



COI QUERY

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Main subject	<u>Domestic violence</u>
Question(s)	<ol style="list-style-type: none">1. <u>Legislation on domestic violence in Iraq and the Kurdistan Region of Iraq</u>2. <u>Treatment and response by state authorities in Iraq and the Kurdistan Region of Iraq</u>3. <u>Treatment by society in Iraq and the Kurdistan Region of Iraq</u>4. <u>Access to support network (shelters, medical services, employment)</u>
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The target audience is caseworkers, COI researchers, policy makers, and decision making authorities. The answer was finalised on 14 October 2021. Any event taking place after this date is not included in this answer.

COI QUERY RESPONSE - IRAQ

Domestic violence

1. Legislation on domestic violence in Iraq and the Kurdistan Region of Iraq (KRI)

While the Iraqi constitution prohibits ‘all forms of violence and abuse in the family’¹, the Government of Iraq has not yet adopted a law combatting domestic violence.² A first draft of such law was initially completed in 2011 and was firstly submitted for approval in the Council Representatives in 2015.³ Iraqi parliamentary efforts to pass a draft law against domestic violence stalled throughout 2019 and 2020. According to a member of the parliament’s human rights committee interviewed by Human Rights Watch, some members blocked the adoption of the law against domestic violence because ‘they do not believe that the state should punish honour killings or parents’ corporal punishment of their children Iraqi parliamentary efforts to pass a draft law against domestic violence stalled throughout 2019 and 2020’.⁴ According to Human Rights Watch ‘the 2019 version of the draft anti-domestic violence law includes provisions for services for domestic violence survivors, protection (restraining) orders, penalties for their breach, and the establishment of a cross-ministerial committee to combat domestic violence’, while it still has several gaps, such as the prioritisation of reconciliation over justice, that might undermine its effectiveness.⁵

Although the Kurdistan Regional Government (KRG) adopted in 2011 the Law Against Domestic Violence (No.8 of 2011), criminalising domestic violence, including physical and psychological abuse, threats of violence, and spousal rape, the phenomenon remained persistent in the region.⁶

Iraq ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1986.⁷ However, many Iraqi laws do not comply with the CEDAW and those in line with the Convention are not properly implemented.⁸ Human Rights Watch noted in April 2020 that:

‘Iraq’s criminal code, applicable in both Baghdad-controlled territory and the Kurdistan Region, criminalizes physical assault but lacks explicit mention of domestic violence. Instead, article 41(1) gives a husband a legal right to punish his wife, and parents to discipline their children within limits prescribed by law or custom’.⁹

¹ Iraq, Constitution of the Republic of Iraq, 15 October 2005, Art. 29 (Fourth) [url](#)

² World Bank (The), Iraq Economic Monitor: Seizing the Opportunity for Reforms and Managing Volatility, Spring 2021, [url](#), p. 26; HRW, Iraq: Urgent Need for Domestic Violence Law, 22 April 2020, [url](#)

³ CEDAW, Concluding observations on the seventh periodic report of Iraq [CEDAW/C/IRQ/CO/7], 12 November 2019, [url](#)

⁴ HRW, Iraq: Urgent Need for Domestic Violence Law, 22 April 2020, [url](#)

⁵ HRW, Iraq: Urgent Need for Domestic Violence Law, 22 April 2020, [url](#); HRW, Iraq: Strengthen Domestic Violence Bill, 19 March 2017, [url](#)

⁶ Abed A., Violence against women in Iraq: between practice and legislation, 8 July 2020, [url](#)

⁷ UN Treaty Conventions, Status of Treaties: Convention on the Elimination of All Forms of Discrimination against Women, n.d., [url](#)

⁸ Alkhudary T., Iraqi Women are Engaged in a Struggle for their Rights, 15 June 2020, [url](#)

⁹ HRW, Iraq: Urgent Need for Domestic Violence Law, 22 April 2020, [url](#)

During the COVID-19 pandemic there was an increase in the number of domestic violence cases across the country, resulting in the deaths of women, and in one incident, severe injuries to a young girl.¹⁰ The UN in Iraq urged the Iraqi Parliament to speed up the endorsement of the Anti-Domestic Violence Law amid alarming reports of a rise in gender-based and domestic violence cases perpetrated across the country, especially with increased household tensions as a result of the confinement due to the COVID-19 pandemic.¹¹

2. Treatment and response by state authorities in Iraq and the KRI

The US Department of State's (USDOS) 2020 country report 2020, mentioned that:

