



Home Office

Country Policy and Information Note

Iraq: 'Honour' crimes

Version 2.0

March 2021

Preface

Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in the [Introduction](#) section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into two main sections: (1) analysis and assessment of COI and other evidence; and (2) COI. These are explained in more detail below.

Assessment

This section analyses the evidence relevant to this note – i.e. the COI section; refugee/human rights laws and policies; and applicable caselaw – by describing this and its inter-relationships, and provides an assessment of, in general, whether one or more of the following applies:

- A person is reasonably likely to face a real risk of persecution or serious harm
- The general humanitarian situation is so severe as to breach Article 15(b) of European Council Directive 2004/83/EC (the Qualification Directive) / Article 3 of the European Convention on Human Rights as transposed in paragraph 339C and 339CA(iii) of the Immigration Rules
- The security situation presents a real risk to a civilian's life or person such that it would breach Article 15(c) of the Qualification Directive as transposed in paragraph 339C and 339CA(iv) of the Immigration Rules
- A person is able to obtain protection from the state (or quasi state bodies)
- A person is reasonably able to relocate within a country or territory
- A claim is likely to justify granting asylum, humanitarian protection or other form of leave, and
- If a claim is refused, it is likely or unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case's specific facts.

Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation's (ACCORD), [Researching Country Origin Information – Training Manual, 2013](#). Namely, taking into account the COI's relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a [terms of reference](#) which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the 'cut-off' date(s) in the country information section. Any event taking place or report/article published after these date(s) is not included.

All information is publicly accessible or can be made publicly available, and is from generally reliable sources. Sources and the information they provide are carefully considered before inclusion. Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information, and
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate, balanced and corroborated, so that a comprehensive and up-to-date picture at the time of publication is provided of the issues relevant to this note.

Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source, however, is not an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a brief footnote; full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email the [Country Policy and Information Team](#).

Independent Advisory Group on Country Information

The [Independent Advisory Group on Country Information](#) (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy.

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

Contents

Assessment	5
1. Introduction.....	5
1.1 Basis of claim.....	5
1.2 Points to note.....	5
2. Consideration of issues.....	5
2.1 Credibility.....	5
2.2 Exclusion.....	5
2.3 Convention reason(s).....	5
2.4 Risk.....	6
2.5 Protection.....	7
2.6 Internal relocation.....	8
2.7 Certification.....	8
Country information	9
3. Legal Context.....	9
3.1 Constitution.....	9
3.2 Penal Code.....	10
3.3 Domestic violence laws.....	12
4. Position of women in society.....	14
5. 'Honour' crimes.....	15
5.1 Definition.....	15
5.2 Motives.....	16
5.3 Prevalence.....	18
5.4 Self-immolation.....	25
5.5 Tribal redress.....	27
6. State protection.....	28
6.1 Enforcement of the law.....	28
6.2 Shelters.....	34
7. Non-Government Organisations (NGOs).....	37
Terms of Reference	41
Bibliography	42
Sources cited.....	42
Sources consulted but not cited.....	44
Version control	46

Assessment

Updated: 16 March 2021

1. Introduction

1.1 Basis of claim

- 1.1.1 Fear of persecution and/or serious harm by non-state actors because a woman is at risk of honour-based violence.

[Back to Contents](#)

1.2 Points to note

- 1.2.1 An 'honour' crime is an act of violence or abuse, including killing, which has been or may be committed to protect or defend the honour of an individual, family and/or community for alleged or perceived breaches of the family and/or community's code of behaviour.
- 1.2.2 Although 'honour' crimes may be committed against both men and women, this note is confined to 'honour' crimes against women.

[Back to Contents](#)

2. Consideration of issues

2.1 Credibility

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

[Back to Contents](#)

2.2 Exclusion

- 2.2.1 Decision makers must consider whether there are serious reasons for considering whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.
- 2.2.2 If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection.
- 2.2.3 For further guidance on the exclusion clauses and restricted leave, see the Asylum Instructions on [Exclusion under Articles 1F and 33\(2\) of the Refugee Convention](#), [Humanitarian Protection](#) and [Restricted Leave](#).

[Back to Contents](#)

2.3 Convention reason(s)

- 2.3.1 Victims or potential victims of 'honour' crimes form a particular social group (PSG) within the meaning of the 1951 Refugee Convention. This is because

victims or potential victims of ‘honour’ crimes can share a common background that cannot be changed – the experience that they have compromised family or tribal ‘honour’ – and have a distinct identity that is perceived as being different by the surrounding society.

- 2.3.2 Although victims or potential victims of ‘honour’ crimes can form a PSG, establishing membership of a PSG within the Convention is not sufficient to be recognised as a refugee. The question is whether the person has a well-founded fear of persecution on account of their membership of such a group.
- 2.3.3 For further guidance on Convention reasons see the instruction on [Assessing Credibility and Refugee Status](#).

