman with a child to leave KRI without the father's permission, the sources noted that a father must give his permission for his child to get a passport. By law a woman has the right to travel with her child below the age of 18 years. However, the authorities will ask her for the father's permission.

With regard to the possibility for men to seek protection, there are no shelters for men in KRI and there are very few actors protecting men in conflicts.

1. Background on honour conflicts in Kurdistan Region of Iraq (KRI)

The honour of a family is linked to the sexuality or to the virginity of the woman.³ If a woman loses her virginity or if just the rumour is running that she lost it, she will be in risk of being killed by her own family.⁴

In a report on honour-based violence in Iraq the author defines ‘honour’ crimes as acts of violence perpetrated by family members against a relative who is perceived to have brought shame upon the family or tribe. ‘Honour’ crimes are overwhelmingly perpetrated by male family members against female relatives, although occasionally males are also the victims of such violence. ‘Honour’ crimes are grounded in the cultural belief that women’s bodies are the site of honour and that their sexuality and movement must be strictly controlled in order to avoid bringing dishonour upon the entire family.⁵

In KRI there is more awareness about honour conflicts and honour-based violence compared to the rest of Iraq.⁶

There are also serious cases of other gender based violence (GBV) in KRI, including forced marriage, child marriage, female genital mutilation (FGM), social control and killing.⁷ A source commented that there is not one indicator or reason for the violence, but rather a complex set of issues that are inter-related.⁸

The problems that women face are not only related to honour and GBV, but also to the lack of education, the lack of jobs, not being able to choose their own husband and being deprived from participating in politics.⁹

2. Prevalence of honour-related conflicts

2.1 Domestic violence/honour conflicts

The rate of domestic violence and honour conflicts in KRI has recently increased.¹⁰ There are several reasons for this development:

- Firstly, the financial crisis caused by the conflict with ISIS has left many families in a fragile situation. To marry off a daughter in order to cut down the family expenses is one possible solution which is also useful to avoid violation of the family’s honour; this is in particular frequent in the IDP-camps, but families in the host communities in KRI also find themselves in a similar situation.¹¹ A source

³ Wchan 13-14; WADI 69; Academic Informant 142; Razaw 206

⁴ Wchan 15; Wadi 69

⁵ Ceasefire Centre for Civilian Rights and Minority Rights Group International, November 2015, Miriam Puttick The Lost Women of Iraq: Family-based violence during armed conflict https://minorityrights.org/wp-content/uploads/2015/11/MRG-report-A4_OCTOBER-2015_WEB.pdf

⁶ Academic information 135

⁷ Academic Informant 135. Reference is made to examples in appendix 1: Academic Informant 136-137; WADI 50-57 and 68; Hana Swan 91-92; A local human rights organisation 110

⁸ Academic Informant 135. Reference is made to examples provided by the same sources: appendix 1: 136-137

⁹ A local human rights organisation 125; Example on harassment of a female candidate in an election given in Appendix 1: Academic Informant 151

¹⁰ Wchan 1; WEO 31 and 33; A local human rights organisation 96 and 99; DCVAW 129; Academic Informant 155

¹¹ DCVAW 129-30; WEO 31-34; WADI 70; A local human rights organisation 97 and 99-101 and 110

commented that the problem with marrying off girls at the age of for instance 14-16 years is that even after she has given birth to two children, she will still be a child herself, unable to care for her children.¹²

- Secondly, the fact that women are not familiar with their rights implies that harassment is not reported.
- Thirdly, the use of social media has also led to an increase of domestic violence and honour crimes in KRI, as all online communication can easily be revealed to a third party.¹³
- Fourthly, radicalisation and political violence are additional explicatory factors.¹⁴
- Lastly, one source mentioned that media's and organisations' highlighting of honour-related violence against women explains why it seems that the number of cases is higher compared to the past when such cases went unreported.¹⁵ In contrast, another source opined that one of the reasons why the number of reported cases of honour crimes has decreased in some places was the positive role played by social media and media to create awareness.¹⁶

Nevertheless, sources also said that honour crimes are underreported.¹⁷ The reasons for the underreporting are threefold: Firstly, women fear the social stigma of the community and violence from their fathers or husbands if they report the crime to the police. Secondly, many women are unaware of their legal rights.¹⁸ Thirdly, the police sometimes register the honour killing as something else, for instance a suicide, in order to conceal the motive.¹⁹

2.2 Occurrence of honour killings

There are no academic studies made on the extent of honour killings in KRI.²⁰ Sources disagreed on the prevalence of honour killings: One source said that according to existing statistics from the KRG authority Directorate of Combating Violence Against Women (DCVAW), the number of honour killings seemed to stabilise; however, the same source said that honour killing is widespread.²¹ Another source said that there has been an increase in honour killings.²² A third source said that honour killings are not widespread.²³

In terms of statistics, DCVAW provided statistics on violence against women. In 2015, the recorded number of killings ('murder') of women in KRI was 55 cases. In 2016 the recorded number of killings of women was 43 cases. According to the website of DCVAW the number of killings during the period January to May 2018 is 23 cases. It should be noted that a large part of complaints received by DCWAV are characterised as

¹² A local human rights organisation 100

¹³ DCVAW 129-30

¹⁴ Academic Informant 155

¹⁵ Wchan 1;

¹⁶ A local human rights organisation 97

¹⁷ Wchan 1; WEO 34

¹⁸ A local human rights organisation 105; WEO 34

¹⁹ Hana Swan 78; WADI 51

²⁰ Hana Swan 95; Academic Informant 154. For further explanation on statistics, sources referred to the organisation WOLA and to visiting the shelters (Hana Swan 94; Razaw Ahmed 198)

²¹ Academic Informant 154

²² WRO 33

²³ WADI 52

complaints on less serious cases than honour killings.²⁴ According to a media source referring to figures from DCVAW, 14 women were victims of so-called honour killings in 2017.²⁵ Sources accused the police of registering killings as something else, for instance, a suicide in order to hide a potential killing.²⁶

As another possible indicator on the scope of honour killings, Hana Swan referred to data from Hawler (Kurdish name for Erbil) Institute for Forensic Studies who has informed the source that 18 unrecognisable female bodies were found in Erbil Governorate in 2017.²⁷

In proportion to these figures, the population in the Kurdistan Region of Iraq is approximately 5.1 million people.²⁸

Reference is made to chapter 2.4 Geographical prevalence.

2.3 Occurrence of suicide, incl. self-immolation

As a result of the strain women endure caused by an honour conflicts, women sometimes commit suicide. Women who find themselves in a situation of forced marriage, or after returning to the family after a stay in a shelter of protection, or when it is discovered that she has had an extramarital affair will be in risk of committing suicide.²⁹ Reference is made to chapter 5.6 Protection in shelters.

In a case where a woman attempts suicide, she will be in a worse situation than before the attempt since according to Islam suicide is forbidden and implies shame on the family.³⁰

Self-immolation (self-burning) among women in KRI is a huge problem, and a plastic surgery hospital with 80 beds has been established in Sulaimania to treat the survivors. On a yearly basis, there are 200-250 cases in the hospital, including some from Kirkuk, out of which it is unknown how many cases are accidental or self-inflicted.³¹ One source said that self-immolation among women is usually a suicide, or suicide attempt, triggered by the strain she lived under rather than a forced suicide.³² Another source had a different view: What appears to be a suicide is either an honour killing or the woman was forced to kill herself.³³

According to one source, the number of suicides as a result of honour conflicts has increased.³⁴ In the statistics provided by the KRG authority Directorate of Combating Violence Against Women (DCVAW), there are three categories 'Suicide', 'Burning' and 'Self-immolation'. It should be noted that a large part of

²⁴ DCVAW 129, including footnote. The source referred to their website of for further information: www.bgtakrg.org; WEO 40

²⁵ Rudaw, 13/2/2018, KRG: 14 women dead in reported 'honor' killings for 2017
<http://www.rudaw.net/english/kurdistan/130220181>; Hana Swan 78

²⁶ WADI 51; Hana Swan 78

²⁷ Hana Swan 76-79

²⁸ Numbers are from 2014, IOM & UNFPA: Demographic Survey – Kurdistan Region of Iraq, July 2018, P. 14,

https://reliefweb.int/sites/reliefweb.int/files/resources/KRSO_IOM_UNFPA_Demographic_Survey_Kurdistan_Region_of_Iraq.pdf

²⁹ Wchan 4; WEO 48; WADI 50; Academic Informant 155

³⁰ Wchan 17-18

³¹ Wchan 10

³² WEO 48

³³ WADI 51

³⁴ Academic Informant 155

complaints received by DCWAV are characterised as complaints on less serious cases than suicide attempts.³⁵ One source said that the police could not be trusted in reports on suicide.³⁶

2.4 Geographical prevalence

Several sources said that honour crimes, including honour killings are more frequent in smaller towns and rural areas of KRI than in the urban areas. The towns mentioned by the sources are: Ranya, Qaladze, Peshdar, Chamchamal, Kalar and Kifri. However, it was also stated that people in the bigger cities Dohuk and Erbil are known to have conservative gender role attitudes, and that honour killings and other honour related crimes happen also there.³⁷ Honour killings in the cities are often committed by people from the tribal areas who moved to the cities.³⁸ Honour crimes are, however, less common in the city of Sulaymaniya. In the outskirts of the city, and in smaller towns and communities around the prevalence is much higher.³⁹

One source was reluctant to single out any specific area as being more conservative than others. The reason for this given by the source was that some of the areas that are perceived as the most conservative, like for example Ranya and Qaladze, have less gender segregation in the society and mixed gender schools.⁴⁰

2.5 Honour based violence among the minorities

On a question of whether also minorities in Iraq practice honour killings, one source answered that it is also common among Arab and Turkmen families. It was uncertain whether honour killings take place in Christian families.⁴¹ There are examples of honour based violence in Yazidi families.⁴²

3. Social reactions

3.1 Perception of extramarital relations in KRI

Extramarital relationships, defined as any sexual relationship between a man and a woman who are not married to each other, are unacceptable in KRI, and people are aware that it requires discretion.⁴³ Cases of 'extramarital relationship' includes 'premarital relationship' and 'adultery'. In general, unmarried couples, including young people know that they take a high risk by having a premarital relationship.⁴⁴

Two sources noted a change among youths in terms of sexual relationships.⁴⁵ Firstly, it has become more common to choose one's own spouse, especially in the cities and among educated families. Young couples, especially in educated families, who have had a premarital affair, might get away with it as long as the

³⁵ Reference is made to appendix 1, Major Farman Mohammed, Directorate of Combatting Violence Against Women (DCVAW), Erbil Office: 129, including footnote.

³⁶ WADI 51

³⁷ Whcan 2; Hana Swan 91-92; A local human rights organisation 96-97; WADI 50-52

³⁸ Wchan 2

³⁹ A local human rights organisation 96

⁴⁰ Academic informant: 177

⁴¹ Academic Informant 178

⁴² Wchan 23

⁴³ DCVAW 131; A local human rights organisation 98

⁴⁴ Academic Informant 153

⁴⁵ A Human Rights Activist 258; A local human rights organisation 98

family approves of the relationship and a marriage is arranged.⁴⁶ Secondly, European marriage traditions are becoming more popular among young urban people. They experience less pressure on marriage from their families than before, and when they have found a partner of choice, they can elope to another part of the country and try to reconcile with the family after some years. It was, however, emphasised that there is a huge difference between urban and rural areas. In rural areas, old traditions linger on.⁴⁷

In spite of some positive developments for women in urban areas, the conflict with ISIS, and the crisis that followed the independence referendum, caused a regression for women's rights. The same source assessed that the perception of women's role in the society is more conservative in Erbil and Dohuk Governorates than in Sulaimania.⁴⁸ In some tribes, to marry outside the tribe is considered a big crime.⁴⁹

The honour of a family is linked to the sexuality or to the virginity of the woman. A judge can order a doctor to carry out a virginity test in case she is being accused of having lost her virginity.⁵⁰ In case the result of the test shows that there is no hymen, a conflict can escalate; while in some cases the girl can have her hymen restored.⁵¹

3.2 Perception of raped women

Rape is still a taboo in Iraq. Victims of rape risks serious consequences if it becomes known. She may be left by her husband or killed by her family. Therefore, a woman would find it very difficult to tell anyone about a rape.⁵²

3.3 Perception of single women

The number of divorces in KRI has increased.⁵³ Yet, to be a divorced woman in the Kurdish society is still considered to be tough and stigmatising.⁵⁴ A well-educated woman with her own income and who lives in the city is able to live on her own as long as she does not have an honour conflict with her family. However, the deteriorating financial situation along with the societal restrictions that women are facing in Iraq, have reduced a women's ability to live on their own.⁵⁵ Erbil and Dohuk are both known as conservative regions with strict control of women.⁵⁶

A divorced woman who lives outside the cities will not be able to live on her own. This is, on the other hand, accepted for widows.⁵⁷

⁴⁶ A Human Rights Activist 258; A local human rights organisation 98

⁴⁷ Human rights activist 258

⁴⁸ A local human rights organisation 98 and 101

⁴⁹ Hana Swan 93

⁵⁰ Wchan 13-14; WADI 69; Academic Informant 142; Razaw Ahmed 206

⁵¹ A local human rights organisation 121; Academic Informant 140

⁵² Wchan 16; WADI 61-62

⁵³ WEO 31; A local human rights organisation 99

⁵⁴ WEO 35; WADI 65

⁵⁵ WEO 35; A local human rights organisation 124; Razaw Ahmed 226

⁵⁶ WADI 66; Hana Swan 91

⁵⁷ WADI 65

4. Consequences of extramarital relationships

4.1 Premarital relationships

Women who have had a premarital affair known to their families, or who get married without the acceptance of their families, are at risk of being killed.⁵⁸ The problem can be solved if the couple either marries with her family's blessing, or if the woman leaves the man and returns to her own family, if the father accepts it.⁵⁹

In few cases the family will manage to contain the story within the family and find a solution, e.g. restoring the hymen. If marriage is not possible and the relationship continues, the family will in some cases kill her.⁶⁰ Another source said that if a female family member has been raped, she is in a danger of being murdered by her own father. However, the source stated that more educated people would not resort to killing.⁶¹

If the relationship is revealed to a wider circle of people outside the family, there is an even higher risk that the family will kill her. The source further noted that killing a female family member is sometimes done to send a signal to the community that the men of this family are able to save their family's honour.⁶²

4.2 Adultery

In case of adultery, understood as a relationship between a man and a woman who are married to third parties, the least consequence for a woman will be a divorce; in the worst case she will get killed.⁶³ Adultery, alleged or true, will be used as a pretext for violence against women.⁶⁴

5. Possible protection by the authorities

5.1 Legislation

In 2011, the Kurdish Parliament passed the Law No. 8 2011 against Domestic Violence in the Kurdish Region. The act provides a legal basis for a wide variety of violent acts to be prosecuted as criminal offences.⁶⁵ Such violent acts include, among others, forced marriage, marriage of minors, FGM, forcing family members to leave employment, suicide due to domestic violence and battering children and family members. The Domestic Violence Law is valid only in the KRI and does not regulate murder.⁶⁶

⁵⁸ Wchan 15; WEO 36; Academic Informant 140. For examples of honour killings, please refer to Appendix 1: Academic Informant 144, 146; WADI 71 (media articles); Hana Swan 86

⁵⁹ WEO 36; A local human rights organisation 120

⁶⁰ Academic Informant 139-140

⁶¹ WADI 61

⁶² Academic Informant 139-142

⁶³ WEO 37; WADI 61 For examples of honour killings due to adultery, please refer to appendix 1: Hana Swan 86

⁶⁴ A local human rights organisation 119-120

⁶⁵ Minority Rights Group International, 04 NOV 2015, The Lost Women of Iraq: Family-based violence during armed conflict, page 9 http://minorityrights.org/wp-content/uploads/2015/11/MRG-report-A4_OCTOBER-2015_WEB.pdf

⁶⁶ Razaw Ahmed 193-194

A violent act that results in murder, such as an honour-killing is regulated by the Iraqi Penal Code No. 111 of the year 1969, as lawyer Razaw Ahmed pointed out. The articles in the penal code, providing for mitigated sentences in relation to honour crimes, were suspended in KRI in 2000.⁶⁷

5.2 Barriers to the implementation of the legislation

Several sources said that the laws regulating honour crimes in KRI are not effectively implemented.⁶⁸

One barrier for the implementation of Law on Domestic Violence of 2011 is the patriarchal mentality of the society as well as the discriminatory mind-set of the judges towards women. Furthermore, men are holding the top positions in politics, in the judiciary as well as in the police. The lower ranks of police officers do not take women seriously when they report family conflicts or violence, and this prevents many women from seeking protection in the legal system⁶⁹

Lawyer Razaw Ahmed, who works with cases on honour crimes, also pointed to a number of gaps in the implementation of the legislation related to honour crimes: One of the gaps is that there is no proper investigation of the cases. There is a lack of forensics, including medical forensics, and the evidence of each case is often not accessible for the lawyer. In addition, during the initial investigation, there is often a lot of turnover of staff, which forces the woman to repeat her story several times to the police. This psychological constraint may prevent a woman from filing a complaint to the police. Another problem is that the police officers are not well trained in all fields, including in keeping confidentiality. In addition, lack of resources prevents cases from being processed. One example mentioned was that a simple reason such as an empty petrol tank of a police car can prevent a case from being transferred to next instance.⁷⁰

With regard to rape victims, Razaw Ahmed said that it is the mentality of the society that a good woman will not be raped. This, she added, also influences the legal system to the extent that raped women are perceived as perpetrators.