'The Ministry of Interior maintained 16 family protection units under police authority, located in separate buildings at police stations around the country, designed to resolve domestic disputes and establish safe refuges for victims of sexual or gender-based violence. These units reportedly tended to prioritize family reconciliation over victim protection and lacked the capacity to support victims. The family protection units in most locations did not operate shelters'.¹²

UNOHCHR reported that during the COVID-19 pandemic and the lockdown, only half of staff in Iraq's family protection units were working and women who were able to go to report a case of violence were quickly dismissed.¹³

USDOS further reported that efforts to prosecute perpetrators of domestic violence were hampered by a lack of trained police and judicial personnel and harassment of the legal personnel who sought to pursue domestic violence cases, while it also reported a lack of investigation of and accountability for violence against women.¹⁴ Another source reported that government efforts have failed to tackle or reduce domestic violence, despite the approval of the National Strategy to Combat Violence Against Women (2018–30) and the formation of the Family and Child Protection Against Domestic Violence Directorate in the Ministry of Interior.¹⁵

According to the Iraqi government, since 2009, the Ministry of Interior has set up a community police service throughout Iraq 'as a way of opening up traditional policing to all segments of society and forging a genuine, voluntary partnership between the police and society in assuming responsibility for security'. This mechanism seeks, *inter alia*, to protect and support the community by establishing a number of preventive measures for mediating between families and the community.¹⁶ This mechanism, reportedly, facilitates shelter for women and children who require temporary protection and community cohesion services in cases involving domestic dispute.¹⁷ Where no amicable settlement can be reached between the parties in a conflict,

¹⁰ AI, Amnesty International Report 2020/21: The State of the World's Human Rights- Iraq 2020, 7 April 2021, [url](#); AI, Iraq: Open Letter to Iraq's New Prime Minister, 7 May 2020, [url](#)

¹¹ UN Women, Arab States: UN in Iraq raises the alarm: Time to endorse the anti-domestic violence law, 17 April 2020, [url](#)

¹² USDOS, Country Report on Human Rights Practices 2020 – Iraq, 30 March 2021, [url](#)

¹³ UNOHCHR, Safety at home, an illusion for far too many women in Iraq, 13 May 2020, [url](#)

¹⁴ USDOS, Country Report on Human Rights Practices 2020 – Iraq, 30 March 2021, [url](#)

¹⁵ Abed A., Violence against women in Iraq: between practice and legislation, 8 July 2020, [url](#)

¹⁶ UN Women, Global Database on Violence against Women- Iraq, Community Police Service, Response of the Government of Iraq to the questionnaire on violence against women 2010, n.d., [url](#)

¹⁷ CEDAW, Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, Combined fourth, fifth and sixth periodic reports of States parties : Iraq, [CEDAW/C/IRQ/4-6], 11 January 2013, [url](#)

community police officers will intervene to help women secure their legal rights.¹⁸ Community police director, Ghaleb Al-Attayah, said that his department was focusing on addressing social problems, 'foremost violence against women, which has increased in the wake of the corona pandemic crisis'.¹⁹ Interviewed by AL Jazeera, Ghaleb Al-Attayah, noted that 'when a wife complains against her husband in a police station or goes to a court, for sure their relationship will never return to normal. But if the community police intervene, solves their conflicts through reconciliation, things will return to normal'.²⁰

In May 2020, the Institute for War and Peace Reporting (IWPR) announced that the success of its 'Violence is Weakness' campaign in Iraq that was launched during the coronavirus lockdown, led to a collaboration with the national community police. IWPR jointly worked with the community police in order to promote the latter's hotline, which receives reports of abuse and provides legal, psychological and social support to the victims.²¹

The Model Police Station Pilot, a new initiative between the United Nations Development Programme (UNDP) in Iraq and the Ministry of Interior (MoI) introduced in June 2021, 'establishes a policing model that increases trust between citizens and local police, restores responsive, effective, and accountable local police services that are accessible to both men and women'.²² The Resident Representative of UNDP Iraq, Zena Ali Ahmad, stated that the UNPD has recommended under this pilot that the Ministry increases the number of female police officers and improves access to vulnerable women.