[Back to Contents](#)

2.4 Risk

- 2.4.1 Iraq, including the Iraqi Kurdistan Region (IKR), is a patriarchal society with clearly defined gender roles. Women have a lower status in the family and are expected to be subservient to men with restricted interaction in public spaces. These attitudes are particularly prevalent within uneducated, rural and tribal populations (see [Position of women in society](#)).
- 2.4.2 Although the Iraqi constitution – which covers both Iraq and the IKR – guarantees equality of the genders, the penal code allows a husband to punish his wife (see [Legal context](#)).
- 2.4.3 ‘Honour’ crimes may be committed or ordered by a husband, a father, a brother or another relative as a punishment to a family member because they have gone against social or cultural norms and are perceived to have damaged the family’s reputation by their actions. Such ‘offences’ include (but are not limited to) friendships or pre-marital relationships with a member of the opposite sex; refusing to marry a man chosen by the family; marriages that are against the family’s wishes; seeking a divorce; committing adultery; being a victim of rape or kidnapping; and defying gender roles (see [Motives](#)).
- 2.4.4 Punishments for perceived ‘honour’ offences range from physical abuse, forced marriage, forced suicide and murder (see [Prevalence](#) and [Self-immolation](#)).
- 2.4.5 ‘Honour’ killings are underreported and often passed off by the families, police or medical professionals (despite contradictory evidence) as accidents or suicides – as a result, accurate data is limited. However, several unofficial estimates indicate that several hundreds of girls and women become victims of ‘honour’ killings across Iraq and the Iraqi Kurdistan Region (IKR) each year. ‘Honour’ killings cut through religious and ethnic divides, often linked to a strong tribal element and patriarchal society although they are more common amongst Kurdish communities and particularly in the small towns and rural areas of IKR (see [Prevalence](#)).
- 2.4.6 Sources suggest that self-immolation is becoming increasingly common in IKR with 200-250 such women seen in hospital annually but sources disagree as to whether these are suicides, forced suicides or murder (see [Self-immolation](#)).

- 2.4.7 In general, women are not automatically at risk from an 'honour' crime, however this will depend on their particular circumstances, including the alleged transgression, age, family background, place of residence, education and socio-economic status. There is a greater risk of an 'honour' crime against a woman or girl from a poor, more traditional, religious family, especially in rural or tribal areas. If a woman or girl can show she has been, or will be, subjected to honour-based violence, this is likely to amount to serious harm or persecution, but the onus is on her to show she would be at risk of facing an 'honour' crime on return to Iraq.
- 2.4.8 For further guidance on assessing risk, see the instruction on [Assessing Credibility and Refugee Status](#).

[Back to Contents](#)

2.5 Protection

- 2.5.1 Where the person has a well-founded fear of persecution from non-state actors, including 'rogue' state actors, decision makers must assess whether the state can provide effective protection.
- 2.5.2 Article 409 of the Iraqi Penal Code permits 'honour' as a mitigation for crimes of violence committed against family members and the Code allows for lenient punishments for 'honour killings' on the grounds of provocation or if the accused had 'honourable motives'. The law does not provide guidance as to what 'honourable motives' are and, therefore, leaves scope for wide interpretation (see [Legal context](#)).
- 2.5.3 Within the IKR there are constitutional and legal protections against 'honour' offences, with the passing of a law in 2004 prohibiting mitigating sentences for perpetrators of honour crimes and the enacting of the Law for Combatting Domestic Violence in 2011 (see [Legal Context](#)).
- 2.5.4 Available evidence suggests that 'honour' crimes often go unreported and unprosecuted with authorities often accepting the family's version of events with the view that such actions fall under the responsibility and discretion of male family members. 'Honour' killings are often not investigated and are instead recorded as suicides, despite evidence of a victim's body showing signs of violence (see [Enforcement of the law](#)).
- 2.5.5 Despite the introduction of laws regulating honour crimes in the IKR, sources indicate that they are not effectively implemented. Taking domestic abuse to court is regarded as shameful and there is a widespread discriminatory mindset of judges towards women. The police and court system is prone to influence from prominent families and tribes which can lead to perpetrators being acquitted of charges even when there is clear evidence against them. While there have been examples of perpetrators being prosecuted for murder, those convicted of 'honour' killings are seldom punished in practice (see [Enforcement of the law](#)).
- 2.5.6 For these reasons, authorities in Iraq and the IKR cannot be considered as willing and able to provide effective protection to those at risk from 'honour' crimes. Decision makers must, however, assess each case on its merits.
- 2.5.7 Tribal law is a longstanding and important mechanism for dispute resolution and preservation of order in Iraq and the IKR, with the tribal justice system

being increasingly relied upon since 2003 due to weak state capacity in the justice system. However, women are particularly vulnerable regarding tribal justice and in cases involving 'honour', the tribe is likely to protect the family's 'honour' above the individual (see [Tribal redress](#)).

- 2.5.8 A tribe therefore cannot be considered willing (even though they may be able) to provide effective protection in the case of an 'honour' offence. Decision makers must, however, assess each case on its merits.
- 2.5.9 According to sources there are government-run shelters for women in both Iraq and the IKR, however their capacity and outreach remains very limited. Within Iraq only the government is permitted to provide shelters for individuals, however some non-government organisations do operate unofficial shelters but at the risk of legal penalties as a result of operating without a licence. Within the IKR shelters are reported to suffer from a lack of funding, limited capacity, poor quality of services as well as security risks (see [Shelters](#) and [Non-Government Organisations \(NGOs\)](#)).
- 2.5.10 For more information see the Country Policy and Information Note [Iraq: Actors of Protection](#). For further guidance on assessing the availability of state protection, see the instruction on [Assessing Credibility and Refugee Status](#).