Regarding the high number of Yazidi women, who were raped by ISIS fighters, many of them got pregnant as a result, and were not allowed to abort the pregnancy due to Iraqi legislation that bans abortion, unless there are special health reasons. Razaw Ahmed and other lawyers had asked for exceptions to the abortion ban for the Yezidis, but had not been heard.⁷¹

As another example on how Iraqi jurisdiction do not serve women's rights, is that cases on trafficking of women are processed as prostitution cases. In these cases, the witnesses are male and often customers of the accused.⁷²

Significance of party network

Another barrier for the implementation of the existing legislation is the protection given by the ruling parties to some perpetrators. In cases where the killer is acquitted due to the lack of evidence, the killer

⁶⁷ Razaw Ahmed 196-197 and 222

⁶⁸ WEO 47; WADI 59; Hana Swan 95; Academic Informant 135 and 166; Razaw Ahmed 199-201

⁶⁹ WADI 59; Razaw Ahmed 199

⁷⁰ Razaw Ahmed 199 and 225

⁷¹ Razaw Ahmed 200

⁷² Razaw Ahmed 201

was often helped by the ruling parties. The political parties will not only protect their own members, but also influential people, and people who are affiliated with the party.⁷³

An academic informant stated that only poor people without influence and connections are convicted for honour killings. People with money and party connections will manage to influence the judge through political pressure, by paying bribes or providing false alibi. The source had never heard of a senior party member being imprisoned because of the killing a woman. In this respect, the source pointed to the main parties (KDP, PUK).

The source added that if a person gets into a conflict with the security police or the ruling parties, rule of law would not apply. Only a few judges can rule objectively, free of political concerns.⁷⁴

5.3 Procedure for filing complaints

Directorate of Combating Violence Against Women (DCVAW)

The Kurdistan Regional Government (KRG) established DCVAW as a directorate under the Ministry of the Interior and a wing of the KRG police where women could report violence committed against them. As the DCVAW realised that the problem was huge, they opened sub-offices. Until late 1990's or early 2000, there was no place for women to seek help.⁷⁵

In practice, people report to the ordinary police, while some approach DCVAW directly.⁷⁶

Procedure at DCVAW and Reconciliation Committee

In domestic violence cases, the complainant must address the DCVAW or the police. The investigation of the case will be carried out by the police and the Domestic Violence Investigation Court (DVIC). Once the investigation is done, the complaint will be referred to the Reconciliation Committee. All cases that might be reconciled should be referred to the committee.⁷⁷

If the perpetrator is convicted for domestic violence, the case is also referred to the Reconciliation Committee. The source pointed to a severe gap in the legislation: in cases where a woman has committed self-immolation, the case is also referred to the Reconciliation Committee.⁷⁸ Reconciling with a family puts the woman in a very difficult situation; the woman has in some cases been killed, even though an agreement with the family was made. Razaw Ahmed assessed that in spite of the gaps, the reconciliation committee sometimes operates well, because some women are able to continue their lives.⁷⁹

⁷³ Razaw Ahmed 224-225; A local human rights organisation 116

⁷⁴ Academic informant 161-162 and 164

⁷⁵ Wchan 3

⁷⁶ WEO 40; DCVAW 130

⁷⁷ Razaw Ahmed 208. For further information on the procedure for filing a complaint at DCVAW, reference is made to appendix 1, Razaw Ahmed 207-213.

⁷⁸ Razaw Ahmed 209

⁷⁹ Razaw Ahmed 211-213

One source said that he has not seen any results from the Reconciliation Committee. The Committees often just blame the women.⁸⁰

5.4 Courts' ability to convict perpetrators and conviction rates

Restoring the family's honour is still a reason for people to kill, but there are no, or very few, sentences given due to the lack of evidence.⁸¹ The lack of evidence is caused by poor investigation. The courts are struggling to have perpetrators of honour crime convicted; while at the same time there is no political will to improve the situation for women.⁸²

Courts' ability to convict perpetrators and conviction rates – honour killings

A murder, committed either in the name of honour, or for other reasons, shall be sentenced to imprisonment for 10-20 years, according to the Iraqi penal code. However, the perpetrator who kills a woman to restore the family's honour will get a low penalty.⁸³ Some perpetrators are convicted to one year in prison.⁸⁴ Others are acquitted even though a medical report says the woman was killed by shooting which rules out the possibility of suicide.⁸⁵

One source said that if the woman's family announces that they forgive the perpetrator, the court will give him an even lower penalty; and sometimes an amnesty is given, often to influential people.⁸⁶ In this connection another source said that if a father kills his daughter or a husband kills his wife, because she is raped, he will be arrested, if he does not disappear, and he will be sentenced to imprisonment, but released after a couple of years after social/tribal reconciliation or an amnesty.⁸⁷

If the perpetrator committed a crime for the first time, the sentence may be mitigated. In some cases the family will ask an underage person in the family to commit the violence or take the blame, because an underage person will get a lower sentence.⁸⁸ When this underage person has served his sentence and returns to his family, he is seen by the family as a hero for taking the punishment and restoring the family honour.⁸⁹

In the view of Hana Swan, the perpetrators of honour killings are not brought to justice. The families decide if the case goes to court or not. In most cases, they do not want to take the case to court. If an investigation is opened, it will close after a month. The lack of prosecution contributes to the phenomenon of honour killing.⁹⁰

⁸⁰ WEO 44

⁸¹ Razaw Ahmed 221

⁸² Razaw Ahmed 212 and 220. Reference is made to appendix 1, Razaw Ahmed 220 for a concrete example on how the courts are struggling.

⁸³ A local human rights organisation 116

⁸⁴ Wchan 9

⁸⁵ Razaw Ahmed 221

⁸⁶ A local human rights organisation 116

⁸⁷ Wadi 62

⁸⁸ Razaw Ahmed 223

⁸⁹ Hana Swan 80

⁹⁰ Hana Swan 80

Courts' ability to convict perpetrators and conviction rates – premarital relationships

When adultery cases end up in court, concrete evidence is needed, as for instance confessions and witnesses. Both men and women get convicted for adultery and the penalty is five to seven years imprisonment.⁹¹ However, the convicted does not necessarily serve full time as the law permits shortening of the sentences on certain conditions.⁹²

The penalties for domestic violence that are regulated by the Domestic violence law, varies in between six months and three years and/or a fine in between 1 million IQD (845 USD) to 5 million IQD.⁹³

5.5 Can women report to the authorities?

The victims of honour crimes and domestic violence are often reluctant to approach the authorities.⁹⁴ However, at the DCVAW, a majority of the received cases are filed by women.⁹⁵

Women who seek protection from the police are met with different types of reaction, which explains her reluctance to report crimes: In some cases, the police will send the woman back to her family, or they will tell her that this is a family issue, or try to calm the woman down and ask her to talk to her family. Or, the police may blame the woman for the harassment or violence herself. Furthermore, women risk being harassed by some staff at the police stations and her intentions will be questioned. Moreover, a husband may threaten to take the children if the wife reports a violent act.⁹⁶

5.6 Protection in shelters

There is a shelter for women in each of the bigger cities in KRI: Erbil, Sulaimania and Dohuk. These shelters are run by the KRG authority DCVAW. The capacity for each centre is approximately 20 to 40 women. In Sulaimania there is also a privately managed shelter. The reasons for entering the shelters could be forced marriage, child marriage, allegations of adultery. Regarding the average time that a woman will spend in the DCVAW managed shelters, WEO said that some women spend six to eight months and other women up to five or six years; while DCVAW said that generally cases will be solved during 6 months.⁹⁷

Access to the DCVAW centres normally requires a court order. However, in urgent cases a woman can access the shelter directly with a court order being filed subsequently. The women in the shelters are not allowed to leave the shelter without a court order. Family members can still be allowed to see the women in the shelter without the consent of the women. Shelters run by NGOs have experienced attacks from victims' families, and this is one of the reasons why most of them have been closed. Shelters run by the state are less inclined to be attacked, because the state is seen as a stronger protector than the private actors.⁹⁸

⁹¹ Razaw Ahmed 216-2017

⁹² Razaw Ahmed 218

⁹³ Razaw Ahmed 209

⁹⁴ Hana Swan 82

⁹⁵ DCVAW 133

⁹⁶ Wchan 7; WADI 60; A local human rights organisation 106

⁹⁷ WEO 41 and 43 and 45; A local human rights organisation 108 and 110; DCVAW 132; Razaw Ahmed 212

⁹⁸ Wchan 4; WEO 43; A local human rights organisation 112; DCVAW 132; Razaw Ahmed 212

When the woman is released from the shelter, she will in many cases return to her family. In other cases she will divorce her husband.⁹⁹ In the past, there was a private shelter in Erbil that allegedly was used as a brothel and the shelter was subsequently closed. One source said that was according to gossip the shelter was used as a brothel.¹⁰⁰ When a woman leaves the shelter, her life will be in danger even though her family has a restraining order. The woman might get killed by her family or commit suicide or being pressured to do so.¹⁰¹

The profile of women residing in the shelters includes both rural and urban girls. Many women are reluctant to go to a shelter, because women in the shelters are seen as outcasts. There are very few well-educated women in the shelters. Most of the women in the shelters are from families in which violence is frequently used and the men believe that women should not have education and jobs. Some Arab women have accessed the shelters in KRI.¹⁰²

6. Possible protection from tribes and families

6.1 Possibility to seek protection from tribal councils

In the rural areas, honour conflicts are often solved by the tribe.¹⁰³ Families prefer that disputes are settled by tribal councils, due to the risk of shame and stigma in case the conflict becomes known to people outside the tribe.¹⁰⁴ For information on concrete cases of tribal interference in honour conflicts, please refer to appendix 1, Hana Swan 84-86.

The elders of the tribe can solve the problem in several ways: In case of adultery/premarital relations, the elders can decide that the man and woman should get married. Reconciliation could also be reached in a so-called 'jin-by-jin' or 'woman-by-woman' deal which implies an exchange of daughters who are given for marriage. As a third option, the elders could decide that the woman who committed adultery should be killed; and also appoint a male family member to kill her, for instance her cousin. The cousin will not be punished by the tribe. But if the police find out, they will investigate the case.¹⁰⁵ In case the cousin is taken to court the penalty will be low. In addition, if the woman's family announces that they forgive the man, he will be given an even lower penalty. The source noted that sometimes an amnesty is given, often to influential people.¹⁰⁶

There are cases in which the elders of the tribe decide not to kill the woman. However, it might happen that another family member, a cousin for instance, disagree with that decision and act on his own and kill the woman for honour reasons. In such cases, the tribe will try to stop the family member, but it does not always succeed.¹⁰⁷

⁹⁹ WEO 46; DCVAW 132;

¹⁰⁰ WEO 41; A local human rights organisation 109; Academic Informant 168-170

¹⁰¹ Wchan 4; Academic Informant 168

¹⁰² Wchan 5; Academic Informant 169; WEO 41

¹⁰³ A local human rights organisation 113

¹⁰⁴ Hana Swan 83

¹⁰⁵ A local human rights organisation 114-116

¹⁰⁶ A local human rights organisation 116

¹⁰⁷ A local human rights organisation 117; Academic Informant 174

In the event that a woman does not agree with the decision of the elders, she has no other choice than to seek refuge at a shelter.¹⁰⁸

The ruling parties, linked to the tribes, have their counselling offices in the rural areas as well as in the cities. The offices still exist, but they are less powerful than they used to be, and it is less common to seek counselling from them in the cities except for Dohuk. However, in the rural areas these offices are still used. A source opined that a woman might be discriminated by the party counselling offices.¹⁰⁹

6.2 Protection from mother's or father's family

Several sources noted that if a woman has a conflict with her husband, the woman's maternal family would probably help her to a larger degree than her father's family, but it all depends on what type of honour breach is at stake. In case the mother's family chooses to assist the woman, this could cause a conflict with the father's family. It is also doubtful that a woman can depend on support from her maternal family after divorce. It was mentioned that women could seek refuge at their mother's families on a short-term basis, but that it is not sustainable protection if the situation is serious and her father's family wants to harm her.¹¹⁰

7. Possibility to flee from an honour conflict

7.1 Returnees who fled an honour conflict abroad and returned to KRI

A conflict between couples or between families due to denial of marriage will calm down in case the man marries another woman. In this case the women who fled will, in general, no longer be persecuted. If a couple runs off together abroad and if they marry and have children, the conflict situation will improve. At the contrary, in case the couple does not marry the conflict will still be there. The source consulted, WEO, did not know about any women who had returned to the KRI after having fled due to an honour conflict.¹¹¹

Some years ago, a couple engaged in premarital relations managed to escape to Iran and got married without the approval of their families. They returned to the KRI many years later with two children. But the conflict still remained and they were both killed.¹¹²

It is possible for a couple to run away for some time, but the families will find them eventually. There have been cases where people fled to Europe, but they were found by the involved parties and killed. No concrete examples were given by the source.¹¹³

*Possibility for elopement*¹¹⁴

The concept of *elopement*, which is,

¹⁰⁸ A local human rights organisation 118

¹⁰⁹ Razaw Ahmed: 227-228

¹¹⁰ A local human rights organisation 122; WADI 63; Wchan 11; Academic Informant 167

¹¹¹ WEO 38

¹¹² Academic Informant 146

¹¹³ Hana Swan 88

¹¹⁴ For an example on a couple fleeing their families and who got killed, please refer to appendix 1, Hana Swan 87

- firstly, when a woman runs away with a man because the family does not accept her choice of husband; if the families do not agree, it is an option to elope to another part of the country and then try to reconcile after some years.¹¹⁵
- secondly, when a married woman runs away with another man, because her husband does not fulfil his duties as a husband, which still occurs. In certain regions of Kurdistan it was a tradition for married women to run away with another man up until the 1990's, because it gave value to the woman, because it showed that she was in demand.¹¹⁶

Today, a woman can get killed for running away.¹¹⁷ Ranya, a district in Sulaimania Governorate, is known to have the phenomenon of elopement. However, the source consulted, Wchan, did not have any specific example since they do not work on the issue.¹¹⁸

7.2 Significance of network for returnees

The importance of social networks depends on a person's social class; returnees from Europe who have experienced the mix of European and Kurdish customs are better able to cope living alone. However, it is better to have a social network to help. A woman who has broken with her family needs to reconcile with them.¹¹⁹

Director General Hoshang Mohamed said that rejected asylum applicants returning to Iraq would have difficulties in returning, if they do not have a network to support them. Especially single women would be exposed. There is no space in shelters, because they also suffer from lack of funding.¹²⁰

For returnees in general, IOM emphasised that in the integration process the support from the community is vital at three levels: Firstly, the individual support is important as it is easier to reintegrate if you have good relations with your family. For returnees without family, the reintegration will be difficult due to the high living costs. Secondly, the community's capacity to absorb is a central element for the reintegration. Unemployment is the third important factor, and there is often very little opportunity in the rural areas. IOM further explained that most of the returnees go to the rural areas of Sulaimania, Halabja and Ranya. No returns are recommended to Ninewa, Anbar, Salah al-Din and Diyala.¹²¹

8. Possibility for a woman to exit from KRI with her child

The Directorate for Nationality and Civil Status noted that a father must give permission for his child to get a passport, unless the mother is the child's legal guardian. A mother may get a court ruling giving her full

¹¹⁵ A human Rights Activist 258

¹¹⁶ Academic Informant 157

¹¹⁷ Academic Informant 157

¹¹⁸ Wchan 24

¹¹⁹ WEO 39

¹²⁰ JCC 270

¹²¹ IOM 236-243

custody and guardianship of the child, in Kurdish language *hujjad hussaya*. This may be the case if the father is dead or absent for a long term.¹²²

If a mother travels with a child outside the country, the authorities will ask her for the father's permission. If mother and child leave the country, the authorities will register the child's name in a database. A father may refuse his child to travel abroad with the mother. The judge must give consent to the refusal.¹²³

KRG authorities stated that by law, married women do not need a permission from her husband to travel alone.¹²⁴ However, some officials at the airport or border might prevent her from travelling. In case a woman leaves the country with another man, this will not be registered in the database.¹²⁵

The human rights organisation, WEO, confirmed that the law concerning women's right to travel alone is not always applied. According to WEO, women above 50 years can travel alone. In contrast to the above statements by the authorities, younger women are not necessarily allowed to travel without the consent of their husband or father. The source could not confirm whether the restriction is according to the law or societal norms.¹²⁶

Erbil International Airport said that both men and women under the age of 18 years are unable to travel without parents' permission.¹²⁷

9. Men as victims in honour-related conflicts in KRI

Heterosexual men

Men who engage in extramarital relationship are not perceived as staining the family honour. A man in this situation can often easily escape the conflict.¹²⁸ Nevertheless, men are still under pressure to get married and there are cases of killings. When a man is killed in an honour conflict, it has to do with revenge or a consequence of a blood feud rather than the honour of the family. Normally in these cases, both families agree to the killing. The sources did not know of any cases where only the man in such a couple got killed and not the woman.¹²⁹

On concrete cases of men in conflict with the society given by the sources, please refer to Appendix 1.¹³⁰