According to USODS 'the KRG implemented the provisions of the law and maintained a special police force to investigate cases of gender-based violence and a family reconciliation committee within the judicial system, but local NGOs reported these programs were not effective at combating gender-based violence'.²³

3. Treatment by society in Iraq and the KRI

Domestic violence receives widespread societal acceptance in Iraq.²⁴ UNOHCHR reported in May 2020 that 'the humiliation of being exposed in front of neighbours and the community has often led to under-reporting of domestic violence. Victims do not always seek support, for fear of publicly shaming their family'.²⁵ The same source reported that there is often pressure within families to 'resolve family disputes – including domestic violence - without any intervention from a third party due to shame and stigma associated with such violence'.²⁶

In a February 2021 article, Al Jazeera reported that victims of domestic violence 'find themselves trapped in abusive households due to conservative social norms that consider it shameful for women to leave or seek justice'.²⁷

According to USDOS 'NGOs stated that victims of domestic violence feared approaching the family

¹⁸ Response of the Government of Iraq to the questionnaire on violence against women 2010 cited in UN Women, Global Database on Violence against Women- Iraq, Community Police Service, n.d., [url](#)

¹⁹ IWPR, Iraq: Activists Join Police to Combat Domestic Violence, 19 May 2020, [url](#)

²⁰ Al Jazeera, Iraqi women struggle to escape abuse as domestic violence rises, 12 February 2021, [url](#)

²¹ IWPR, Iraq: Activists Join Police to Combat Domestic Violence, 19 May 2020, [url](#)

²² UNDP, Arab States, Policing for the people: new initiative to boost local police services in Iraq, 21 June 2021, [url](#)

²³ USDOS, Country Report on Human Rights Practices 2020 – Iraq, 30 March 2021, [url](#)

²⁴ World Bank (The), Iraq Economic Monitor: Seizing the Opportunity for Reforms and Managing Volatility, Spring 2021, [url](#), p. 26; World Values Survey Wave 7, Results by Country 2017-2020, n.d., [url](#), p. 400

²⁵ UNOHCHR, Safety at home, an illusion for far too many women in Iraq, 13 May 2020, [url](#)

²⁶ UNOHCHR, Safety at home, an illusion for far too many women in Iraq, 13 May 2020, [url](#)

²⁷ Al Jazeera, Iraqi women struggle to escape abuse as domestic violence rises, 12 February 2021, [url](#)

protection units because they suspected that police would inform their families of their testimony. Some tribal leaders in the south reportedly banned their members from seeking redress through police family protection units, claiming domestic abuse was a family matter'.²⁸

In a January 2021 article of the online magazine Inside Arabia, it was reported that most women in the Kurdistan Region of Iraq are 'afraid to take legal action against their husbands or family members who in turn will likely threaten to kill them; they believe that seeking justice might only fuel the anger of assailants and eventually lead to their death.'²⁹

According to an OXFAM study conducted in Diyala and Anbar Governorates, the most prevalent perception across these governorates is that 'when men practice violence, they do it with confidence that they will not be punished'.³⁰ The same study also found that domestic violence is considered as a private matter and the main reason why SGBV survivors do not seek assistance from women's rights organisations is social stigma.³¹

4. Access to support network (shelters, medical services, employment)

Although no policy for NGO-run shelters exists in central or southern Iraq, and the 2019 draft of the domestic violence law lacks a provision that would engage civil society organisations³², some rights groups run underground shelters, despite legal and security risks.³³ Al Jazeera reported that in 2020 the government filed a law case against the Organization for Women's Freedom in Iraq, demanding its dissolution, accusing it, *inter alia*, of dividing families, exploiting women and helping them to abscond.³⁴ In 2018, the Iraqi government, in collaboration with UNFPA, opened a shelter in Baghdad for survivors of domestic violence, including sexual violence³⁵, however, according to a Joint report of several Iraq-based NGOs, women fleeing such violence are required to obtain a court order to access the shelter.³⁶ According to Human Rights Watch domestic violence victims are often temporarily housed in female prisons.³⁷

There are approximately 900 health care centres in Iraq that have a unit offering mental health care services, however they do not cover all areas of Iraq. These care centres have been also assigned with special programmes for victims of domestic violence.³⁸

²⁸ USDOS, Country Report on Human Rights Practices 2020 – Iraq, 30 March 2021, [url](#)

²⁹ Inside Arabia, Alarming Increase in 'Honour Killing' of Kurdish and Iraqi Women, 1 January 2021, [url](#)

³⁰ OXFAM, Community Perceptions of Sexual and Gender-Based Violence: A baseline report conducted in Anbar and Diyala Governorates, July 2021, [url](#), pp. 4, 51

³¹ OXFAM, Community Perceptions of Sexual and Gender-Based Violence: A baseline report conducted in Anbar and Diyala Governorates, July 2021, [url](#), p. 41

³² Open Democracy, Will the new Iraqi government face the domestic violence epidemic?, 29 July 2020, [url](#); OWFI; ASUDA; MADRE; HRGJ, City University of New York School of Law; Al-Taqwa Association; Awan Organization; Baghdad Women Association et al., Joint NGO report on gender-based violence and discrimination against women and girls submitted to CEDAW, January 2019, [url](#), p. 10