[Back to Contents](#)

2.6 Internal relocation

- 2.6.1 A person who has a well-founded fear of an 'honour' crime may be able to relocate to escape the risk. Decision makers must assess each case on its merits, in particular the power/reach of the agent of persecution, given that some tribes are powerful and influential within Iraq and the IKR.
- 2.6.2 Decision makers must give careful consideration to the relevance and reasonableness of internal relocation, particularly for a single woman taking full account of the individual circumstances of the particular person. Each case must be considered on its merits. For more information see the Country Policy and Information Note (CPIN) [Iraq: Internal relocation, civil documentation and returns](#).
- 2.6.3 For further guidance on internal relocation see the instruction on [Assessing Credibility and Refugee Status](#).

[Back to Contents](#)

2.7 Certification

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

[Back to Contents](#)

Country information

Section 3 updated: 16 March 2021

3. Legal Context

3.1 Constitution

3.1.1 The following table shows relevant Articles from the Iraqi Constitution¹. (n.b. The Iraqi Constitution also covers the Iraqi Kurdistan Region (IKR)).

Article	Description
2(1)	Islam is the official religion of the State and is a foundation source of legislation: A. No law may be enacted that contradicts the established provisions of Islam. B. No law may be enacted that contradicts the principles of democracy. C. No law may be enacted that contradicts the rights and basic freedoms stipulated in this Constitution.
14	Iraqis are equal before the law without discrimination based on gender, race, ethnicity, nationality, origin, color, religion, sect, belief or opinion, or economic or social status.
15	Every individual has the right to enjoy life, security and liberty. Deprivation or restriction of these rights is prohibited except in accordance with the law and based on a decision issued by a competent judicial authority.
19(2)	There is no crime or punishment except by law. The punishment shall only be for an act that the law considers a crime when perpetrated. A harsher punishment than the applicable punishment at the time of the offense may not be imposed.
29(4)	All forms of violence and abuse in the family, school, and society shall be prohibited.
41	Iraqis are free in their commitment to their personal status according to their religions, sects, beliefs, or choices, and this shall be regulated by law.
45(2)	The State shall seek the advancement of the Iraqi clans and tribes, shall attend to their affairs in a manner that is consistent with religion and the law, and shall uphold their noble human values in a way that contributes to the development of society. The State shall prohibit the tribal traditions that are in contradiction with human rights.

[Back to Contents](#)

¹ Constitute Project, '[Iraq's Constitution of 2005](#)' 2005

3.2 Penal Code

3.2.1 The following table shows relevant Articles from the Iraq Penal Code of 1969 (as amended in 2010)².

Article	Description
41(1)	<p>There is no crime if the act is committed while exercising a legal right. The following are considered to be in exercise of a legal right:</p> <p>(1) The punishment of a wife by her husband, the disciplining by parents and teachers of children under their authority within certain limits prescribed by law or by custom.</p>
128	<p>(1) Legal excuse either discharges a person from a penalty or reduces that penalty.</p> <p>Excuse only exists under conditions that are specified by law. Notwithstanding these conditions, the commission of an offence with honourable motives or in response to the unjustified and serious provocation of a victim of an offence is considered a mitigating excuse.</p> <p>(2) The court must identify in its decision the excuse that discharges a person from a penalty.</p>
130	<p>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.</p>
131	<p>If there exists a mitigating excuse for a misdemeanor, the reduction of the penalty shall be as follows:</p> <p>(1) If the penalty has a minimum limit, the court will not be bound by that in its assessment of the penalty.</p> <p>(2) If the penalty is detention plus a fine, the court will rule for only one of those penalties.</p> <p>(3) If the penalty is detention without a minimum limit, the court will rule for a fine instead.</p>
398	<p>If the offender mentioned in this Section [Chapter Nine: Moral indecency – public etiquette; Section One: Rape, buggery, indecent assault] 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</p>

² Iraq, '[Iraq: Penal Code](#)' first published July 1969, amended 13 March 2010

	divorce ordered by the court for wrongs committed by the husband or for his bad behavior within 3 years following the cessation of the proceedings. The public prosecutor, the accused, the victim or any person who has an interest in the proceedings may, according to the circumstances, make application for the proceedings, investigation, procedures or execution of the sentence to be stopped or for their resumption or for the reinstatement of the sentence.
409	Any person who surprises his wife in the act of adultery or finds his girlfriend in bed with her lover and kills them immediately or one of them or assaults one of them so that he or she dies or is left permanently disabled is punishable by a period of detention not exceeding 3 years. It is not permissible to exercise the right of legal defense against any person who uses this excuse nor do the rules of aggravating circumstance apply against him.

3.2.2 In June 2018 the United Nations Human Rights Council (UNHRC) published the 'Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her mission to Iraq' which stated:

'Iraq lacks proper legislation to prevent and punish honour killings. Article 409 Penal Code permits "honour" as mitigation for crimes of violence committed against family members. In connection herewith, while sexual assault is criminalized, article 398 Penal Code provides that charges may be dropped if the assailant marries the victim. It appears that this provision can also be applied in case the victim is a minor. This creates a nightmare type "catch 22" situation whereby the victim risks her life either way: in case she marries her assailant she may become victim of lethal domestic violence and, in case she does not, she may fall victim to honour killing by her family or tribe.'³

3.2.3 The November 2015 Minority Rights Group International (MRG) and Ceasefire Centre for Civilian Rights (CCCR) joint report entitled 'The Lost Women of Iraq: Family-based violence during armed conflict' stated: 'Article 409 provides that if a man catches his wife or girlfriend in the act of adultery and then murders or permanently disables her or her partner, he is eligible for a reduced sentence of no more than three years in prison. There are no similar provisions allowing women reduced sentences for killing their adulterous husbands.'⁴

3.2.4 In a report entitled 'International Protection Considerations with Regard to People Fleeing the Republic of Iraq' published in May 2019, the United Nations High Commissioner for Refugees (UNHCR) stated that 'The Iraqi Penal Code allows for lenient punishments for "honour killings" on the grounds of provocation or if the accused had "honourable motives".'