Possibility for protection for heterosexual men

¹²² Directorate of Nationality and Civil Status 249

¹²³ Directorate for Nationality and Civil Status 249-251

¹²⁴ DCVAW 134: Directorate for Nationality and Civil Status 249-251

¹²⁵ Directorate for Nationality and Civil Status 249-251

¹²⁶ WEO 49

¹²⁷ Erbil International Airport 248

¹²⁸ Wchan 21; Academic Informant 179; Razaw Ahmed 234

¹²⁹ Wchan 21; A local human rights organisation 126; Academic Informant 179; Razaw Ahmed 234

¹³⁰ Concrete cases of men in conflict with the society given by the sources, please refer to appendix 1: Academic Informant 181-183 (2013); Hana Swan 87-88 (2016; undated)

There are no shelters for men in KRI.¹³¹ There are very few actors protecting men in conflicts; one source pointed to an organisation called 'Men's Union Organisation'; the same source said that this organisation will not be able to protect men in a broader sense.¹³²

A man might be protected by friends, or he has to run away. For a man who flees abroad, sometimes Interpol will be contacted in case he is accused of rape or killing. The threat against him will remain, but he can easily survive. A man can easily change his name, which makes it easier to survive. If a man turns to the police he may get help, but a report to the police could also escalate the conflict and make the family of the woman in the relationship angrier.¹³³

Homosexual men

Homosexuality is illegal according to Sharia law and the Iraqi penal code, article 392, and it is against the culture. The intention of the law is to prohibit sex between two men.¹³⁴ A source said that it is not illegal according to secular law, but the public still assumes that it is.¹³⁵ Two sources indicated that homosexuals may be convicted to prison for 6 months or more and are subjected to torture and beatings in prison. None of these sources provided concrete examples on homosexual men who were tortured and beaten in prison.¹³⁶

With regard to killings of homosexuals, one source said that he was not aware of any official report of killings of homosexuals in KRI within the latest 18 months. In his opinion, families are reluctant to report such killings due to their own involvement or to avoid further shame, and this might explain the lack of reports.¹³⁷ Another source said that there are cases of killings of homosexuals, but he did not provide any examples.¹³⁸ A third source mentioned that an Iranian singer was badly beaten several times in 2015 due to his feminine appearance.¹³⁹

Information on concrete cases of homosexuals in conflicts with the society and their families is found in the meeting notes in Appendix 1.¹⁴⁰

One source said that the situation for homosexuals is relatively better in KRI than in the rest of the Iraq. He added that the situation for homosexuals is better in the urban areas than in the rural areas.¹⁴¹ However, homosexuality is a taboo in KRI, and it is seen as shameful and stigmatising for the family if it becomes known to the public.¹⁴² Homosexuals will often be forced into marriages in order to hide their sexuality.¹⁴³

¹³¹ An individual working in the field of human rights in the Kurdistan Region 256; DCVAW 132; Razaw Ahmed 233

¹³² A local human rights organisation 127; Razaw Ahmed 232;

¹³³ Razaw Ahmed 234-235

¹³⁴ Wchan 22; Razaw Ahmed 229

¹³⁵ An individual working in the field of human rights in the Kurdistan Region 252

¹³⁶ Wchan 22; A Human Rights Activist 265

¹³⁷ An individual working in the field of human rights in the Kurdistan Region 252

¹³⁸ A Human Rights Activist 263-264

¹³⁹ Academic Informant 187

¹⁴⁰ Academic Informant -188 (1990's); Razaw Ahmed 229 (2006); An individual working in the field of human rights in the Kurdistan Region 255 (undated); A Human Rights Activist 260

¹⁴¹ A Human Rights Activist 259 and 266

¹⁴² Wchan 22; A local human rights organisation 128; Academic Informant 186; An individual working in the field of human rights in the Kurdistan Region 252

¹⁴³ A Human Rights Activist 259

Homosexuals can avoid conflict as long as they hide their sexuality and are not flamboyant. There is a societal acceptance that men can hold hands with other men.¹⁴⁴

Homosexuals risk harassment and/or violence from the public and police and from their own families. In addition, homosexuals are at risk of being disowned by their families. Furthermore, homosexuals are also at risk of losing their jobs and being denied accommodation.¹⁴⁵

Possibility for protection for homosexual men

On the possibility for an LGBT person to escape from a conflict, one source said that escape would be extremely dangerous because of the heavy presence of security forces and police and the high number of checkpoints on the roads. Encounters with the law enforcement may expose the person to risk of violence. Since the Kurdish society is very close-knit and well connected, it would be easy to find an LGBT person trying to run away.¹⁴⁶

It was added by one source that in all areas of KRI, persons who are, or who are perceived to be, LGBT are constantly at grave risk of serious harm if they choose to live openly. Those who do not live openly, live in constant fear of exposure and resultant violence. Although there is one local NGO in Sulaimania working on women's and LGBT rights, and one Iraqi organisation based abroad, there is virtually zero safe space or support for people who are, or are perceived to be, LGBT in the region.¹⁴⁷

¹⁴⁴ Academic Informant 185

¹⁴⁵ Academic Informant 185; An individual working in the field of human rights in the Kurdistan Region 252; A Human Rights Activist 261

¹⁴⁶ An individual working in the field of human rights in the Kurdistan Region 254

¹⁴⁷ An individual working in the field of human rights in the Kurdistan Region 253

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Hana Swan, Women's media & cultural organization (WMCO)

A local human rights organisation: Dr. Sharif Jawdat Ali, Local Director; Bakhtyar Hadi Hassan, Pedagogue; Vian Shawqi, Responsible for Women's Department

Major Farman Mohammed, Directorate of Combatting Violence Against Women (DCVAW), Erbil Office

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Appendix 1 Meeting notes

Wchan Organization for Human Rights Violations¹⁴⁸, Ahmed M. Amin, Executive Director

Sulaimania on 29 April 2018

*Wchan is an independent organization. Wchan's first mandate was rehabilitation of war trauma victims and torture victims through psychologic, psychiatric, medical and legal assistance. Later on Wchan realised that other types of victims needed help, including victims of gender based violence (GBV).*¹⁴⁹

Honour conflicts in KRI

Prevalence of violence against women

1. Executive Director Amin stated that honour-related violence against women is widespread and underreported. Currently, media, women unions, NGOs, UN agencies, and even government bodies are highlighting the issue. That is why Wchan see that the figure on honour-related violence against women is high compare to the past since it was not reported in the past. Formerly, if a woman was targeted, the social media or media did not talk about it. Some women sought help from NGO's and that is how Wchan learned about it in the past. Honour-related violence was only rarely mentioned in social media or other media. Wchan's knowledge about such cases was mainly derived from the NGOs that the targeted women sought help from.
2. Honour conflicts, including killings are taking place in the rural and tribal areas but also in the cities where they are often committed by people from the tribal areas that moved to the cities.

Possibility to seek protection for women

Authorities, incl. shelters

3. The Kurdistan Regional Government (KRG) established DCVAW as a directorate under the Ministry of the Interior where women could report violence committed against them. As the DCVAW realised that the problem was huge, they opened sub-offices. Until late 1990's or early 2000, there was no place for women to seek help. Later, with the help from NGOs, shelters were established in the main cities (Dohuk, Erbil and Sulaimania). These private shelters for women were later targeted by some of the residing women's families; in one of these attacks a woman was shot. Hence, these private shelters were therefore closed, for security reasons. There is still one private shelter, in Sulaimania run by a women union.

¹⁴⁸ Wchan's website: <http://www.wchan.ngo/>

¹⁴⁹ Wchan was part of Heartland Alliance until 2011. Wchan has a staff of 40 persons: 22 counsellors, two social workers, two psychiatrists, supervising 20 health staff working as community mental health workers at the Primary Health Centres. They have worked in the periphery since 2005, when Wchan was a program of Heartland Alliance. Wchan also work with prisoners who are addicted to drugs. By working with them and building trust, Wchan has helped 70 prisoners to become drug free.

4. DCVAW protects women by putting them in a public shelter, which is prison-like, since they are not allowed to leave unless she is issued a court order. Wchan has access to some of these shelters. Some NGOs offers mediation programmes in which reconciliation between the woman and the family is facilitated. The solution after mediation could be marriage. When the woman returns to the family she might, after some time, get killed or commit suicide, maybe after being pressured to do so. The source added that there are cases in which a girl was seen only a couple of times with a man, and subsequently after a stay in a shelter it is uncertain how it ends for the girl. Cases in which the girl had sex with the man, she will be in a much worse situation. The source emphasised that honour conflicts are not easy. Whether or not the woman is able to live a normal life, after she is released from a shelter, depends on the case, on the families and if she had sex or not.
5. In the experience of the source, there are very few well-educated women in the shelters. Most of the women in the shelters are from families in which violence is frequently used and the men in the family believe that women should not have an education and jobs. In general in the Kurdish rural areas, women depend financially on men who are making the money which is a serious problem for the women.
6. Asked if a conflict related to honour would ease with time if the woman had fled the country, and if the problem would still exist if she returned, the source replied that he was unaware of any cases of return. The source added that if a woman leaves, she will not come back.
7. Asked if a woman could seek protection from the police, the source replied that she would often be sent back to her family. The police will sometimes tell the women that this is a family issue and try to calm the woman down and ask her to talk to her family.
8. Executive Director Amin further stated that women who were given prison sentences often were convicted of killing their husband. Wchan told about a number of cases (in 2016: 45 cases, currently there are approx. 30 cases) of women who are imprisoned. In the majority of the cases, the women are imprisoned for assassination in general, mostly for killing their husbands. The source emphasised that the number of cases is changing. Other women were imprisoned for substance abuse, adultery, cheating and abduction. According to the source, when these women tell their story, it is clear that they are victims.

Court cases

9. Asked about sentences given for perpetrators of honour killings in court cases, Executive Director Amin said that some are convicted to one year in prison.

Assistance for victims of self-immolation

10. Self-immolation (self-burning) among women in KRI is a huge problem, and a plastic surgery hospital with 80 beds has been established in Sulaimania. The hospital offers psychological assistance and treatment of burns for women with injuries inflicted as a result of honour-related conflicts or attempt of suicide by self-immolation. On a yearly basis there are 200-250 cases, including some from Kirkuk, out of which it is unknown how many cases are accidental or self-inflicted. The families' explanations

given to the hospital are often that it was an accident that happened while the woman was cooking. However, at the hospital the specialists can tell from the type of burn whether it was an accident or if it was intentional. For every case of women going to the hospital with burn wounds and where there is a suspicion of violence from the family, the police will investigate the case. Wchan offers psychological support to the patients in the hospital.

Can a woman seek protection from her mother's family?

11. Asked of a woman in an honour conflict can expect to be supported by her mother's brothers, the source replied that the mother's brothers often love their nieces and nephews born by their sisters more than the children of their brothers and for this reason the mother's brothers might be willing to help a girl in an honour conflict.

Profile of female victims of honour crime

12. It is the assessment of Executive Director Amin that honour crimes mostly take place in poor and uneducated families with an abusive father, brother or uncle. In places where the use of violence is accepted it will be used for many purposes also to restore honour.

Honour as linked to the virginity of the woman

13. Executive Director Amin stated that the honour of a family is linked to the virginity of the woman.
14. In cases where there is a suspicion of violence from the family, an examination of the woman's hymen is carried out; a judge can order a doctor to carry out the examination even though this type of examination is not scientific. Doctors cannot refuse to carry out examinations of women's hymen. Several doctors tried to inform the public that the hymen can disappear in other ways than by penetration. However, the traditional perception is deeply rooted and therefore hymen examinations keep on taking place. Even young girls who had an accident will be sent to hymen examinations in order to have documentation for later use. The examination will be carried out by three doctors in order to ensure a valid result. The purpose of the examination is to document that the lack of hymen is caused by an accident. When asked if the doctors always gave the correct reports about a woman's hymen, the source said that there are false positives and false negatives.

Awareness of the risk of extramarital relationships and rapes

15. Asked what it takes to create a rumour on the honour of a woman, the source replied that a woman's honour will not automatically be stained in case she is seen with a man, but it will not be perceived as a decent thing to do. The source emphasised that both girls and boys know that it is very serious for the girl to lose her virginity and that a sexual relationship outside marriage implies a hefty sanction for the woman in the relationship. For the girl's family, killing her is the first option. With regard to the man in the relationship, it is rare that he is killed.
16. The source added that rape is still a taboo in Iraq, even after the mass rapes committed by ISIS. It can have serious consequences for a woman who gets raped. Many women are afraid to tell anyone

because they fear they will be abandoned by their husband and families if someone finds out that they were raped. They do not know how their families will receive their babies.

17. In the cases of a woman who attempted suicide by self-immolation, she will be in a worse situation than before the attempt since according to Islam suicide is forbidden and implies shame on the family. Wchan closely monitors these cases during a period of six months to twelve months.
18. Asked why women seem to choose self-immolation rather than other ways to commit suicide, the source said that it is a matter of availability in the sense that women are often restricted to the kitchen where there is fire and paraffin. There are also examples of men committing self-immolation.

Freedom of movement for women in an honour conflict

19. Asked about the freedom of movement for women in such families, the sources noted that most girls go to school. However, some families, especially the poor, make their girls stay at home and the girls will not be able to go to school.
20. If a girl at the age of 20 years wants to apply for a passport, the authorities will require that she brings a guardian.

Men in honour-related conflicts

21. Honour crimes are only linked to women, not men. Normally, men in honour-related conflicts will not be in serious trouble. The man might even be proud of himself in the sense that an extramarital relationship proves his masculinity. However, it can happen that the man is targeted by the woman's family out of revenge. The source never heard of a man being killed without anything happening to the woman.

Homosexuals in family conflicts

22. Asked about homosexuals staining the family honour, the source replied that homosexuality is not necessarily related to the family honour. A homosexual in a family will be seen as shameful and as a taboo. A family will lose respect if a son is homosexual. Homosexuality is illegal according to Sharia law. Homosexuals will be subjected to torture, beatings and may be convicted to prison for six months or more. Asked if the source knew of any concrete cases of homosexuals being tortured, beaten and imprisoned, he replied that there are cases inside prison and legal organizations are aware about it. Previous psychiatry books until the eighties were considering homosexuality as neurotic diseases and it is still considered a disease.

Honour based violence among the minorities

23. Asked if any ethnic minority commits honour based violence, the source noted that there are examples of honour based violence in Yazidi families. The source did not know of any examples of honour based violence among Christians.

24. When asked about the possibility for women to elope from their families, the source replied that Ranya is district in Sulaimania Governorate and is known to have that phenomenon. However, the source did not have any specific example since Wchan do not work on the issue.

Torture and mal-treatment and training of staff

25. Executive Director Amin explained that Wchan's staff continuously receive training for instance from the John Hopkins University in their working fields. At the same time Wchan is giving training to their clients and other target groups as one of their core tasks. One of these target groups is the staff in the detention centres and reformatory centres in Sulaimania, Erbil and Dohuk. The prison guards are being trained in working with prisoners and detainees in general. This includes training them on empathy, crisis intervention inside those centres in order to prevent suicide.
26. Wchan has established their own offices in prisons in Sulaimania and Erbil in which they have access to talks with the management and the staff. This project has led to a decrease in the use of torture and/or ill treatment, as Wchan hear from some of the prisoners or detainees. However, Wchan does not have any data and they have not done a survey, for example, to verify it. Wchan differs between torture and mal-treatment: Torture is perceived as a mean to obtain something, for instance a confession or names of accomplices. Mal-treatment is beating up prisoners, to keep order.¹⁵⁰. In this respect, Executive Director Amin pointed to the fact that the people working the most with prisoners are the prison guards who consequently are the ones who need training the most.
27. The source said that some officers admitted during training that they have practiced beating and other kinds of treatment of detainees. The police officers thought that it was allowed and that it had its benefit. The reply of the police officers was that they did not know. Wchan emphasised that they did not do any surveys to assess the impact of the training and monitoring of the guards and officers during the past two years.
28. Torture is happening all over Iraq, not only in KRI. Torture is widespread in the police and security forces.
29. When asked who the main victims of this torture were, Executive Director Amin answered that substance abusers are the main victims. Substance abusers, who are mainly adults, not juveniles, will be subject to torture under interrogation during which the police will ask who their drug dealer was.
30. Juveniles do mainly get arrested do to theft. In these cases the juveniles will be mal-treated, not tortured, by the police who will ask them why they did it.

¹⁵⁰ The source made reference to Democracy and Human Rights Detention Centre (DHRD) for further information on torture and mal treatment in KRI. Website: <http://www.dhrd.org/>

Women's Empowerment Organization, WEO

Women Empowerment Organization (WEO) was established in Erbil, Kurdistan Region of Iraq (KRI) in 2004. WEO's fields of expertise are women empowerment and gender based violence (GBV). Within Iraq, the organisation covers geographically Baghdad, Ninewa, Dohuk, Kirkuk, Sulaimania, and Diyala.