³³ Al Jazeera, Iraqi women struggle to escape abuse as domestic violence rises, 12 February 2021, [url](#)

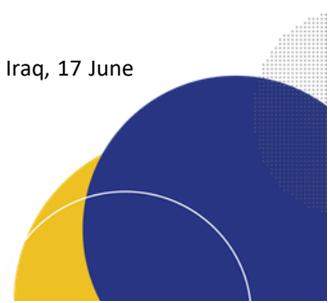
³⁴ Al Jazeera, Iraqi women struggle to escape abuse as domestic violence rises, 12 February 2021, [url](#)

³⁵ UNFPA, Giving women a second chance; inauguration of the first shelter for GBV survivors in Baghdad, 9 March 2018, [url](#)

³⁶ OWFI; ASUDA; MADRE; HRGJ, City University of New York School of Law; Al-Taqwa Association; Awan Organization; Baghdad Women Association et al., Joint NGO report on gender-based violence and discrimination against women and girls submitted to CEDAW, January 2019, [url](#), p. 11

³⁷ HRW, Iraq: Urgent Need for Domestic Violence Law, 22 April 2020, [url](#)

³⁸ FIS, Iraq: Fact-Finding Mission to Baghdad in February 2019; Mental Health Issues and Their Treatment in Iraq, 17 June 2019, [url](#)



According to a joint study by the United Nations Entity for Gender Equality and Women's Empowerment (UN Women) and the United Nations Economic and Social Commission for Western Asia (ESCWA) on the impact of social protection policies responding to COVID-19 on gender equality in Iraq, it was noted that during the pandemic, some civil society organisations provided psychological and legal support for survivors of gender-based and domestic violence both through their centres and online, while some of them were able to provide only online support.³⁹

Survivors of violence in federal Iraq can obtain support by calling a hotline on 139.⁴⁰

Kurdistan Region of Iraq (KRI)

In 2007, in KRI, the Ministry of Interior established a Directorate for Tracing Violence Against Women (DTVAV) followed by the opening of shelters in all three governorates.⁴¹ According to an OXFAM study conducted in Kirkuk, Diyala and Sulaimaniyah Governorates, different services are available for GBV survivors, including women's centres, case management, psychosocial support, clinical management of rape cases, and legal support. However, service providers cover only specific locations and do not reach the whole of the governorates, posing thus challenges in terms of access and referrals.⁴²

USDOS reported the following with regard to shelters in KRI:

'In the IKR, two privately operated shelters and four KRG Ministry of Labour and Social Affairs-operated shelters provided some protection and assistance for female victims of gender-based violence and human trafficking. Space was limited, and NGOs reported psychological and therapeutic services were poor. NGOs played a key role in providing services, including legal aid, to victims of domestic violence, who often received no assistance from the government. Instead of using legal remedies, authorities frequently mediated between women and their families so that the women could return to their homes. Other than marrying or returning to their families, which often resulted in further victimization by the family or community, there were few options for women accommodated at shelters'.⁴³

The shelters provide temporary protection to their residents and there have been cases where the women were killed after they leaved the shelters.⁴⁴ Furthermore, the shelters in KRI were forced to close during early stages of the curfew, limiting women's ability to seek refuge.⁴⁵ Survivors of violence can obtain support by calling a hotline on 139.⁴⁶

³⁹ UN Women, ESCWA, Impact of social protection policies responding to COVID-19 on gender equality in Iraq, 2021, [url](#), pp. 19-20

⁴⁰ OXFAM, Gender Analysis of the COVID-19 Pandemic in Iraq: Conducted in Kirkuk, Diyala and Sulaimaniyah Governorates, June 2020, [url](#), p. 15

⁴¹ MSI, Now more than ever: Helping women facing gender-based violence in Iraq, 28 April 2020, [url](#)

⁴² OXFAM, Gender Analysis of the COVID-19 Pandemic in Iraq: Conducted in Kirkuk, Diyala and Sulaimaniyah Governorates, June 2020, [url](#), p.15; Thomson Reuters Foundation, Opinion: How to stop violence against women in Kurdistan, 16 February 2021, [url](#)

⁴³ USDOS, Country Report on Human Rights Practices 2020 – Iraq, 30 March 2021, [url](#)

⁴⁴ Inside Arabia, Alarming Increase in 'Honour Killing' of Kurdish and Iraqi Women, 1 January 2021, [url](#)

⁴⁵ UK, UK National Action Plan on Women, Peace and Security 2018-2022: Annual Report to Parliament 2020, 20 April 2020, [url](#) p. 12

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