³ UNHRC, '[Report...on extrajudicial, summary or arbitrary executions...](#)' (page 10) 5 June 2018

⁴ MRG,CCCR, '[The Lost Women of Iraq: Family-based violence...](#)' (page 8) November 2015

‘...Articles 128, 130, 131 and 409 of the Penal Code (Act No. 111 of 1969) permit honour considerations to mitigate sentences for crimes such as murder. The law does not provide guidance as to what “honourable motives” are and, therefore, leaves scope for wide interpretation.’⁵

3.2.5 In January 2021 Human Rights Watch (HRW) published its annual report on the human rights situation in Iraq in 2020. The report stated ‘While Iraq’s criminal code criminalizes physical assault, 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.” The penal code also provides for mitigated sentences for violent acts, including murder, for “honorable motives” or for catching one’s wife or female relative in the act of adultery or sex outside of marriage.’⁶

3.2.6 The June 2018 report published by the UNHRC further stated in regards to the Iraqi Kurdistan Region (IKR):

‘The KRG [Kurdistan Regional Government] passed a law in 2004 prohibiting mitigating sentences for perpetrators of honour crimes. It has also enacted a separate piece of legislation, the Law for Combatting Domestic Violence in KR-I No. 8 of 2011, which includes as part of its definition of domestic violence acts not only physical violence but also the marriage of minors. The Special Rapporteur learned that a draft amendment remains pending before the KRG Parliament and that parts of it need to be brought in line with international standards. Furthermore, the Special Rapporteur heard of a range of measures taken to strengthen investigations into honour killings in the Kurdistan region, including obligatory forensic investigations into all reported deaths of women.’⁷

3.2.7 In May 2020 a joint report written by MADRE (see the [MADRE website](#) for information about what the organisation does and how), the Human Rights and Gender Justice Clinic (HRGJ) at the City University of New York School of Law and the Organization for Women’s Freedom in Iraq (OWFI) was published by the United Nations Human Rights Committee. The report, entitled ‘Human Rights Violations Against Women and Girls in Iraq’ stated the following in regard to the penal code in IKR: ‘In Kurdistan, parliament amended the penal code to suspend Article 409, however local advocates note that Kurdish authorities issue an amnesty every four years, including for those accused of “honor” killings.’⁸

[Back to Contents](#)

3.3 Domestic violence laws

Iraq

3.3.1 In April 2020, HRW published an article entitled ‘Iraq: Urgent Need for Domestic Violence Law’ which stated:

‘While the Iraqi constitution expressly prohibits “all forms of violence and abuse in the family,” only the Kurdistan Region of Iraq has a law on domestic

⁵ UNHCR, ‘[...Protection Considerations with Regard to People Fleeing...Iraq](#)’ (page 92) May 2019

⁶ HRW, ‘[World Report 2021 – Iraq](#)’ 13 January 2021

⁷ UNHRC, ‘[Report...on extrajudicial, summary or arbitrary executions...](#)’ (page 10) 5 June 2018

⁸ MADRE, HRGJ, OWFI, ‘[Human Rights Violations Against Women and Girls...](#)’ (page 8) May 2020

violence. 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." The penal code provides for mitigated sentences for violent acts, including murder, for "honorable motives" or for catching one's wife or female relative in the act of adultery or sex outside of marriage.

'Iraqi parliamentary efforts to pass a draft law against domestic violence stalled throughout 2019 and 2020. Wahda Jumaili, a member of the parliament's human rights committee, told Human Rights Watch that some members blocked the law because they do not believe that the state should punish honor killings or parents' corporal punishment of their children. Shatha Naji, head of the Women for Peace Organization, said one member of parliament told her, "Do you really want to make our society just like a Western one, where I cannot even punish my son if he comes home late?"

'The 2019 version of the draft anti-domestic violence law seen by Human Rights Watch 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. However, the bill has several gaps and provisions that would undermine its effectiveness.

'One major problem is that the draft law prioritizes reconciliation over protection and justice for victims. Naji said that victims of domestic violence in Iraq rarely make criminal complaints via the police. Instead, the community police play a mediatory rather than a law enforcement role, and focus on reconciling victim and the abuser in line with community practices.'⁹

- 3.3.2 In April 2020 the United Nations in Iraq (UNII) published a press release which stated that 'The UN in Iraq urges 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.'¹⁰

[Back to Contents](#)

Iraqi Kurdistan Region

- 3.3.3 The November 2015 MRG and CCCR joint report stated:
- 'In 2011, the Kurdish parliament passed a long-awaited law against domestic violence, considered as a significant advancement for women's rights in the region and providing a legal basis for a wide variety of violent acts to be prosecuted as criminal offences. The law defines domestic violence as "any act, statement, threat or omission committed on the basis of gender by one member of the family against another member up to the fourth degree that results in physical, psychological, sexual or economic harm or deprivation of rights".