Erbil, 24 April 2018

Prevalence of honour conflicts

31. According to WEO, honour conflicts are widespread in KRI. The crisis caused by ISIS' invasion led to an increase in the amount of conflicts in families due to the deteriorating financial situation. When a man fails to provide for his family, it often ends up with a divorce. In KRI there has been an increase in the number of divorces, especially among newly-weds.
32. Among internally displaced families, many ended up in a financially difficult situation in which the man as the 'owner' and head of the family was unable to meet the needs of the family members. One solution was for many families in a fragile situation to marry off their daughters. WEO added that by marrying off a daughter, the family hands over the 'ownership' of the daughter to her husband.
33. WEO noted that due to the emergency situation created by ISIS, human rights projects in many NGOs' workload, including those of WEO's have been neglected. As a consequence, the number of cases has increased. For examples, cases of early marriage and killing women have increased.
34. The source further said that in IDP camps in urban areas there have been a large number of family conflict cases. In rural areas there were fewer cases due to a low awareness among women about their possibilities. Asked if the cases are being reported to the authorities, WEO answered that advocacy work at high level is being carried out by organisations. The advocacy work is done towards the religious imams and local authority to look into the vulnerability of women cases and the media is engaged to raise awareness to encourage women report the violence committed against them.

Perception of single women in KRI

35. WEO stated that it is tough for women to be divorced. However, nowadays there are a bigger percentage of women who work and gain a salary in KRI which makes it easier to get by on their own, but the deteriorating financial situation in Iraq has implied a regression in women's possibility to live on their own. In some cases the woman's parents will help her out, but not in all cases.

Reaction to extramarital relationships

36. Regarding premarital relationships WEO stated that the father of the women will often refuse the relationship. In case the father agrees to the marriage, the problem will be solved. In case the couple chose to get married without her father's consent, the woman cannot ask her family for help. If she chooses to leave the man and to stay with her family, she will be out of trouble. Asked if she will also

be out of trouble if she already had a premarital affair, the source replied that if she had a premarital affair known by her family, she will be executed because she has tainted her family honour.

37. In case of adultery, the least consequence for a woman will be a divorce; in the worst case she will get killed. If the woman gets killed, in some cases the tribal leader will visit the family and offer compensation from the man's family. When asked if the mentioned tribal leader is from the man's family, the source replied that the tribal leader does not necessarily have to be in either family. The tribal leader has to be respected leader with some influence in the community. The compensation could be a woman offered to the family or approximately 50,000 USD. Tribal mediation is widespread in rural areas where it is a matter of saving lives; mediation is less widespread in the cities.
38. Asked whether honour conflicts settle as time passes, if the woman flees abroad, WEO said that a conflict will calm down in case the man marries another woman. In this case the women who fled will no longer be persecuted. If a couple runs off together abroad and if they marry and have children, the conflict situation will improve. At the contrary, in case the couple does not marry the conflict will still be there. WEO noted that they have no knowledge about a person in an honour conflict that fled to Europe and came back to KRI.
39. The importance of social networks depends on the level of society. Returnees from Europe who have experienced the mix of European and Kurdish customs can better cope being alone. It is better to have a social network to help. But there is a need to reconcile with the family.

Protection by the authorities

40. In the Kurdish Regional Government (KRG) there are two authorities that address women's issues: The High Council of Women's Affairs is giving advice to KRG on gender policies and strategies and the Directorate of Combatting Violence Against Women (DCVAW) that is a police authority to which citizens can file complaints on family issues. The DCVAW is headed by a Directorate General with three underlying departments in Dohuk, Erbil and Sulaimania. DCVAW is compiling statistics in the lodged cases. WEO added that violence against women is underreported.

Protection of women at shelters

41. There is a shelter run by KRG in each of the bigger cities of KRI, Dohuk, Erbil and Sulaimania. The private shelters that existed earlier were closed due to gossip that the shelter was used as a brothel. In Southern and Central Iraq there are no shelters. Some Arab women have accessed the shelters in KRI.
42. WEO explained that when a woman asks for protection at DCWAV, the case will be referred to the domestic violence court, that was recently opened, in which a judge will take the decision on whether or not she can be given access to the shelter. The shelters run by KRG are under the responsibility of the Ministry of Labour and Social Affairs. In case there is no space for the woman in the shelter, she will be referred to the police station.

43. WEO further informed the delegation that women are not allowed to leave the shelter unless they have a court approval to do so. The level of services in the shelter is rather low. Families will be allowed to see their family member in the shelter without her consent.
44. Asked whether mediation between the woman and her family takes place, WEO answered that the Reconciliation Committee was established three years ago. Some members of the committee are Islamic preachers, while others are judges. WEO has not seen any results from the Reconciliation Committee. The Committees often just blame the women.
45. Asked about the average time that a woman will spend in the shelter, WEO said that some women spend six to eight months and other women up to five or six years.
46. When a woman leaves the shelter, she will divorce in some cases. In this case she will find herself in a situation in which she must cover for the needs of her children and she will be watched by her family who will expect her to remarry. In other cases, the woman goes back to her family. WEO gave an example of an influential family who killed a woman who went back to them from the shelter. When asked if the source could provide more background information on the case, the source replied that they did not have a lot of background information

Court cases

47. With regard to decisions of court cases on honour crime, WEO referred to lawyers who defend the victims. The source added that the Iraqi penal code applies in KRI and that the Domestic Violence Law of 2011 of KRG has not been effectively implemented. According to the source, in most cases the judge resorts to the penal code rather than the domestic violence law. It is stipulated in the Domestic Violence Law that a domestic violence court should be established which has not taken place. WEO never heard of a court case in which the woman was the winning part. WEO added that many women do not know about their rights.

Men in honour conflicts

48. WEO stated that a man's honour is not spotted by extramarital relationships the way a woman's honour will be damaged. The man in a relationship will be in risk of being killed by the woman's family, who might kill the woman but also the man. The women would likely be killed by being thrown off a mountain, shot or strangled. Some women commit self-immolation which is usually a suicide triggered by the strain she lived under rather than a forced suicide.

Can women travel alone?

49. Women above 50 years can travel alone. Younger women may not be allowed to travel without the consent of their husband or father. However, the source was unaware if this is by the law or by societal norms.
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WADI, Abdullah Sabir, Iraq Project Co-ordinator

Sulaimania, 29 April 2018

WADI began as an NGO in 1993 as a project aiding to provide healthcare and education for internally displaced children and women. WADI is actively working on public awareness of and the combat against domestic violence.¹⁵¹ Currently their main project is non-violent solution of conflicts and to combat FGM.

Violence against women

50. Abdullah Sabir defined forced marriage as violence against women. Forced marriage is widespread in areas like Germian, Ranya, Dohuk, Erbil and rural area around Sulaimania. A girl of forced marriage will be asked if she agrees to marry a man chosen by her family or not, but she is often in no position to say no or to make her own choice. She cannot marry the man she wants. Sometimes a forced marriage results in the woman committing suicide.
51. Some women, both married and unmarried, commit suicide. The source never believes the police reports on suicides. The police will call it suicide even before the investigation. What appears to be a suicide is either an honour killing or the woman was forced to kill herself.
52. Asked if honour killings are widespread in Kurdistan Region of Iraq (KRI), Abdullah Sabir replied that this is not the case, but in conservative areas such as Rania, Dohuk and Erbil, it happens. It was mentioned that it may also happen elsewhere, and Abdullah Sabir gave one example of a teacher from Sulaimania who was killed after she was released from a shelter. When asked when and where this example took place, the source did not reply.

Female Genital Mutilation (FGM)

53. After a study conducted by WADI some years ago, it was revealed that nearly 90 % of the women in the region (Erbil and Sulaimania) had been circumcised. This created an outcry in the region, and in 2011, law no. 8 was passed in KRI combatting domestic violence against women and prohibiting FGM. Midwives and other women risked imprisonment for practising FGM on girls or women. As a result, the rate of FGM has been reduced by half in the Kurdistan Region of Iraq (KRI), according to Abdullah Sabir.
54. A few years ago, WADI worked closely with 12 villages in Kurdistan region that gave very positive results. In return for the community leaders, including the religious leaders, cooperation to advocate in the local community that FGM is not required by religious law, the villages got different kind of

¹⁵¹ **About WADI:** Abdullah Sabir gave an introduction to WADI's projects, incl. projects on combatting domestic violence and FGM. Other than these focuses, WADI runs a project on combatting violence against children in school. This project started in Garmyan and is now being implemented in five schools that have agreed to a contract on stopping violence against school children. Another project on assistance to marginalized women in prison is being carried out, funded by the EU. The project aims to conduct training for police and prison guards. WADI meets the convicted women, including women who received death penalty. A team of lawyers in Sulaymaniyah, Erbil and Halabja are conducting the training.

Website: <https://WADI-online.org/>

rewards in return, like support for infrastructure projects. The contracts that were made with these 12 villages are still maintained. There are no reports on FGM taking place in the 12 villages.

55. WADI said that the areas where FGM is still practised are those that they have not yet started to work in. WADI only has six teams of two persons in each out of which all of them are women excluding five drivers. This is not enough to reach out to all villages.
56. The main areas where FGM still prevails are villages in northern Sulaimania, the Germian district and in villages in Erbil. Rania is one of the places where FGM still takes place. Many children are born at home or in other private houses rather than at hospitals. There are cases where mutilation takes place at birth. Sometimes the mothers are mutilated too, during delivery, by the midwives who are secretly ordered by the mothers-in-law if it is discovered that she had not been already circumcised. This also happens in the villages between Kirkuk and Sulaimania, as well as Sulaimania city (in general girls are mutilated between the ages 4 to 12). The women, who perform the FGM, are afraid of going to prison, because it is illegal which is why they often try to hide their deeds. The source also mentioned that he had heard that ISIS issued an order that all women had to be circumcised, but could not confirm this information.
57. It is women, mostly midwives and elderly women, who carry out the FGM. They seem to believe that it is required by Islamic rules, but Abdullah Sabir added that it was also done out of cultural tradition. He also stated that only a few clerics actually say that FGM is a religious requirement, but people who are against the practice do not say that directly. Abdullah Sabir found it problematic that many of the mullahs do not distance themselves from FGM. Their dimmed attitude is the same as towards ISIS, where they said that the ISIS-members were only young men led astray.
58. Abdullah Sabir added that the local authorities do not often cooperate with their teams in the case of FGM; it depends on the mood of the mayors of the sub-districts; the authorities said at the very beginning, the early nineties of last century that WADI gave the women 'ideas', and that WADI brought shame to the society. At one point a person from WADI was arrested during a seminar in Erbil because of the content of the seminar. Abdullah Sabir pointed out that WADI's objective is to teach others about the content of the Law on Combatting Violence against Women (no. 8 of 2011).

Possibility for women in honour conflict to seek protection from the authorities

59. The barrier for the implementation of Law on Domestic Violence of 2011 is that men are holding the top positions in politics, in the judiciary as well as in the police. But also among the lower ranks of police officers, they do not take women seriously when they report their family conflicts or violence.
60. According to the source, women who had been exposed to sexual harassment cannot easily turn to the authorities, because they may be blamed for it themselves. Furthermore, they risk being harassed by some staff at the police stations. If a girl or woman turns to the police, her intentions will be questioned. In Kirkuk a mother and her daughter appeared at a police station in 2012-2013 to complain about phone harassment. The police got their number claiming that they would watch or monitor the calls. Later on they received harassment calls from the police station.

61. The source added that if a girl or a woman gets raped, she will have difficulty telling anybody. She may risk getting killed by her family if the rape is known. The source said that if a man's wife or daughter gets raped, there is a big possibility of him killing her. However, the source stated that more educated people would not resort to killing.
62. If a father kills his daughter or a husband kills his wife, because she is raped, he will be arrested if not disappear and sentenced to imprisonment but released after a couple of years after social/tribal reconciliation or an amnesty.

Possibility to seek protection from other actors

63. The family of the woman's mother can give protection for women in honour conflicts. However, it is doubtful that a woman's family will always support her in a divorce. It is not commonly seen.
64. The women can escape to shelters, but there have been cases when the woman was killed anyway by her family, even though the family expressed that they had forgiven her.

Societal reactions towards women living alone

65. The source further explained that divorced women are stigmatised and most divorced women living outside the cities are not be able to live on their own. Women with an income, living in the cities, manage to live on their own. It is perceived as acceptable for widows to live on their own.
66. Unmarried women will not find it easy to live alone; it is not considered to be acceptable by the society. People gossip about them. The source added that people in Dohuk city are known to be more conservative than the population in Erbil city in terms of a more strict control of women.
67. In the rural areas, the average age of marriage for men is 19 years; the average age for women is 17 years. In urban areas, men will more often be in their late twenties before they marry. The average age for women to be married in urban areas is 24-28 years.
68. Forced marriage usually happens before the age of 25 years. Although in rare cases also for unmarried women who are older than 25 years of age, the woman will be in risk of a forced marriage if her father learns about, or hears gossip about his daughter's having a relationship. The source added that there is a pressure on men on getting married. Sometimes a forced marriage consists of a 'trade' in which two brothers marry two sisters or exchange marriage (a female is married off in exchange of a bride for a male in her family). There are cases of cousin marriages, too.
69. When a girl is being accused of having lost her virginity, for instance after she was raped, the police will send her to the doctor for a virginity test. There have been cases in which girls who have been accused of losing their virginity have been killed. And then after the girl's death it turns out that she was still a virgin anyway. Asked if the source could give an example of girls who were killed because she was accused of having lost her virginity, the source replied that often cases are hidden or announced in different versions for the sake of family reputation.

70. Among internally displaced persons, both Kurdish and Arab people, polygamy and child marriages are ordinary. Even though polygamy was prohibited in KRI in 2011, many people still travel outside KRI to Iraq to marry this way. In terms of child marriage, it often happens if a father does not have the financial means to feed many children; the solution is often to marry off a daughter. The source mentioned as an example Arab fathers living with many daughters in an IDP camp who marry off some of the daughters to rich men, only after a few weeks of acquaintance. In addition to the economical motive, marriage is also a solution to maintain the families' honour. It is perceived as better to marry her off quickly, before her honour is damaged.

71. The source provides links from the media on honour conflicts and honour killings:

Ekurd, October 8, 2015, *Father murders daughter in 'honor killing' in Iraqi Kurdistan*

<https://ekurd.net/father-kills-daughter-honor-killing-kurdistan-2015-10-08>

Rudaw, 13/2/2018, *KRG: 14 women dead in reported 'honor' killings for 2017*

<http://www.rudaw.net/english/kurdistan/130220181>

Guardian, Sat 22 Sep 2012 *'They're following me': chilling words of girl who was 'honour killing' victim*

<https://www.theguardian.com/world/2012/sep/22/banaz-mahmod-honour-killing>

Evening Standard, 19 July 2007, *Two-hour rape and torture of honour killing girl murdered by her family*

<https://www.standard.co.uk/news/two-hour-rape-and-torture-of-honour-killing-girl-murdered-by-her-family-7296270.html>

Ekurd, November 21, 2014, *Battered women in Iraqi Kurdistan: Out of shelters, into danger and honour killings*

<https://ekurd.net/mismas/articles/misc2014/11/state8700.htm>

Ekurd, March 4, 2014, *Swollen bodies of two Kurdish sisters found in pond in Iraqi Kurdistan*

<https://ekurd.net/mismas/articles/misc2014/3/state7797.htm>

Ekurd, February 10, 2014, *33 women intentionally killed in Kirkuk*

<https://ekurd.net/mismas/articles/misc2014/2/kirkuk805.htm>

Kirkuk Now, June 10, 2012, *Kirkuk women exposed to sexual harassment*

<http://kirkuknow.com/english/?p=10825>

Ekurd, July 4, 2017, *Iraqi Kurdish woman buried alive by her family, fears for her life*

<https://ekurd.net/kurdish-woman-buried-alive-2017-07-04>

Hana Swan, Women's media & cultural organization (WMCO)

Sulaimania, 30 April 2018

WMCO¹⁵² is an NGO that has made research on honour killings and suicide among women in KRI. WMCO also published reports on how women are depicted in the media.¹⁵³

Historic background for honour killings

72. Hana Swan explained that the Kurdistan Region of Iraq (KRI) became an autonomous region after an uprising in 1991. Before this year, the phenomenon of honour killing, understood as a killing within the family, was deeply rooted in the Kurdish society.
73. The source noted that before the year 2000 the perpetrator of an honour killing would be sentenced to imprisonment for six to twelve months. But nothing was really done to prevent this phenomenon to continue. The continuation of honour killing can be blamed on powerful leaders in Kurdistan, including the political parties, the tribal leaders, but also the Baath-regime.
74. After the year 2000, a group of Kurdish women's organisations lobbied to change the law so that an honour killing would be prosecuted as any other murder. At the same time, the tribes lobbied to keep the law unchanged. The women's organisations approached the President of Iraq and former leader of PUK, Jalal Talabani, who was of Kurdish origin, to address the issue of honour killing of women. The result of this visit was the article 59 that is an independent article that substitutes the former Iraqi Penal Code in which a woman could be condemned to death. However, article 59 was never recognised and was never implemented. The former Iraqi Penal Code that permitted death penalty for women was enforced during the period of 1991-1992 under the Baath party's regime; i.e. before the amendment of the law. In article 59 it was laid out that if anyone kills a woman, it is the same as killing a man. Hana Swan said that even after this law was endorsed, honour killings of women continued in the sense that men who wanted to kill a woman found other ways to hide the killings. Instead of shooting, the perpetrators would set the women's body on fire or to throw them off a cliff in remote places such as the mountains in Sulaimania if from Erbil and vice versa.
75. After the amendment of the law two problems remained: Firstly, KRG committed offences against the women who had joined the Baath party, but they did not kill the men who worked for the Baath party. Secondly, the tribal leaders with new power got money from local parties which contributed to the maintenance of the tribal system and the discriminatory mentality against women. After 2000, the tribal leaders made serious obstacles to women's rights, even though NGOs tried to be outspoken about the problems. When asked how the tribal leaders made obstacles, the source replied that the

¹⁵² Website of WMCO: <http://www.rewanmedia.org/en/>

¹⁵³ WMCO monitored the media and published a report in 2016 and another report in 2017. The focus of the reports is on how women are being depicted in the media in Sulaimania. WMCO gave an example on stories of killings of women in the media in which the comments will focus on the reason why a woman was killed, including adultery which creates an image of the assassinated woman that she deserved to die. According to WMCO, the media has a negative impact on women because the media are controlled by the political parties that are controlled by men. A lot of work is done to improve journalistic work, but the problem is often that the chief editor is censoring the content, even though there is an agreement among the media to work in accordance with media ethics. According to Hana Swan, policies at authority level are needed.

tribal leaders were a huge barrier for women's fight for freedom in the sense that they protected the ones who killed women; and the tribal leaders mediated between the parties in the conflict about the killings.