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

¹⁰ UNII, '[UN in Iraq raises the alarm: Time to endorse the anti-domestic violence law](#)' 16 April 2020

'Moreover, the law is relatively comprehensive in its list of offences which constitute domestic violence, which includes forced marriage, marriage of minors, FGM, forcing family members to leave employment, suicide due to domestic violence, battering children and family members, assaulting, cursing or insulting family members, putting psychological pressure on family members, forced sexual intercourse between a husband and wife, among others. The law also calls for the establishment of specialized courts to deal with domestic violence cases, as well as a special division of the police force staffed principally by women. The law further tasks the Ministry of Labour and Social Affairs with the responsibility of providing shelter for victims of domestic violence.'¹¹

- 3.3.4 In November 2018 the Danish Immigration Service (DIS) and Landinfo, the Norwegian country of origin information centre, published a report entitled 'Kurdish Region of Iraq (KRI): Women and men in honour-related conflicts' based on interviews conducted in Erbil and Sulaymaniyah between 22 and 30 April 2018. The report stated:

'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. Such violent acts include, among others, forced marriage, marriage of minors, FGM [female genital mutilation], 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.

'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.'¹²

- 3.3.5 An English version of the [2011 Act of Combating Domestic Violence in the Kurdistan Region of Iraq](#) is available online.

[Back to Contents](#)

Section 4 updated: 16 March 2021

4. Position of women in society

Iraq

- 4.1.1 The December 2018 UN Women and others 'Country Gender Profile - Iraq' stated:

'Years of repression caused by a strong conservative culture, economic sanctions and armed conflicts have led to deterioration in the lives of women in Iraq and an associated loss to the country, since women are marginalized and unable to contribute fully economically, socially and politically. Iraqi women today suffer from insufficient educational opportunities and healthcare and limited access to the labor market, as well as high levels of violence and inequality. These conditions are often exacerbated by

¹¹ MRG,CCCR, '[The Lost Women of Iraq: Family-based violence...](#)' (page 9) November 2015

¹² DIS & Landinfo, '[KRI: Women and men in honour-related conflicts](#)' (page 14-15) 9 November 2018

misconceptions of traditions, by cultural and social norms, by false perceptions and a lack of awareness of women's rights and potential, as well as institutional and legal barriers. Violence and lack of security and stability constrain Iraqi women and girls to traditional reproductive roles, limiting their access to employment and education.'¹³

Iraqi Kurdistan Region

- 4.1.2 A report of May 2020 by the Centre for International Studies at the Paris research university, Sciences Po, 'Covid-19, Gender and Cyber Violence in the Kurdistan Region' noted:

'In the last two decades, more particularly after the fall of Saddam Hussein in 2003, a recognisable Kurdish women's movement has emerged in KR [Kurdistan Region], achieving a considerable level of progress, yet traditional gender roles and relations are still prevalent. As in most patriarchal societies, gender roles have been clearly defined with women having a lower status in the family and restricted interaction in public spaces. Traditional forms of arranged, early and forced marriages have yet to be uprooted, especially among the mainly uneducated rural and tribal populations. Female virginity upon marriage is a requirement, and women are expected to be prudent, show respect, politeness and obedience to men to the level of subservience. Women's bodies and sexualities represent the family's and community's "honour" with strict rules of conduct. Stepping out of long-established norms and "honour" codes is perceived as shameful, devaluing women and their families. In order to regain a collectively perceived lost "honour", women (sometimes men also) have to be eliminated in what are called acts of "honour-based" killings. A simple rumour can lead to sully women's public standing and reputation, and may end up in extreme forms of "honour-related" violence, including murder.'¹⁴

[Back to Contents](#)

Section 5 updated: 16 March 2021

5. 'Honour' crimes

5.1 Definition

- 5.1.1 The Crown Prosecution Service (CPS) stated the following on its website:

'Honour based violence (HBV) can be described as a collection of practices, which are used to control behaviour within families or other social groups to protect perceived cultural and religious beliefs and/or honour. Such violence can occur when perpetrators perceive that a relative has shamed the family and/or community by breaking their honour code.

'It is a violation of human rights and may be a form of domestic and/or sexual violence... The CPS, ACPO [Association of Chief Police Officers] and support groups have a common definition of HBV:

¹³ UN Women and others, '[Country Gender Profile – Iraq](#)' (Executive summary) 13 December 2018

¹⁴ SciencesPo, '[Gender and Cyber Violence in the Kurdistan Region](#)' 19 May 2020

“‘Honour based violence’ is a crime or incident which has or may have been committed to protect or defend the honour of the family and/or community.”¹⁵

- 5.1.2 A report written by MADRE, OWFI and HRGJ entitled ‘Seeking Accountability for Gender Based Violence and Human Rights Violations in Iraq’ was submitted to the 70th session of the United Nations Convention Against Torture, which took place between 9 November 2020 and 4 December 2020 in Geneva, Switzerland. The report published by the UN Committee Against Torture (CAT) stated that: “Honor” crimes refer to violence or killings, primarily of women and girls, committed by family or tribal members, for perceived transgressions of societal norms, including patriarchal gender norms, which are said to bring shame to their families’¹⁶
- 5.1.3 In the June 2018 UNHRC report honour killings were defined as ‘the arbitrary deprivation of life of women and girls (but possibly also men and boys) by (male) family members or tribal members, because they are deemed to have brought shame or “dishonour” on the family or tribe.’¹⁷

[Back to Contents](#)

5.2 Motives

- 5.2.1 In November 2018 the DIS and Landinfo report stated that:

‘The honour of a family is linked to the sexuality or to the virginity of the woman. 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....A judge can order a doctor to carry out a virginity test in case she is being accused of having lost her virginity. 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.

‘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.’¹⁸

- 5.2.2 The same source further stated:

‘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. 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.

‘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. 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.

¹⁵ CPS, ‘[Honor Based Violence and Forced Marriage](#)’ no date

¹⁶ MADRE, OWFI, HRGJ, ‘[Seeking Accountability for Gender Based Violence...](#)’ (page 4-5) 2020

¹⁷ UNHRC, ‘[Report...on extrajudicial, summary or arbitrary executions...](#)’ (page 10) 5 June 2018

¹⁸ DIS & Landinfo, ‘[KRI: Women and men in honour-related conflicts](#)’ (page 9,13) 9 November 2018

'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.

'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. Adultery, alleged or true, will be used as a pretext for violence against women.'¹⁹

- 5.2.3 In March 2019 the European Asylum Support Office (EASO) published a report entitled 'Iraq; Targeting of Individuals'. The report, citing various sources, stated:

'Grounded in the cultural belief that women's bodies are the site of honour and that their sexuality and movement must be strictly controlled in order to avoid bringing dishonour upon the entire family, honour crimes are 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 most often perpetrated after a woman has committed or is suspected of committing any of the following transgressions: "engaging in friendships or pre-marital relationships with a member of the opposite sex; refusing to marry a man chosen by the family; marrying against the family's wishes; committing adultery; or being a victim of rape or kidnapping".'²⁰

- 5.2.4 The same source further stated 'that women are the main victims of such crimes, which are overwhelmingly perpetrated by male family members, although occasionally males are also the victims of such violence.'²¹
- 5.2.5 The report published in May 2019 by the UNHCR stated that: "Honour"-based violence is said to occur for a variety of reasons, including (perceived) adultery, loss of virginity (even by rape), refusal of an arranged marriage, attempt to marry someone against the wishes of the family, or seeking a divorce.'²²
- 5.2.6 In January 2019 OWFI, along with 12 other organisations, published a report entitled 'Gender-Based Violence and Discrimination Against Women and Girls in Iraq' which stated 'Women in prominent positions such as politicians, journalists, doctors, and human rights defenders are also targeted for "honor" killings for defying gender roles and taking on active public positions. Between August and September 2018 four prominent Iraqi women were assassinated, including the social media star Tara Al-Fares and women's rights activist Suad al-Ali.'²³

[Back to Contents](#)

¹⁹ DIS & Landinfo, '[KRI: Women and men in honour-related conflicts](#)' (page 14) 9 November 2018

²⁰ EASO, '[Iraq: Targeting of Individuals](#)' (page 161) March 2019

²¹ EASO, '[Iraq: Targeting of Individuals](#)' (page 161) March 2019

²² UNHCR, '[...Protection Considerations with Regard to People Fleeing...Iraq](#)' (page 92) May 2019

²³ OWFI & others, '[Gender-Based Violence and Discrimination Against Women...](#)' (page 1) Jan 2019

5.3 Prevalence

5.3.1 The report of the UNHRC Special Rapporteur published in June 2018 stated that: 'While the scale of honour killings is unknown due to severe underreporting, the latest estimate indicates that several hundreds of girls and women become victims of honour killings in Iraq each year. The Special Rapporteur was informed that this issue affects all parts of the country, cutting through religious and ethnic divides, with a strong tribal element and linked with the strong patriarchal society.'²⁴

5.3.2 The EASO report citing various sources and entitled 'Iraq: Targeting of Individuals' stated:

'Honour crimes take place in all areas of Iraq and cut across ethnic and religious lines. Because many honour crimes are unreported or disguised by the family as accidents or suicides, it is difficult to assess the true scale of their incidence. Minority Rights Group adds that "as a general rule, crimes go unreported and unprosecuted and are seen by the police and the judicial authorities as falling within the responsibility and discretion of male family members."²⁵

5.3.3 In July 2018, the United Nations Assistance Mission for Iraq (UNAMI) published its 'Report on Human Rights in Iraq: July to December 2017' which stated:

'UNAMI/OHCHR [Office of the United Nations High Commissioner for Human Rights] also continues to receive reports of women and girls being murdered in so-called "honour crimes". For example, on 5 July [2017], a woman was shot and killed by a relative in Tahmaziya, Bagil Governorate, and on 5 September [2017] the head of an unidentified girl was found in Saba, Thi-Qar Governorate. Additionally, on 29 October [2017], the body of a female in her twenties was found in front of a hospital in the center of Basra Governorate. The body bore multiple bullet wounds. According to the Family and Children Protection Unit within the Ministry of the Interior, during 2017 there were 272 cases of so called 'honour crimes' that were reported to the Police and referred to the courts. This is an increase from 2016, when the same Unit recorded 224 cases that were reported to the Police.'²⁶

5.3.4 In August 2018 NRT TV, a Kurdish news and media channel, published an article entitled 'Brutal Murder in Najaf [a city in central Iraq, south of Baghdad] Highlights Endemic Violence Against Women in Iraq' which stated:

'A number of social networking sites have published the shocking story of a murdered bride in Najaf that highlights the brutal patriarchy present in contemporary society regarding its treatment of women.