Forensic institutes

76. Hana Swan referred to data from Hawler Institute for Forensic Studies who has informed the source that 18 unrecognizable female bodies were found in Erbil Governorate in 2017. These bodies had been dumped, and the perpetrators are unknown. All bodies were buried by the authorities.
77. 'Hawler Institute of Forensic Technology' and the equivalent institute in Sulaimania do not give numbers when women's organisations and other activists ask for such. This is a very sensitive issue and therefore it is very difficult to get exact data and to report on this. The authorities are aware that if the numbers of these killings are known, it will be condemned internationally and it will stain the image of the KRG.
78. In 2016, the real number of honour killings was higher than the number given by the Directorate of Combatting Violence against Women (DCVAW).¹⁵⁴ WMCO receive their data from the local police and other local sources when they do field studies. On using the police as a source, WMCO noted that they underreport the numbers and are not always cooperative. Sometimes, the police register the killing as something else in order to hide a potential honour killing. WMCO will not publish the data unless they made the investigation themselves.
79. WMCO receives phone calls from family members when a killing has taken place. WMCO tries to be the first on the scene maybe hours or days after they were called in order to know what happened.

Lack of prosecution

80. According to Hana Swan, the perpetrators of honour killings are not brought to justice. It is the families who decide if the case goes to court. In most cases they do not want to take the case to court. If an investigation is opened, it will close after a month. The lack of prosecution contributes to the phenomenon of honour killing. The source added that the person, who is being prosecuted, is often not the perpetrator, but an underage person that was persuaded by the family to take the blame. Penalties for underage persons are lower than for adults. When this person has served his sentence and returns to his family his is seen by the family as a hero for taking the punishment and restoring the family honour.
81. The source added that there is a lack of training of police, a lack of awareness and of equipment. And besides, in many cases the perpetrator is protected by important tribesmen. As an example, the source mentioned the following: A girl was killed in broad daylight in a park in Sulaimania by her husband, but he was never taken to court. He is protected by a powerful tribe. Asked when this example took place, the source did not reply.

¹⁵⁴ In an email sent by Hana Swan on 25 July 2018 she wrote: 'We would like to inform you that according to the formal sources [DCVAW] in the recent years (40) women are killed. In the beginning of 2017 (18) women are killed, and the same happened in the beginning of 2018 that (22) women are killed.' Please refer to section 2.2.

82. The source also noted that the victims' families often are reluctant to approach the authorities.

Reconciliation by tribe negotiation

83. When a woman is killed in an honour conflict, the men from the tribe will meet to find a solution. Families prefer the tribal councils to settle disputes due to the risk of shame and stigma in case people outside the tribe found out about the conflict. Besides it is also due to a mentality that implies that the lives of women do not matter. People do not want further problems between tribes.
84. Hana Swan told the delegation about a case of an honour killing that took place in 2016, where the tribes could not reconcile. A woman called Bergert was married to a man, but allegedly she had an affair with a man from another tribe. There was no evidence for the affair that the source considered as gossip. Bergert was first taken to a shelter, but she was later removed from there by the families. Eleven family members from both families showed up at the shelter in order to avoid that one of the families could blame the other side for the killing. When Bergert was taken out of the shelter, both families signed a paper saying that they would not harm her. When Bergert was killed, the tribe, that she belonged to, asked for a woman in compensation, because in their perception the son was deprived of his wife and Bergert's clan was blamed for this. The source noted that the Kurdistan Regional Government (KRG) tried to stop the tradition of giving a girl to from one tribe to the other after 1991. Instead, the authorities suggested monetary compensation to resolve honour issues.
85. In spite of the fact that both families came to the shelter to take Bergert out, the two families could not agree on the compensation. Bergert's clan refused to give her husband a new wife. As a consequence of the disagreement, nine more people from both families were killed. Three of these were women, five of them were men, and one was a child. One of the dominant political parties intervened in the conflict by giving a large sum of money to the families. Informally, it is known that the feud was stopped by payment from PUK. No one will admit to this in public, but everybody knows that this is what happens. The two tribes are still on good terms and they are marrying each other's family members. The body of Bergert was never found.
86. As a second example, Hana Swan told that in a premarital relationship in Chamchamal District in Sulaimania Governorate a young man from the Zangna tribe. The young man was killed by his own tribe for falling in love with a woman from the powerful Surchi tribe from Erbil. The young man's tribe killed him to avoid a conflict with the Surchi tribe. Another factor to the case was that it is seen as unacceptable to marry someone outside your own tribe. Marriages between cousins are still quite common. The woman in the conflict was at first imprisoned, then she was saved in a stable and then she stayed in a shelter, before she was brought to Sweden. As compensation for dishonouring the Surchi tribe, the mother of the young man from the Zangna tribe, who was killed, married a man from the Surchi tribe. The boy's mother was a widow after her husband died as a victim of the former regime. This implies that she had a high status within her tribe. When asked the source when this example took place, the source did not reply.

Possibility to escape an honour conflict

87. Hana Swan pointed to an example in which a woman and a man were slaughtered by the tribes after trying to hide in another place in KRI. The woman was previously married to another man, but left him in favour for next husband. According to her former husband, they never divorced. The woman and her new husband fled from Erbil to Bahtary in Sulaimania where they were hiding for some time. In April 2016 the woman's and the old husband's families found the couple and they were slaughtered by four persons from the woman's family and three persons from the old husbands family. The new man had two children belonging to him who now lives at the shelter in Sulaimania, since no one will adopt them, because they are considered bastard children.
88. It is possible for a couple to run away for some time, but the families will find them eventually. The source also stated that there even have been cases when people fled to Europe, but that they were found by the involved parties and killed. Asked if the source could give examples on people who fled to Europe and who was found and killed by their families, the source did not reply.
89. The source added that it is not frequently seen that a woman marry another man when they are not legally divorced as it was the case in the case mentioned above.
90. Asked if the woman in an honour conflict is most often killed by her own family, the source replied that if the man's family is part of the same tribe, they will cooperate.

Tribal areas

91. When asked where in Kurdistan life is most difficult for women in terms of violence, the source replied that in the tribal areas, such as Ranya, Qaladze, Peshdar, Chamchamal and Hawler (another Kurdish expression for Erbil) women are more under control. The source added that Erbil is quite conservative in its mentality.
92. In these areas FGM, forced marriage and child marriage takes place and there is a lack of education. Domestic violence (beating of wives and children) is also common in these areas.
93. In some tribes it is considered a big crime to marry outside the tribe.

References to more information on honour killing

94. For data on the categories of honour killing, self-immolation, vague killing (unknown perpetrator) the source recommended to visit the shelters. The source added that the women will die if they leave the shelters.
 95. The source emphasized that there is no detailed study of the root causes of honour crime. There are laws and policies, but they are not being implemented.
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A local Human Rights organisation: Dr. Sharif Jawdat Ali, Local Director; Bakhtyar Hadi Hassan, Pedagogue; Vian Shawqi, Responsible for Women's Department

Sulaimania, 29 April 2018

Prevalence of honour-related crime

96. In general, honour crimes are prevalent throughout the KRI. The frequency of honour crimes has decreased in some geographical areas such as Sulaimania city centre, but in other more Islamic conservative areas, such as Rania, Kalar, Qaladze and Kifri honour crime is more widespread.
97. According to the source, honour crimes have decreased in some places such as the city centres because those places are more open from an economic and educational perspective, people have educated cultural backgrounds, and social media and media play an important role. In addition, the cities have women organizations which offer seminars; women in these days have become more educated. Honour crimes have increased in other places, where people have not received any education because of their social and cultural backgrounds. Women in rural areas are not very educated and do not know anything about their rights. However, honour crimes have increased in Ranya, Kalar, Kfry, and Xanqen.
98. In general, women are more restricted in the rural areas than in the cities. However, the source has noted a change among youths in terms of sexual relationships in a more positive direction in terms of choosing their own wife and husband, especially in the cities and among educated families. Educated families will often find a solution for couples in an extramarital relationship. Nevertheless, premarital sex is still seen as problematic. People are aware that extramarital relationships require discretion. In spite of this progress, the events during the recent years, i.e. ISIS' invasion and the independence referendum caused a regression with regard to women's rights.
99. Reporting of violence against women has increased day by day as well as the number of divorces has increased, caused by the political and financial situation. A husband's frustration of not being able to support his family is taken out on the wife or a daughter who will be married off. A man can claim (even without proof) that the wife cheated, and then he can do anything he wants, even though other reasons may be behind.
100. The local human rights organisation: referred to an example of an internally displaced man in the Arbat IDP-camp with three wives and 22 children. He and the whole family worked as a day labourer in agriculture. He found it difficult to support his family for which reason he tried to marry off some of his daughters. The source emphasized that families in the host community in KRI also found themselves in a similar situation. The problem with marrying off girls at the age of for instance 14-16 years is that when she has given birth to two children, she will still be a child herself, unable to care for her children. Such situations often lead to divorce.

101. In IDP camps and rural areas, where there is a low level of education, the use of violence is normal for parents to educate their children. The source assessed that the perception of women's role in the society is more conservative in Dohuk and Erbil governorates than in Sulaimania city.

Protection in the centres of the local human rights organisation

102. Many of the women who seek refuge at the shelters centres come from the mentioned conservative areas and they risk their lives if they leave the centres. The local human rights organisation's mobile teams pay visits to such shelters and treat the women psychologically. Jiyan Foundations itself runs rehabilitation centres with specialised departments for women.

103. In a couple of cases the local human rights organisation assisted by NGOs managed to transfer two women with their children from their centres to European countries. On other cases women were transferred to Turkey. There were cases of women who stayed in these centres for seven years.

104. Women who ask for help in the local human rights organisation will often ask for total discretion. Asked if it has happened that the family threatened the psychologists at the local human rights organisation, the source replied that this has happened. The source further added that it also happens that men ask for help at the local human rights organisation. However, in these cases the man has not been threatened.

Possibility to seek protection from the authorities

105. The local human rights organisation said that women are afraid of reporting violence committed against them to the police for two reasons: 1) The social stigma in the community of reporting your own father or husband; 2) Fear of even more violence from the father or the husband.

106. A woman has no financial independence, which makes it difficult or impossible to leave her home. According to the source, a father may tell his daughter not to come back after she has left her family's house after marriage. Moreover, a husband may threaten to take the children if the wife reports a violent act.

107. The source noted that violence must be reported to DCVAW where there are female social workers and police guards. DCVAW offers mediation between the parties in the conflict. Furthermore, DCVAW has established a hotline that women in honour-related conflicts can call and ask for help.

108. In Sulaimania Governorate there are two shelters: one is run by the KRG authority Directorate of Combatting Violence Against Women (DCWAV) and the other is a privately managed shelter. At the shelter that is run by DCVAW, there are constantly 22 to 25 women staying and a maximum of 30 women.

109. The source further referred to an example of a shelter that was closed, because the women in the shelter were forced into prostitution and in reality the shelter was used as a brothel.

110. The local human rights organisation explained that the reasons why women seek refuge in shelters could for instance be a forced marriage, a child marriage or maybe as another example the source mentioned that a family may have found out that she had secretly sent photographs from her phone to a man. Sometimes women are exposed to violence that is not honour-related. Adultery, or allegations of adultery, is another reason why women seek refuge at a shelter.
111. Asked how a woman finds and reaches the shelter, the source noted that the police could bring the woman to DCVAW who could then refer the woman to the shelter. In other cases, the women reach the shelter by help from friends or NGOs. The source pointed to some cases where the woman was captured by criminals before she reached the shelter and she ended up in/being trafficked to prostitution.
112. Normally, a court order is given before the woman can go to the shelters. However, in urgent situations woman can access the shelters directly, with a court order being filed subsequently.

Possibility to seek protection from the tribe

113. In the rural areas, honour conflicts are often solved by the tribe which is not always positive, seen from the woman's perspective. The woman can ask the tribe herself to deal with the conflict. The elders of the tribe can solve the problem in several ways:
114. In case of adultery/premarital relations, the elders can decide that the man and women should get married.
115. In honour conflicts, reconciliation could also be reached in a so-called 'jin-by-jin' or 'woman-by-woman' deal which implies an exchange of daughters who are given for marriage. The source pointed out that this type of 'trade' is more common among Arabs than among Kurds.
116. The elders could also decide that the woman who committed adultery should be killed and also appoint a male family member to kill her, for instance her cousin. The source stated that in this case the cousin will not be punished by the tribe. But if the police find out, they will investigate the case. In case the cousin is taken to court the penalty will be low. However, according to the penal code, murder would give a sentence of 10-20 years of imprisonment. In addition, if the woman's family announces that they forgive the man, he will be given an even lower penalty. The source noted that sometimes an amnesty is given, often to influential people. The source referred to a case in one of the shelters that was solved by giving amnesty. The couple got married after they were forgiven by the father of the woman, and after the woman agreed to the decision of marriage.
117. Even if the elders have decided that the woman should not be killed, what could happen is that for instance a cousin who disagrees with the decision of the elders could kill the woman for honour reasons. The tribe will try to stop him, but it will not always succeed.

118. In the event that a woman does not agree with the decision of the elders, she has no other choice than to seek refuge at a shelter.

119. The source explained that an accusation of adultery, false or true, is used as a pretext for violence against a woman.

Ways for the family to solve the conflict

120. The source mentioned a stepwise solution in the sense that if a family found out about an extramarital relationship, they will try to get the couple married. If marriage is not possible and the relationship continues, they will in some cases kill her. If the relationship is revealed to a wider circle of people outside the family, there is an even higher risk that the family will kill her. The source further noted that killing a female family member is sometimes done to send a signal to the community that the men of this family are able to save their families honour. As an example, the source mentioned a case with a 17-year old girl from Sulaimania who was shot by her father in one of the parks of the city.

121. In case a couple with premarital relations runs off, the conflict will escalate. If the woman is caught, the conflict can be further escalated, if a hymen examination reveals that she is no longer a virgin or if she is pregnant. The source mentioned a case with a couple from Qradax who ran off for four days, but later they surrendered to the police.

122. Asked if honour conflicts ease up after a period of time, the source said that this was not the case. The family will find her and kill her. The communities will not pressure the family not to kill the woman. The source knew of a case in which a woman got killed 20 years after the honour conflict started. Asked when this took place, the source replied that they did not know exactly. , Asked about the possibility for the woman to run into hiding, the source replied that the community at the location of the hiding place will ask who she is. If she rents a room in a hotel, they will ask for her ID documents. Sometimes the family will find her if she makes a phone call. She can stay in hiding for a week or two but not for a long period of time. In the Kurdish society, the family is a strong unit, and it is considered strange if somebody lives alone. The woman's family would probably help her to a larger degree than her father's family, but it all depends on what type of honour breach is at stake. In case the mother's family chooses to assist the woman, this could cause a conflict with the father's family.

123. The source noted that there are known cases of women who were forced into marriage and by desperation start a relationship to another man, in spite of the risk it entails. Asked whether such women can ask for protection by her own family, the source said that her own family will often agree that she should be driven out of the family and that she must get by on her own, if she chooses to leave her husband.

124. For an educated woman, who is able to provide for herself and who does not have an honour conflict with her family, it is not impossible to live alone.

125. The sources stated that women's problems are not only related to honour, but also to the lack of education, the lack of jobs, not being able to choose a husband and being deprived from participating in politics.

Men in honour conflicts

126. A man is less at risk to ruin the honour of a family. He may though by openly showing his homosexuality. In most cases, however, a man gets killed for revenge which in some families can lead to blood feuds. In these cases, the tribe will step in to avoid further escalation. In other families, they will report the killing to the authorities and the courts.

127. With regard to the possibility to seek protection in these cases, the source said that it would be difficult for a man to seek protection. The source referred to one organization in Sulaimania called "Men's Union Organization". However, this organization will not be able to protect men in a broad sense; because it lacks funds and it concentrates it works on women issues.

128. Homosexual men will be perceived as damaging for the family. Some families might address the health care system for treatment of the homosexual family member, while other families would try to punish the homosexual. The source did not know of cases in which a family killed a homosexual family member. The source opined that homosexuality is a taboo in the KRI.