'According to BBC Arabic [CPIT was unable to find the article referred to by the source], a bridegroom attempted to return his bride to her parents on the second day after their wedding, alleging that she was not a virgin.

'At the news, the bride's father suffered a sudden heart attack and died.

²⁴ UNHRC, '[Report...on extrajudicial, summary or arbitrary executions...](#)' (page 10) 5 June 2018

²⁵ EASO, '[Iraq: Targeting of Individuals](#)' (page 161) March 2019

²⁶ UNAMI, '[Report on Human Rights in Iraq: July to December 2017](#)' (page 12) 8 July 2018

'The bride's brother became enraged and beat his sister to death with a sharp object in an apparent "honor killing."

'The woman's mother believed her daughter's word and demanded that the medical authorities perform an autopsy of her body, which determined that she was still, in fact, a virgin.

'An Iraqi security source has said that the brother was arrested by police.

'...Activists believe that the story of the bride in Najaf has once again demonstrated that "despite the manifestations of modernity in society, it still follows a masculine tribal system that evades the law in matters of honor."'27

5.3.5 The joint report published in November 2018 by DIS and Landinfo stated:

'Honour crime is underreported due to the fear of stigma and violence from the society and the family... 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. Thirdly, the police sometimes register the honour killing as something else, for instance a suicide, in order to conceal the motive.'28

5.3.6 The same source further stated that '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.'29

5.3.7 On 18 December 2018 Al-Monitor published an article entitled 'Iraqi Kurdistan struggles to end violence against women' which stated:

'Head of the General Directorate of Combating Violence Against Women Kurda Omar told NRT channel on Nov. 6 [2018] that in the first 10 months of 2018, violence against women has increased both at home and at work, particularly sexual violence. In the first nine months of this year, 91 women were killed or "committed suicide" in the Kurdistan region, 203 women either "burned themselves" or were burned, 87 sexual assault cases were recorded, and 7,191 women complained about being subjected to violent acts, according to official statistics quoted by NRT.'30

5.3.8 In April 2019 PAX, an organisation which 'works together with committed citizens and partners to protect civilians against acts of war, to end armed violence, and to build a just peace'31, and their local in-country partner, the [Iraqi Al-Amal Association](#), conducted a survey across 'all four districts of Kirkuk governorate to get a sense of the experiences of civilian populations on issues regarding protection, conflict and security dynamics, and how they change over time.'32. The results of the survey which are drawn from the

27 NRT, '[Brutal Murder in Najaf Highlights Endemic Violence Against Women in Iraq](#)' 5 August 2018

28 DIS & Landinfo, '[KRI: Women and men in honour-related conflicts](#)' (page 7,10) 9 November 2018

29 DIS & Landinfo, '[KRI: Women and men in honour-related conflicts](#)' (page 10) 9 November 2018

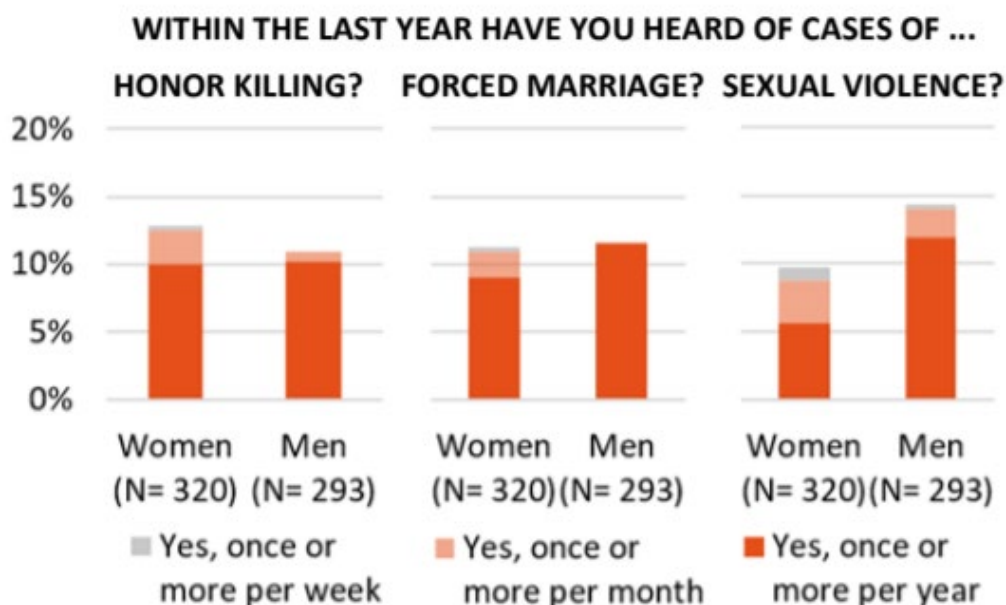
30 Al-Monitor, '[Iraqi Kurdistan struggles to end violence against women](#)' 18 December 2018

31 PAX, '[About us](#)', no date

32 PAX, '[Human Security Survey: Kirkuk, Iraq – 2019](#)' (page 1) 2019

interviews of 320 women and 293 men found that ‘12% of overall respondents...shared that they heard of cases of honour killing or forced suicide in their communities.’³³

5.3.9 The same source additionally produced the following chart³⁴:



5.3.10 On 25 April 2019 Rudaw, a Kurdish media network, published an article entitled ‘Kurdistan’s forgotten victims: the women killed for “honour”’. The article included figures that differ from those published above by Al-Monitor, helping to highlight the discrepancies regarding the reporting of honour crimes. The article stated:

‘On April 3, beside a dirt track in a field near Chamchamal, the body of a young woman was found. She was slim, clad in jeans and a top. Her body lay partially covered by the dusty brown dirt and clumps of green grass. Bruising on her neck indicated she had been strangled.