Major Farman Mohammed, Directorate of Combatting Violence Against Women (DCVAW), Erbil Office

The Directorate of Combating Violence Against Women (DCVAW) is a directorate under the KRG Ministry of the Interior. DCVAW is specialised to work on combating violence, including violence against women in general not only on honour issues.

Erbil, 23 April 2018

Honour conflicts

129. The rate of domestic violence in the Kurdistan region has recently increased due to many reasons, including: abuse of mass communication, the financial crisis and the fact that women are not familiar with their basic rights yet.¹⁵⁵
130. Major Farman Mohammed exemplified this in that the wife in a family spends money that the family cannot afford due to the rent payments. Other reasons to honour violence can be related to new technologies; conservative and traditional thinking of families; and some problems are originating from outside the Kurdistan Region of Iraq. In the event that there is a conflict in a couple, both parties can file complaints to DCVAW which is a wing of the KRG police. In practice, people report to the ordinary police, while some approach DCVAW directly.
131. In KRI, extramarital relationships are perceived as unacceptable; it is especially a problem for women. However, new legislation has approved the organisation of the possibility for protection in that a new police force and a special committee under the courts were established.
132. In Erbil, there is one shelter/safe house for women who seek protection. The capacity of the shelter is accommodation for 30 to 35 women. They stay at the shelter according to their conditions and cases. Generally, their cases would be solved during 6 months. Access to the shelter is given by court order and the women stay in the shelter until the case is finished. Major Farman Mohammed stated that it is difficult for the women to return to their families, but in some cases the women returned to their families. There is no shelter for men.
133. There is a majority of cases that are filed by women. Some cases are filed by men, which could be one brother filing a complaint against his brother or a case between father and son. In general, the cases take time to solve. All cases, when filed, go to court, but sometimes the cases are solved before the court takes a decision. The methods of solving cases can include sessions in a special centre for reconciliation of family and/or provision of psychological aid.

¹⁵⁵ In an email sent on 15 July 2018, Major Farman Mohammed provided statistics on violence against women. In 2015 the recorded number of killings ('murder') of women in KRI was 55 cases. In 2016 the recorded number of killings of women was 43 cases. According to the website of DCVAW the number of killings in 2018 April to May is 23 cases. The source referred to the website of DCVAW for further information: www.bgtakrg.org. When asked about the numbers for 2017, DCVAW did not reply. In the statistics provided by DCVAW, there are three categories 'Suicide', 'Burning' and 'Self-immolation'. When asked DCVAW for an explanation on the three categories, no reply was provided.

134. Asked if it is possible for a woman to exit from KRI with her child without the consent of the child's father, Major Farman Mohammed said that a woman has the right to travel with her children who are below the age of 18 years without her husband's acceptance and there is no legal obstacle.

Statistics on violence against women 2015, provided by DCVAW

Annual Report Of Statistics

Statics of Violence against women in 2015

Sexual	Complaints	Self-immolation	Burning	Suicide	Killing	Location
10	2796	52	68	23	20	Hawler
43	1999	19	39	12	13	Dahuk
43	1154	27	38	17	9	Sulimani
16	771	14	19	5	7	Garmian
6	523	9	20	4	3	Raparin
6	193	4	14	3	3	Soran
124	7436	125	198	64	55	Total

Statistics on violence against women 2016, provided by DCVAW

- Sexual violence

Statistics of Violence against women in 2016

Location	Killing	Suicide	Burning	Self-immolation	Complaints	Sexual
Hawler	13	22	83	29	2610	16
Dahuk	13	20	42	32	1842	50
Slemani	12	14	55	12	852	20
Garmian	2	6	7	6	654	5
Raparin	1	6	11	8	403	15
Soran	2	6	22	9	216	9
Total	43	74	220	96	6577	115

Academic informant

Sulaimania, 30 April 2018

Prevalence of honour conflicts

135. According to this informant, there are serious cases of gender based violence (GBV) in the Kurdistan Region of Iraq (KRI). There have been reforms in the legislation, but they have not been implemented. However, there is more awareness about honour-based violence in the KRI compared to the rest of Iraq. The reasons behind honour-related violence are complex. There is not one indicator or reason, but rather a complex set of issues which are inter-related. Honour-related violence may happen in religious and non-religious families and in educated and non-educated families. It is wrong to assume that education alone, or not being religious, make families embrace women's rights. The source gave two illustrating examples:
136. In one case there was a well-educated woman from a good family who had asked her parents to find her a suitable husband. The family did find such a man and the couple got engaged. However, the woman found out that she could not go through with the marriage, and got a divorce. After that, she was closely monitored by her family. The woman is no longer a virgin and the parents are afraid for the reputation of the family. The informant added that some women ask the parents to help find a suitable husband.
137. In the second example mentioned, a father, who had never believed in God, but was a communist, and a senior member of PUK, killed his daughter violently with a knife, because she had a relation with a Christian man from Lebanon and wanted to marry him. This had nothing to do with religion or with lack of education.
138. The source commented that one should not try to simplify the situation. There is not just one factor contributing to violence against women, but the source hoped that education would help, but education alone is not some kind of magic. It is not an option either, not to believe in Islam. There are plenty of good Muslims who are never violent. It has to do with conscience, and with being good human beings.
139. When asked what would happen to a young woman who had sex outside marriage, the interviewee said that the majority of women would be killed, but some families try to contain the damage. The source gave the following examples:
140. A girl, a university student, got raped by a taxi driver. This created a big problem within the family, and the girl was not permitted to leave her house for a year. Eventually her family gathered money, and sent her to Iran to have the hymen restored. They contained the story within the family, including among uncles and aunts. Very few families would do this. Normally, in their eyes, she has committed the unthinkable, by not being a virgin.
141. Moreover, the source knew of cases where men, who had been in sexual relations with women outside of marriage, distributed pictures and videos (54 videos were distributed within one year) about their affair which led to violence and death. This was reported in Hawlati paper, in 2005 or 2006.

142. The source commented that if people do not know about a relationship, it is less likely that the woman will get a problem. This means that couples, who have been together outside of marriage and end eventually their relationship, will have to keep their relation secret forever. In some rural areas, the bride will still need to show blood on the sheet in order to prove that she was a virgin, but this is not common in the cities. There have been cases of women being killed after the wedding night, due to wrongful suspicion that she was not a virgin. Sometimes a couple goes to the doctor before marriage to verify that the woman is a virgin, even in cities.
143. The source mentioned that some women who had been raped avoided marriage out of fear of what could happen to her if it was revealed that she was not a virgin.
144. The interviewee gave more examples on killings and harassment connected to family honour:
 A few months ago, a woman from Koya was found dead in the mountains. She had married a man a few years ago without the acceptance of her family (her father was dead, so her uncle was her guardian). The couple moved to Erbil and had a daughter. After the husband was imprisoned for a crime he had committed, the woman's family contacted her and offered reconciliation. As she had a one-year-old daughter, no job or anyone to support her, she went home to her mother in Koya. After a few days, her uncle came and killed her, because she had tarnished the family's reputation. They found her body in the mountains.
145. Asked if the family could not restore its honour without killing her, the informant replied that such stories put a stain on the family's honour. This stain can be long term, but she added that there are so many things happening in a community, so it does not always need to have a long term effect. But sometimes it just becomes a personal matter.
146. In another case, a couple managed to escape to Iran. Many years later, they came back with two children. They both got killed. They had married without the approval of the family. This happened some years ago. The source added that this is a famous case that the women activists highlight.
147. A female student in the University was threatened by her family because they had heard she had a relationship. Her father was dead, so the uncles felt they had the guardianship. Her uncles decided she had to leave the university. The girl was not only worried about missing out on her education, but she was afraid of violence. She came to the source and told her about this problem, so that if anything happened to her, her professor would know who might be behind it. She considered seeking help from NGOs, but decided instead, as a preventer, to contact a well-known female relative (extended family member) who is in the military, and who has a high respect in the family, a very big politically affiliated family. The girl asked the relative to talk to her uncles, even though she was afraid her uncles would get angry, because she had told someone outside the close family about this. But she hoped that the female relative would be able to put some sense into the uncles. So the woman went to talk to the uncles, and shamed them for doing this to their niece, whose father was a martyr. She also told them that people would assume the worse things about them if they went through with the threats. She asked the uncles to let the girl finish her education as

she has not done anything wrong. They agreed, but they send the girl many threat-messages, and said you come home this summer and we know what we will do. So we think she got beaten up.

148. The source noted that this is a common case, but it would never happen to a boy.

149. A male student filmed a female student from the University drinking alcohol at a private gathering and put the videos on Facebook. He probably wanted to have a relation with her, which she refused, and did this to hurt her. The girl did not show up at the university for some weeks after this incident. There were a lot of rumours and both the girl and her family were worried. The video clip was removed and the student was punished.

150. Girls take a lot of risks every time they have relations and they drink. In this case, the girl did not know that the boy was filming.

151. The interviewee gave another example on honour conflict at the political level:

During this year's campaign for the parliamentary elections in Iraq, photographs of semi-naked women are being distributed. Some photographs are real, while others are photo shopped. A female candidate for a Kurdish party, who is a member of the Iraqi parliament, was at the last parliamentary elections tarnished with fabricated photographs. When it became known that another political party made these photographs of her, she ended up getting a lot of votes as a reaction against the party who tried to defame her.

Surveillance

152. The source also pointed to some pockets of Salafi neighbourhoods in many places, even in Sulaimania city centre. There are rumours that some of these neighbourhoods have surveillance cameras used for monitoring people's behaviour. These Salafists have a platform on television also in Sulaimania city. If a woman is seen on the camera talking to another man, the religious leaders will report this to her family.

153. In general, unmarried couples know that they take a high risk if they have a premarital relationship. In this respect the source pointed to the fact that there is less surveillance on blocks of flats than in houses and rural areas where people can see who enters and leave the house. People may manage to have a relationship by borrowing a flat from someone they know and have a rendezvous there.

Extent of honour violence

154. With regard to existing statistics from the Directorate of Combatting Violence against Women (DCVAW), for a while the number of honour killings seemed to stabilise. The numbers were no longer as high compared to when DCVAW started the statistics in 2007.¹⁵⁶ According to the source, men became aware that they will go to prison for killing someone. The source emphasized that there are no studies made on the extent of honour killings. But since 2014, with the onset of the ISIS crises, the number of cases is on the rise once again.

¹⁵⁶ For statistics on honour crime, the interviewee referred to Director Pakhshan Zangana and President Amal Jalal of the president of Kurdistan Supreme Council for Women.

155. Similarly, the number of suicides among women has increased rapidly, because women are put under pressure to kill themselves. With regard to the number of rapes and the scope of domestic violence this has increased too. The source added that the displacement of people, the radicalisation and political violence are all factors that have led to an increase in domestic violence and honour conflicts.
156. The informant pointed out that in terms of funding for projects on women's rights it has decreased as a result of ISIS' invasion. Donors from abroad prioritised assistance to internally displaced persons (IDP) and gave less to the host community. In addition, donors more often give funding to the southern provinces because KRI is seen as more developed than the south.

Recent historic developments

157. The concept of elopement, which is when a woman runs away with another man because her husband does not fulfil his duties as a husband, still occurs. In certain regions of Kurdistan this was a tradition up until the 1990's. It gave value to the woman, because it showed that she was in demand. Today, a woman can get killed for running away. When asked if the source knew of any examples of women who ran away and got killed, she replied that she did not know of any particular case. The source added that the society changed during the 90's, and became more conservative and violent. There was a rise in Islamism and tribalism. The main Kurdish parties, KDP and PUK encompassed supporters of Saddam Hussein to increase their votes. There were many collaborating tribes with weapons and no authority of law and order. Religious parties got a lot of financial support from Qatar and Saudi Arabia to build mosques and influence the society in a religious way. They even payed women to wear hijab.
158. Asked if honour killings took place before the change in the early 1990's, the source replied that it occurred, but she only heard of one case from her childhood. Then everybody in the local community talked about it. This shows that the number has increased, but also that these cases attract attention and are reported. In the past there were no mechanisms to report and punish these crimes.
159. The society and traditional values changed with displacement and urbanisation. People had better traditions where they came from (in the rural areas), and when they came to urban centres all their values got confused. The violence and the fact that they had lost a war, threatened the masculinity of men. They had been displaced from their homes during the war, and had not been able to protect their families and their land. They asserted their masculinity by controlling the women in their families. The political violence also contributed to it.

Possibility for protection

Protection from the authorities

160. The interviewee pointed to the investigation that is carried out on cases of violence against women, and said that the police, the hospitals, the families and the neighbours of the victims could have done a better job.

161. Asked if anyone gets convicted for honour killings, the source replied that the ones who get convicted are poor people without influence and connections. People with money and party connections will manage to influence the judge through political pressure, by paying bribes or providing false alibi. The source had never heard of a senior member of a party being imprisoned because of killing a woman. In this respect, the source pointed to the main parties (KDP, PUK).
162. When asked if a person who gets into a conflict with the security police or the ruling parties, will be treated according to the law, the source replied that this was not the case. The source gave one example where the victim was punished in a conflict with well-connected persons in one of the main parties:
163. A man, who was a son working for the government, was nearly run over by three drunken sons of high rank members of a political party. Since the man who was nearly ran over, is himself a fit and quite an important person, he asked the men: 'How dare you'. They came into a fight, and both sides fired shots. He got a life-sentence while the three drunken persons were not punished at all. He killed himself in prison.
164. The source stated that only a few judges can rule objectively, free of political concerns. Judge Rizgar is one of them.
165. The source added that there is a low rate of prosecution for rape. Out of 279 cases in 2011-2012, two perpetrators have ended in prison.¹⁵⁷
166. In terms of legislation the source noted that KRG made reforms, but the legislation is not implemented even if it has made awareness in KRI more than in the rest of Iraq.¹⁵⁸

Protection from mother's family

167. Asked if a woman in an honour conflict could get protection from her mother's family, the source replied that this was more likely than getting protection from her father's family. The children will often be closer to their mother's family than to their father's family, because the father's family will be more concerned about protecting the honour of the family than the mother's family, since the family bears the father's name. And it is the name of his family that will be tarnished. Asked if this protection was sustainable, the source answered that this was not the case.

Protection in shelters

168. At a shelter, a woman will not be safe either. Even if the family signed a restraining order, her life will still be in danger after she is released from the shelter. In a few cases, the shelters have assisted women in getting asylum in another country.

¹⁵⁷ *Women's activism in Iraqi Kurdistan: Achievements, shortcomings and obstacles*
 Kurdish Studies, Volume: 1, No: 1, pp. 44 – 64, ISSN: 2051-4883 & e-ISSN: 2051-4891, October 2013
www.kurdishstudies.net

https://www.academia.edu/16656596/Women_s_activism_in_Iraqi_Kurdistan_Achievements_shortcomings_and_obstacles

¹⁵⁸ The informant referred to Emily Alice Howley at Stanford University who has reviewed all laws in Iraq and Kurdistan. Emily Alice Howley has nearly finished a working paper on gender where she has reviewed all laws on Iraq.

169. Both urban and rural girls go to the shelters, but many women are reluctant to go there, because women in shelters are seen as outcasts. In the shelters a woman is never alone; she cannot leave the shelter and often the girls in the shelter quarrel.
170. Sometimes the shelters can be very unsafe. There was one scandal at one of the shelters in Erbil, the Khanzad shelter that was run by a woman's organisation with the same name. This NGO trafficked the women to governmental officials and senior political member. The investigation revealed the name of 72 government officials as customers. So they stopped the trial, and closed the case. One of the girls who had been at this shelter, was moved to another one, and when she got a medical problem and needed hospital care, she was sent there for an operation without any protection, even if she feared repercussions from both her family and the government officials she had named during the investigation. She was saved by another organisation and went into hiding. The Khanzad Shelter in Erbil was subsequently closed.
171. The NGO Asuda ran another shelter in Sulaimania, but that one was also closed after a shooting episode.
172. The shelter in Erbil, run by DCVAW, houses approximately 40 women.

Tribal mediation

173. Mediation takes place in order to heal a conflict; the solution could be that the couple get married or that compensation is given. Mediation was very common before the 1990's. Before that time, it was not so unusual for couples to have sexual relations before marriage. Families came to solutions through mediation. The couple had to marry, and sometimes there were payments involved, either in money or in animals.
174. In the past a tribal resolution was respected by the involved parties. This has changed in the sense that even though there is an agreement negotiated by the tribes, the woman might get killed anyway. There is no guarantee anymore.
175. And every time a woman gets killed today, the women's NGOs get blamed. People say 'you are not doing your job properly'. No one blames the perpetrator.

Profile of victims of honour conflicts

176. The profile of women in honour conflicts are often younger, unmarried women from their teenage years to their early 30's. It happens in both poor and wealthy families. However, wealthy families will be able to cover up their conflicts and killings.
177. There is no specific geographical area in which honour conflicts are more common than others. When asked if the prevalence was higher in tribal areas like Rania and Qalladze, the response was that even though these areas are perceived as being more conservative, there are at the same time mixed gender schools and less gender segregation.

178. Honour killings are widespread, not only in Kurdish families, but also in Arab and Turkmen families. The Turkmen families are even more conservative than the Kurds and the Arabs. The source was not sure whether honour killings also took place in Christian families. Christian families are also conservative and feel that they must protect their identity, and families do not want their children to marry Muslims or people of other religions.

Men in honour conflicts

179. According to the source, in some cases of relationships outside marriage the man will get killed as well as the woman, but it is much easier for the man to escape consequences, since the concept of honour is associated with a woman's body. If the extramarital relationship is known outside the family, the man will be more subject to danger. The source never heard of a man being killed without the woman being killed too. When a man gets killed, it has often been agreed with his family.

180. In general, killing of men take place when a man has criticised religion or if he is a homosexual. Men would not usually get killed for honour reasons, though this too does happen.

181. The source gave some examples on men in honour-related conflicts:

182. There was a video distributed online of a man who got undressed in front of a camera and the man was blackmailed, but he did not get killed.

183. In 2013, an unmarried couple posed and kissed in public in front of a place where a statue representing love used to be. The man got a lot of problems because of the image that was distributed online, but the source never heard about a family that killed their own son for such behaviour. In this example, the woman was European. The man in questions was a photographer who later disappeared while reporting on the ISIS war.

184. Asked if a man can get disowned from his family due to extramarital affairs, the source was not sure of this.

Homosexuals in honour conflicts¹⁵⁹

185. Concerning homosexuals, the source said that they can avoid conflicts as long as they hide their sexual identity and are not flamboyant. However, the source stated that it is possible to be discrete. For instance, there is a societal acceptance that men can hold hands with other men as for women.

186. Although some very few families accepted homosexual family members, homosexuals would in extreme cases risk violence from their own family. Homosexuals may be disowned by their families, which imply that they are outcasts. They are regarded with stigma from the society. It can be a stain on the family's honour. Some families will try to fix the problem by forcing the man to become married.

¹⁵⁹ As a response to the delegation's description of the ToR, the interviewee referred to other sources with regard to the situation for homosexuals in KRI: The NGOs Rasan, that works on the situation for the LGBT community and Asuda, who works on women's issues.

187. The source had not heard of a murder of a homosexual in honour-related cases. She mentioned an Iranian singer, who had been badly beaten several times due to his feminine appearance. This took place in Erbil, in 2015.
188. The source referred to another case that took place in the 1990s; a young man who was homosexual, was poisoned by his brothers and later they shot him because he was gay.
189. Religious leaders are against homosexuals and they talk against it on television. The source referred to the Salafi neighbourhoods mentioned under the headline 'Prevalence of honour conflicts' in this meeting record.

Risk of persecution due to conversion¹⁶⁰

190. The informant noted that people who convert from Islam to Christianity are in risk of being killed. The source knows a Christian priest who originally converted from Islam to Christianity. However, he cannot be open about his conversion. He can say that he is a Christian, but not that he converted.
191. Asked how converts from Islam to other religions register their faith in their ID cards, the source replied that they must continue to be registered as Muslims. It was added that Kaka'is and followers of Zoroastrianism also must register as Muslims. Converts from Islam to Christianity cannot register their children as Christians.
192. It would be more accepted for a Muslim to be an atheist than a convert. This is because people would think that deep inside you are still a Muslim. You just lost your path.

Razaw Ahmed, Lawyer and women's rights advocator, Sulaymaniyah, Iraq

Sulaimania, 30 April 2018

Legislation on honour crimes

193. With regard to laws relevant to honour crimes applying in the Kurdistan Region of Iraq (KRI), Razaw Ahmed pointed out that punishment for honour killings and all other murders are regulated by the Iraqi Penal Code No. 111 of the year 1969¹⁶¹.

¹⁶⁰ The informant referred to the book: "Zoroaster was a Kurd!": Neo-Zoroastrianism among the Iraqi Kurds
Author: Edith Szanto

¹⁶¹ *Iraq: Penal Code* [Iraq], No. 111 of 1969, July 1969, available at: <http://www.refworld.org/docid/452524304.html> [accessed 25 May 2018] This is an unofficial translation. This version of Penal Code was amended on 14 March 2010. Attached is the *Coalition Provisional Authority Order No. 7, Penal Code of 2003* that suspended the *Third Edition of the 1969 Iraqi Penal Code with amendments* (also attached).

In an email of 3 August 2018 Razaw Ahmed added the following: Murder, including honour killing is listed only in the Iraqi Penal Code No. 111; The Domestic Violence Act did not include murder, because murder is the loss of a human spirit and is considered a

194. The Domestic Violence Law¹⁶² No. 8 of 2011, which is valid only in the KRI, does *not* regulate murder.
195. With regard to legislation on honour killings, Razaw Ahmed added that it was important to note that, talking about murder / honour killing, it means dealing with the Iraqi Penal Code, regardless if the offender is one of the victim's family member or not. The legal frame for dealing with any murder case is the Iraqi Penal Code No.111. The regulation on commitment of an offense for honour motives is indicated in articles 128, 130 and 131 of the Iraqi Penal Code¹⁶³ (see articles in footnote).
196. These articles, providing for mitigated sentences in relation to honour crimes, were suspended in KRI in 2000. The Kurdistan parliament issued the law No.14 for the year of 2002 that suspended the implementation of the above mentioned law.
197. In article 398¹⁶⁴ in the Iraqi Penal Code No. 111 it is laid out that if a rapist marries his victim he will be prosecuted, but the marriage will create a new situation for him which is mitigated sentences.

Public Right. (Public Right: Is the right of the whole society of the offender and not the right of the victim alone; it is the right required by the state because the perpetrator that committed his crime has violated the stability of the whole society and its security and safety. Thus, the state representing the whole society imposes punishment on the offender. The victim of his personal right arising from the crime committed against him by the offender.

¹⁶² The Domestic Violence Act no.8 from 2011. A copy of the law translated into English is available through a link on page 27 in a report by the UK Home Office, *Country Policy and Information Note, Iraq: Kurdish 'honour' crimes, Version 1.0, August 2017.*: [http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=59ae92c54&skip=0&query="domestic violence law"&coi=IRQ](http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=59ae92c54&skip=0&query=)

In an email of 3 August 2018 Razaw Ahmed added the following: While all the acts that have been indicated in the Law against Domestic Violence in the Kurdistan Region – Iraq No. 8 for the year of 2011, is considered as a Private Right. (Private Right: It is the right that arises for the victim of the offender after committing an offense against him, namely, compensation, whether physical or personal, such as reprisal of his freedom or the imposition of corporal punishment, and compensation can be made in a meaningful manner).

¹⁶³ *Iraq: Penal Code* [Iraq], No. 111 of 1969, July 1969, available at: <http://www.refworld.org/docid/452524304.html> [accessed 20 August 2018]

SECTION FIVE: Legal excuse and legally extenuating circumstances

Paragraph 128

(1) 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 honorable motives or in response to the unjustified and serious provocation of a victim of an offence is considered a mitigating excuse.

(2) The court must identify in its decision the excuse that discharges a person from a penalty.

Article 130 - If there exists a mitigating excuse for a felony for which the penalty is death, the penalty shall be reduced to life imprisonment or imprisonment for a term of years or detention for a period of not less than 1 year. If the penalty is life imprisonment or imprisonment for a term of years; the penalty shall be reduced to a period of detention of not less than 6 months unless otherwise stipulated by law.

Article 131 - If there exists a mitigating excuse for a misdemeanor, the reduction of the penalty shall be as follows:

(1) If the penalty has a minimum limit, the court will not be bound by that in its assessment of the penalty.

(2) If the penalty is detention plus a fine, the court will rule for only one of those penalties.

(3) If the penalty is detention without a minimum limit, the court will rule for a fine instead.

¹⁶⁴ *Iraq: Penal Code* [Iraq], No. 111 of 1969, July 1969, available at: <http://www.refworld.org/docid/452524304.html> [accessed 20 August 2018]

Article 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

Enforcement of the Domestic Violence Law

198. Razaw Ahmed said that the implementation of the law meets complication and difficulties¹⁶⁵ and pointed to a number of gaps:
199. One of the gaps in the implementation of the law is that that there is no proper investigation of the cases. There is a lack of forensics, including medical forensics and the evidence of each case is difficult for the lawyer to reach. Razaw Ahmed compared the quality standard of court cases on women's rights with the standard of court cases on terror related crime of which the latter is much higher while court cases on women's right are under prioritised. The lawyer pointed to the patriarchal mentality of the society in which the woman is inferior to the man as a possible explanation. The source also mentioned the discriminatory mind-set of the judges towards women as another barrier for protection of women in the legal system.
200. Razaw Ahmed also pointed to a paradox in the treatment of rape victims being perceived as perpetrators in the legal system when at the same time abortion is illegal, unless there are special health reasons. It is the mentality of the society that if you are a good woman, you will not be raped. With regard to rape cases, the source mentioned the high number of Yazidi women who were raped by ISIS fighters. She added that she and other lawyers had asked for exceptions to the law for them, but had not been heard.
201. As another example on how court cases on women's right are not being dealt with in accordance with the law, is that cases on trafficking of women are being processed as prostitution cases. In these cases the witnesses are male and often they are the customers of the accused.
202. The source clarified some aspects of the secular law that are not all in line with the traditional tribal law: Premarital sex is not a crime in the secular law if both parties agreed and if it was not done for economic benefit and if they are both above the age of 18 years; while it is a crime in the sharia law, which is why the society judges them. Sex with a minor, even with consent, is rape in the secular law, while it is permitted in the sharia law; early marriage is an example which is permitted by sharia. Adultery, meaning sex outside marriage, is a crime in sharia law as well as in the Iraqi law. It is regulated by paragraph 377 in the Iraqi Penal Code.¹⁶⁶

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.

¹⁶⁵ Razaw Ahmed referred to the organization, Women's Legal Assistance Organisation, Wola, that monitors the implementation of the Domestic Violence Law:

<http://www.wola-ngo.org/en/News.aspx?id=9&MapID=6>

¹⁶⁶ *Iraq: Penal Code* [Iraq], No. 111 of 1969, July 1969, available at: <http://www.refworld.org/docid/452524304.html> [accessed 20 August 2018]

Paragraph 377

1: An adulteress and the man with whom she commits adultery are punishable by detention. The offender is assumed be aware of the marriage unless he can prove that he was not capable of being aware of it.

2: The same penalty applies if the husband commits adultery in the conjugal home.

203. The Kurdistan Parliament issued law No.9 for the year of 2001 that suspended the implementation of the paragraph above and replaced it with a new paragraph stating that same penalty in No.1 of paragraph 377 applies on the husband and the women with whom he commits adultery.
204. Asked about the conviction rate for perpetrators of adultery both men and women, the source replied that the law says ‘punishable by detention’. Detention according to the Iraqi Penal Code is Misdemeanour, which means according to the article No. 26 detention is between 3 months to 5 years¹⁶⁷. The source stated that the laws are still old and that the sharia law definitely applies. The politicians just want to show a nice picture of the KRI to the international community.
205. The source further noted that legislation in KRI is still bound to Islamic law and that there is no will to make changes to legislation. (Sharia is one of the sources of legislation).
206. Razaw Ahmed added that the woman is the honour of the family and that cases of honour crime are related to women’s sexuality.

Procedure for filing a complaint

207. Razaw Ahmed explained the procedure to file a complaint on of domestic violence (only for the acts indicated in the Domestic violence Law) in KRI:
208. The complainant must address the KRG authority Directorate of Combatting Violence against Women (DCVAW). The investigation of the case will be carried out by the police and the Domestic Violence Investigation Court (DVIC). Once the investigation is done, the complaint will be referred to the Reconciliation Committee. According to the article 5 of the Law against Domestic Violence in the Kurdistan Region – Iraq No. 8 for the year of 2011, all cases that might be reconciled should be referred to the committee. The establishment of the committee is laid out in the Domestic Violence Law. The members are appointed by a judge, and include a social worker, a psychiatrist and a lawyer. The committee is not under the DCVAW, but the office is located in the same building.
209. If the perpetrator is convicted under the article 7 of the Domestic Violence Law on the sentencing for domestic violence, the case is then referred to the Reconciliation Committee. The sentencing varies in between six months and three years and/or a fine in between 1 million IRQ (845 USD) to 5 million IRQ. The source pointed to a severe gap in the legislation: in cases where a woman has committed self-immolation the case is also referred to the Reconciliation Committee.
210. As a first step in the working procedure of the committee has a meeting with the woman, the second step for the committee is a meeting with the man; the third step is a meeting with the woman and the man; and a fourth step the committee is to bring the families together to reach reconciliation.

¹⁶⁷ *Iraq: Penal Code* [Iraq], No. 111 of 1969, July 1969, available at: <http://www.refworld.org/docid/452524304.html> [accessed 20 August 2018]

211. As a result of the fourth step in which the families are brought together, sometimes the woman is forced to go back to the family. Even though there was an agreement between the woman and the family, the woman has in some cases been killed when she returned to the family. The source mentioned Erbil and the outskirts of Sulaimania as places where many women are killed, even though reconciliation was reached. This also happens in certain areas that are known to be more traditional tribal areas, such as Rania and Garmian. The source added that a shelter for women was opened in Garmian, but it was closed later on.

212. According to the source there is no political will to improve the situation for women. In Sulaimania, by contrast, the source was not familiar with cases where women got killed after reconciliation. The source added that shelters are sometimes attacked and threatened by the families of the victims. Shelters run by the state are less inclined to be attacked, because the state is seen as a stronger protector than the private actors. The source noted that the situation often becomes worse, if the woman is transferred to the shelter. There are no basic services, such as health care, in the shelters and there is no preparation for the real life after. The perception is that people believe that the women must be in a really bad situation, since they chose to go to the shelters.

213. The source assessed that in spite of all the gaps, the reconciliation committee sometimes operates well, because some women are able to continue their lives.

Court procedures concerning honour based violence

214. The procedural requirement for the honour crime cases is the same as the crimes which is pointed out in the Iraqi Criminal Procedure Code No. 23 of 1971, in article 1.¹⁶⁸

215. Once the investigation is done, the case will be transferred to the ordinary courts, depending on the distribution of the sentence. For sentencing below five years, the case will be referred to the Misdemeanour Court. For sentencing above five years the case is referred to the Criminal Court. In the experience of the source, the Criminal Court will look to the investigation carried out by the investigation court as well as their recommendation.

216. In court cases of adultery, concrete evidence is needed as for instance confession and witnesses. It is being debated what adultery is; according to sharia it takes four witness to prove it. The only condition to act as a witness is that the witness should have legal capacity, regardless of being a woman or a man.

217. Both men and women get convicted for adultery and the sentencing is five to seven years imprisonment.

¹⁶⁸ Iraqi Criminal Procedure Code No. 23 of 1971, in article 1: Criminal proceedings are initiated by means of an oral or written complaint submitted to an investigative judge, a judicial investigator, a policeman in charge of a police station, or any crime scene officer by an injured party, any person taking his place in law, or any person who knows that the crime has taken place. In addition any one of those listed can notify the Public Prosecution unless the law says otherwise. In the event of a witnessed offence the complaint may be submitted to whichever police officers or sub-officers are present.

218. However, the convicted does not necessarily serve full time in general and according to the Iraqi Criminal Procedure Code No. 23 of 1971, article 331.¹⁶⁹
219. The source does not know how many cases are reconciled and how many are not. Murder crimes sentences are given in accordance with the Iraqi penal code, article 406 a, b and c.
220. The courts are struggling to have perpetrators convicted. The source gave an example in which a woman was unable to give the court a statement as a witness because she then had to swear an oath on the Coran. An oath would imply that she would be forced to lie about the husband who killed their daughter. The court did not bring this element into the assessment.
221. People still kill based on honour, but there are no or very few sentences given due to the lack of evidence. The lack of evidence is caused by poor investigation. The perpetrator is sometimes acquitted even though a medical report says she was killed by shooting and that it cannot be suicide. The source also stated that in the 1990's, honour was mentioned in some court sentences.
222. However, after 2000, there have not been any cases of sentencing on the ground of honour crimes. The reason for this is that the amendment of the mitigated sentences in relation to honour crimes was suspended in KRI in 2000 and replaced with the law No.14 for the year of 2002 which is suspended in the implementation of article 128 of the Iraqi Penal Code No.111 for the year of 1969.
223. If the perpetrator committed a crime for the first time, he may be mitigated. In some cases the family will ask an underage person in the family to commit the violence, because an underage person will get a lower sentence.
224. The source elaborated on cases of lack of evidence and noted that in cases where a woman has been killed by her father or her brother and the killer is acquitted due to the lack of evidence, the killer was often helped by the ruling parties. The political parties will not only protect their own members, but also people who are affiliated with the party. The source pointed to a case in which the murder weapon was kept at the police station, but it disappeared before the appointment of the court case. The source knew of cases in which the defence lawyers have received threats.
225. The source noted that apart from the poor investigation, other problems related to the court cases is the protection given by the ruling parties to some perpetrators and the discriminatory mentality of the police and judges against women. In addition, during the initial investigation there is often a lot of turnover of staff, instead of keeping one officer in a specific case. So when a girl or woman reports a complaint to one police officer, there is another officer on duty the next day who is supposed to follow

¹⁶⁹ Iraqi Criminal Procedure Code No. 23 of 1971, article 331

A - Conditional discharge of a person given a custodial sentence may be granted in accordance with the provisions of this law if he has served three-quarters of the period, or two-thirds of it if he is a youth, and if it appears to the court that he has been of good behaviour for the duration. However, the period served must not be less than six months. If consecutive sentences were passed, then the time is calculated on the basis of the total amount, regardless of the number of sentences, even if it exceeds the highest limit for implementation in law. Time spent in detention in connection with the case in question is deducted. If part of the sentence is removed as a result of a special or general amnesty, the remaining period is considered as the basis for the sentence itself.

up on the complaint. Therefore, the girl or woman has to repeat her story. This is psychologically very tiresome for the woman. Besides, the police officers are not well trained in all fields, including in keeping confidentiality. At the same time, the lack of resources implies that cases are not being processed to simple reasons such as the petrol tank of the police car was empty when the case was going to be transferred to next instance.

Societal reactions towards women in honour conflicts

226. Asked if the source noted any change in the societal reactions towards women in conflict with their families, she replied that some progress was made, but due to the financial crisis, families have become economically challenged and in order to survive, women had been forced to try to find work. This is usually not a problem, if the women have a profession, such as doctors, lawyers, engineers or teachers. However, finding jobs in other sectors, such as the private, have been a problem, not only due to lack of available works, but also because the women face societal restrictions. This is why this is more a matter of necessity than a change in the mentality when women are working.

Prevalence of tribal counselling

227. The ruling parties have their counselling offices in the rural areas as well as in the cities. During the 1990'ies and the early 2000's it was common for people to seek counselling in land conflicts as well as in honour conflicts in these offices. Conflicts were settled by 'trading' a woman for a woman or a woman for guns. The offices still exist, but they are less powerful than they used to be and it is less common to seek counselling from them in the cities except for Dohuk. In the rural areas these offices are also still being used.

228. Asked if these offices would be fair to a woman, the source replied that the discriminatory mentality towards women exist everywhere in the society.

Possibility for protection of LGBT people

229. Razaw Ahmad, noted that LGBT is illegal, in the sharia law, the penal code, article 392 as it is against the culture of the society. The intention of the law is to prohibit sex between two men. The source was unaware about the amount of cases and convictions in cases against homosexual men. The source only knew of one case from 2006 in which she had telephone contact with a homosexual from Baghdad. The man was threatened near his house and fled to KRI and was assisted by NGOs to leave the country.

230. The source stated that families of LGBT-people fleeing the southern governorates will be able to track their family members in KRI.

231. Asked if the tribe would persecute homosexual men, the source confirmed and added that many homosexuals were not able to practise their sexuality due to Islamic law. These are very sensitive cases.

232. In addition, there are only a few actors that work on the rights for the LGBT group, and the work that is done is very discrete.

Possibility for protection of men

233. There are no specific shelters for men in honour conflicts. Men do get killed, regardless if it is two single men having sexual intercourse or if it is adultery for the one part. In cases in which men gets killed, both clans will have decided beforehand that the man in the couple must be killed. When asked if the source had any cases on men being killed in honour conflicts, the source replied that there are cases, but that she was not aware of the details.
234. A man might be protected by friends or he has to run away. For a man who flees abroad, sometimes Interpol will be contacted in case he is accused of rape or killing. The threat against him will remain, but he can easily survive. A man can easily change his name, which makes it easier to survive.
235. If a man turns to the police he may get help, but a report to the police could also make the family of the woman in the relationship angrier.

International Organization for Migration (IOM)

Erbil, 24 April 2018

International Organization for Migration (IOM) Iraq has been operating in Iraq since 2003, providing migration related assistance ranging from humanitarian assistance targeting refugees from Syria and Internally Displaced Persons (IDP) to provision of technical assistance for the government counterparts.

Returnees from Europe

236. IOM provides assistance to Iraqi returnees from Europe. The services provided to the returnees depend on the return package deal made with the sending country. IOM will as a start receive them in the airport and transport them to their home. In 2017, IOM gave assistance to 7,400 returnees (2016: 12,000 returnees) out of whom half of them received a reintegration return package that depending on the package could consist of cash, job and livelihood training, and housing allowance.
237. IOM emphasised that in the integration process the support from the community is vital at three levels:
238. Firstly, the individual support is important in the sense that it is easier to reintegrate if you have good relations with your family. For returnees without family, the reintegration will be difficult due to the high living costs. In terms of housing, it might be a problem to rent a flat or even a hotel room, because the hotels share their guest lists with the Asayish. Even educated people find it difficult to live on their own without their family.
239. Secondly, the community's capacity to absorb is a central element for the reintegration. In some cases, one community receives several returnees at the same time and there might not be a job for all of them. After a couple of weeks, the returnees start to face social problems especially if they do not manage to find a job. The economic situation of each returnee affects the sustainability of the

returnee. IOM emphasised that network is crucial for the reintegration and for the access to jobs. For returnees at the age below 25 years their friends might be more important than the family, but in terms of job opportunities, the family is still an important factor.¹⁷⁰

240. IOM added that returnees are considered a burden to KRI because the main focus is on the IDPs. Since Iraq has little to offer the returnees, many of them consider leaving the country again.
241. The infrastructure is the third important factor in the sense that there is often very little opportunity in the rural areas.¹⁷¹
242. With regard to return of families, it is a challenge to find schools for the children in the sense that public schools might be full, and admission is only allowed in September and private schools are expensive. When asked what level the children can start at upon return, IOM replied that the children will be tested. More than 70 percent of the returnees from abroad do not have secondary education.
243. IOM further explained that most of the returnees go to the rural areas of Sulaimania, Halabja and Rania. No returns are recommended to Ninewa, Anbar, Salah al-Din and Diyala.¹⁷² However, returns can take place in special cases in which UNHCR will be involved. Since October 2017, there have been no cases of return to the disputed areas.¹⁷³

Major Akam M. Mustafa, Station Residences & Passport, Erbil International Airport

23 April 2018

244. When arriving at the Erbil International Airport, an Iraqi citizen will need to present a valid passport. In case the passport is lost, an Iraqi citizen who returns from abroad can enter KRI by presenting a laissez-passer from an Iraqi embassy.

¹⁷⁰ At the Seminar for the EASO Iraq network on 4 May 2018, IOM gave a presentation during which he explained that the sustainability of the return depends on opportunity for small businesses. IOM added that unemployment is on the rise and that salaries do not cover the needs. The Syrian refugees in KRI occupy jobs and accept a lower salary than the host community.

¹⁷¹ At the Seminar for the EASO Iraq network on 4 May 2018, IOM gave a presentation during which he explained that public transport is almost non-existing and people must travel by car.

¹⁷² At the Seminar for the EASO Iraq network on 4 May 2018, IOM gave a presentation during which he explained that many IDPs from Mosul managed to return to Mosul. The IDPs who were public employees made return decision quickly in order to keep their job.

¹⁷³ At the Seminar for the EASO Iraq network on 4 May 2018, IOM gave a presentation during which he explained that the main issue to return to KRI is the pressure on the host community. With regard to the liberated areas there is a lack of housing, many houses were destroyed entirely or partially, especially in Ninewa where many villages were destroyed. Many IDPs worry that their house will be taken from them if they do not return. In order to check the situation in their area of origin, IDPs will ask their relatives or neighbours in the area. After the independence referendum there was a new change of power, hence there is a fear of the security forces. Some IDPs took the decision to return to the camp or to a neighbouring area resulting second wave of displacement.

245. In case a foreign country wishes to deport an Iraqi citizen, the authorities of the country must seek permission from the Ministry of Interior (Mol). In case no permission is given, the authorities in Erbil International Airport will refuse entry and no transit to other parts of the country will be given.
246. In cases of forced returns of Iraqi citizens, who are not registered in Kurdistan Region of Iraq (KRI) and who return with their family, the authorities of the country abroad can seek permission from the Ministry of the Interior (Mol) about entry to Iraq. The family can stay in KRI. However, a sponsor will be required in order to obtain a residency permit. Christian Iraqis, who are originally from KRI, do not need a sponsor.
247. The Iraqi citizens (especially Kurdish), who are forced to return to Kurdistan, must ask permission from Mol, otherwise the airport administration could not allow them to enter the country.
248. Both men and women under the age of 18 years are unable to travel without parents' permission.

Director Abdulrahman Ismael Azaz, Directorate of Nationality and Civil Status, Erbil, Ministry of the Interior, Kurdistan Regional Government

The Directorate of Nationality and Civil Status manages three departments: ID-card department, Nationality certificate department and Residency department.

Erbil, 25 April 2018

Possibility for women to travel alone

249. Asked whether a father must give permission for his child to get a passport, Director Azaz answered that this is the case, unless the mother is the child's legal guardian. A mother may get a court ruling giving her full custody and guardianship of the child, in Kurdish language *hujjad hussaya*. This may be the case if the father is dead or absent for a long term.
250. If a mother travels with a child outside the country, the authorities will ask her for the father's permission. If mother and child leave the country, the authorities will register the child's name in a database. A father may refuse his child to travel abroad with the mother. The judge must give consent to the refusal.
251. By law, married women do not need a permission from her husband to travel alone. However, some people might prevent her from travelling. In case a woman leaves the country with another man, this will not be registered in the database.

An individual working in the field of human rights in the Kurdistan Region

LGBT

252. Members of the LGBTI community in the Kurdistan Region report being harassed and victimized by members of the general public, by the police, and by their own families. Even though same sex conduct is not illegal according to secular law, the public still assumes that it is. Moreover, much of Kurdish society is both rural and tribal. Police, the general public, and families would refer to traditional values and Sharia law to justify assaults on LGBTI people. Members of the LGBTI community in the Kurdistan Region report that people who are perceived to be homosexual, or simply look different from traditional gender roles, are at risk of harassment and/or violence from the public and police. In some cases, police may fabricate crimes for which to arrest them, such as public indecency or prostitution. However, the source noted that the more common danger for LGBTI people in many cases comes from their own families; the families may try to remove the dishonour of having an LGBTI person in the family by killing that person. The source was not aware of any LGBTI-related honour killings being officially reported as such in the Kurdistan Region in the last year and a half. However, based on reports, this may be because families would not report killings due to their own involvement or to avoid further shame on the family. Furthermore, persons connected to the victim may not report the crime out of fear of reprisals, and police may be reluctant to investigate based on the assumption that such matters are internal to the family. However, the source was aware of several individuals who reported that their families threatened to murder them.
253. There is a local NGO in Sulaimania working on women's and LGBTI rights. There is also another NGO based outside the country that tries to assist LGBTI persons to find safety in Iraq, but this organization works mostly with secret volunteers who do not reveal their names for fear of attacks. However, in all areas of the Kurdistan Region, persons who are, or who are perceived to be, LGBTI are constantly at grave risk of serious harm if they choose to live openly. Those who do not live openly, live in constant fear of exposure and resultant violence. There is virtually zero safe space or support for people who are, or who are perceived to be, LGBTI in the Region.
254. An LGBTI person in danger could try to run away, but even trying to escape is extremely dangerous because of the heavy presence of security forces and law enforcement, the number of checkpoints between and within the three governorates, and the fact that Kurdish society is very close-knit and well connected. That is to say, it would be extremely easy to find an LGBTI person trying to run away, and encounters with security or law enforcement such as at checkpoints further expose the person to the risk of violence.
255. The source mentioned two examples of the risk of harm against members of the LGBTI community within the past year: in the first example, a young man reported that he was raped by police after being handed over to the police by his father for punishment. With no resources whatsoever, he turned to sex work in another city where he was again harassed and raped by police. Another young man was seen with his partner in public and his brothers chased both men with guns. Both individuals reported that they had been severely beaten and imprisoned by their families and that their families continued to actively hunt them to kill them. These two instances took place across all three

governorates of the Kurdistan Region and the two men reported extreme difficulty moving from one place to another to find safety.

256. Regarding protection from danger, the source stated that there are only shelters for women in the Kurdistan Region (which can only be entered and left by court order). LGBTI persons in danger may be able to rent a hotel room for safety if they have the money. However, LGBTI people in danger may not have any money or resources because they are outside of their family networks. Moreover, members of the LGBTI community report losing their jobs when they are found out, or not being able to get a job in the first place because they are perceived to be different. Finally, LGBTI people also report being denied accommodation or kicked out when hotel owners found them out. The source witnessed this directly in relation to one of the individuals described above who reported that his family was searching for him to kill him.

Apostasy

257. Regarding freedom of religion, the source was not personally expert on the topic, but referred to a recent article about a small community of Kurds who recently converted from Islam to Zoroastrianism, an ancient form of religion practiced in the area by Kurds before Islam. The conversions reportedly resulted in threats against the community. The source noted that the Kurdish community, especially in Sulaimania, is thought to be more secular than the rest of Iraq. Nevertheless, the source believed that most people would be reluctant to admit in public to being an apostate or atheist out of fear of discrimination or violence.

A Human Rights Activist

Erbil, 27 April 2018

Honour-related conflicts

258. The source opined that the character of relationships between man and woman are changing in the KRI and that some European traditions are becoming more popular regarding, for instance, marriage. The pressure from families to be married is less than before and young people can more often choose their own partners. If the families do not agree, it is an option to elope to another part of the country and then try to reconcile after some years. However, there is a huge difference between urban and rural areas. In rural areas old traditions are still being enforced. Honour-related conflicts are more prevalent in these areas and no new traditions can be introduced.

LGBT

259. According to the source, the situation for homosexuals and other members of the LGBT community are relatively better in the KRI than in the rest of Iraq. The source noted that times have changed and the urban societies are freer. In this respect, the source pointed to the area near the citadel in Erbil where LGBT people can meet, but they will not be able to kiss or show emotions in other ways. However, the source highlighted that Iraq, including the KRI, is not a good place for being LGBT in the sense that they

are unable to live freely with their sexuality. LGBT people have to hide their orientation; they will often be forced into marriages in order to hide their sexuality from their family and community.

260. The source knew of an example of a homosexual man who was lured by his family to travel from the UK, where he lived, to KRI. The man was nearly forced to marry a woman before he fled back to the UK. Asked when this example took place, the source did not have further comments to add.
261. Families can disown homosexuals, which implies cutting off relations, protection and heritage rights. This is done by a court decision. The source knew of an example that took place ten years ago; a man was infected with HIV and was, as a consequence, disowned from his family and his wife, because he dishonoured the family.
262. The source emphasised that homosexuality is a very sensitive issue and gave an example on a TV programme in which homosexuals discussed with Islamic preachers. This TV programme was highly criticised for giving homosexuals a mouthpiece.
263. There are cases of killings of LGBT people, also in KRI. Asked if the source had examples of killings of LGBT people to share with the delegation, the source did not have further comments to add.
264. Families can also be responsible for killings. Asked if the source had examples of killings of LGBT people by their families to share, the source did not have further comments to add.
265. Previously members of the LGBT community would be subject to torture and killings, but now they might only face imprisonment. Asked if the source had examples of LGBT people who were imprisoned, the source did not have further comments to add.
266. The societal reactions towards homosexuals are much worse in the rural areas than in the cities.
267. Asked about the situation for homosexual women, the source replied that he knew of homosexual women who managed to refuse to marry a man.

Apostasy

268. The source noted that there is more freedom in KRI than in the rest of Iraq to say that you are not a religious person. In Baghdad and the South one can get arrested for saying that. Asked if the source knew of concrete cases in which a person declared himself an apostate, the source did not have further comments to add. However, it is much more difficult to convert to Christianity in KRI and would cause more problems for the person. In this regard, the source noted though that he knew of 15 persons who converted to the ancient Kurdish religion Zoroastrianism. Asked if the source knew if these 15 persons were able to practice their religion freely, the source did not have further comments to add
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Director General, Ministry of Interior, KRG, Sami Jalal Hussein

Erbil, 23 April 2018

269. In 2007, the Directorate of Combatting Violence Against Women (DCVAW) was established with offices in the main cities. DCVAW is open for men and women who are subject to domestic violence to file complaints. In the courts of KRI there are cases in which women filed complaints about men in their families and vice versa. The Director General stated that no one in KRI gets killed due to these specialized directorates for combatting domestic violence. According to the Director General, there are many cases of women approaching the courts complaining about violence committed by their husbands.

Hoshang Mohamed, Director General, Ministry of the Interior, Joint Crisis Coordination Centre (JCC), Kurdistan Regional Government, Iraq

JCC as a lead institution of the Kurdistan Regional Government (KRG) for coordination and management, of all phases of crisis and disaster such as risk assessment, and mitigation, early warning and preparedness, response and management including preparedness, mitigation, response and recovery to the current humanitarian crisis and all future man-made and natural disasters and crisis as well as new emergencies.

Erbil, 23 April 2018

Returning rejected asylum applicants from Europe:

270. Director General Hoshang Mohamed said that rejected asylum applicants returning to Iraq would have difficulties in returning, if they do not have a network to support them. Especially single women would be exposed. There is no space in shelters, because they also suffer from lack of funding.

Appendix 2 Terms of Reference (ToR)

Women and men in honour-related conflicts in KRI

1. Prevalence of honour-related conflicts, including examples on outcome and extent to which assaults are reported
2. Social reactions
 - a. Perception of extra-marital relations, in KRI including possible differences among different ethnic and religious groups and different areas (provinces, cities/rural areas) in this regard
3. Possibility to receive protection
 - a. Solutions to honour-related conflicts, including mediation, courts and tribal councils
 - b. Tackling honour-related conflicts by courts, the police and tribal councils
 - c. Conditions of private and public shelters
4. Significance of network for returnees (women and men) who have been involved in honour-related conflicts
5. Possibility for a woman to exit from KRI with her child without consent of the child's father