‘She appeared to be in her early 20s, said Chamchamal Mayor Ramak Ramazan. Police have identified the woman, but don't want to release details as their investigation is ongoing, he said. Three people have been arrested and one warrant is still outstanding.

‘Though the police are staying mum [silent], suspicion is this was a so-called honour killing. In 2018, 49 women were murdered across the Kurdistan Region, according to figures from the General Directorate of Combating Violence Against Women, an office that works under the auspices of the Ministry of the Interior.

‘Another 73 women killed themselves; 257 women were set on fire – 112 of which were self-immolation; and 113 women were sexually assaulted. The directorate received 9,574 complaints of gender-based violence in the year.’³⁵

³³ PAX, ‘[Human Security Survey: Kirkuk, Iraq – 2019](#)’ (page 3) 2019

³⁴ PAX, ‘[Human Security Survey: Kirkuk, Iraq – 2019](#)’ (page 3) 2019

³⁵ Rudaw, ‘[Kurdistan’s forgotten victims: the women killed for “honour”](#)’ 25 April 2019

5.3.11 The same source further stated:

‘Ninety percent of the murders seen by Dr. Yasin Kareem, general director of the Medico-Legal Institute (MLI), are committed by family members. The MLI reports to the Ministry of Health and is responsible for treating victims of violence and conducting autopsies on the dead.

‘After his office completes its examination, a handful of bodies are not claimed for burial, including women killed by their families. Either the family does not want them, or they have not been identified.

‘The bodies of mothers, sisters, and daughters who were killed by their male relatives are slid into the morgue’s refrigerator where they are held for up to six months, Kareem explained. If these women are mourned, family members and friends do so in silence as they fear showing their love for the women rejected by the dominant culture of tribe or religion. If, after six months, the bodies are still unclaimed, MLI buries them.’³⁶

5.3.12 The May 2019 UNHCR report, citing various sources, stated that:

‘In the KR-I, the authorities introduced a number of legislative and institutional reforms aimed at addressing violence against women. Despite these efforts, gender-based violence is reported to remain high, including as a result of weak implementation and predominant patriarchal gender norms. In all of Iraq, most cases of violence against women are thought to remain unreported due to high levels of social stigmatization, societal perceptions that domestic issues should be dealt with as “family matters”, lack of police and judicial personnel trained to deal with gender-based violence cases, as well as a lack of protective legislation.’³⁷

5.3.13 On 21 May 2019, KirkukNow, ‘an independent electronic news website [that] publishes stories and events taking place within or relevant to Iraq’s disputed territories, as defined in the Iraqi constitution, with the aim of promoting coexistence in those areas and providing easy access to information’³⁸, published an article entitled ‘Graveyard of the Unknowns’ which stated:

‘The graves of the unknowns in Saiwn Cemetery are the burial place for women who went through excruciating suffering in their life... Most of the 2000 graves are for those women who have been killed by their relatives or unknown persons and most of them are victims of social violence, according to Mr. Othman, a grave digger.

‘Othman’s job is to wash the bodies and dig graves for these victims. “Those who are buried in this place have no family or relatives. After their bodies stay several months in the morgue they are brought here for burial”, he said as he was pointing to the graveyard.

‘He also said that few dead women are buried in this graveyard. “This year, I have buried a woman from East Kurdistan and after she has been killed, her body was dumped somewhere in Sharbazher area. She was in her thirties.”

³⁶ Rudaw, [‘Kurdistan’s forgotten victims: the women killed for “honour”](#) 25 April 2019

³⁷ UNHCR [‘...Protection Considerations with Regard to People Fleeing...Iraq’](#) (page 86-87) May 2019

³⁸ KirkukNow, [‘About’](#) no date

“Her dead body was kept for three months in the morgue and no one asked about her and the cause of her death remained unknown”, he added.

‘This grave digger indicates that the number of women are killed for social reasons and no one would ask about them is differs from one year to another. He said that he has buried ten dead bodies of women in this graveyard in a single year, and after their burial, no one showed up on their graves.

‘...According to the latest statistics of directorate to combat violence against women, in the first three months of this year [2019] in the Kurdish cities, 10 women have been killed and 13 have committed suicide. Most of the suicides happened in January and February in Sulaimanyah and Duhok cities.

‘Sulaimanyah Police Spokesperson says that most of the killings are because of social and family problems for example, a girl has relation with a boy or social media networks.’³⁹

5.3.14 The same source included the following images⁴⁰ of the ‘Graveyard of the Unknowns’:



³⁹ KirkukNow, [‘Graveyard of the Unknowns’](#) 21 May 2021

⁴⁰ KirkukNow, [‘Graveyard of the Unknowns’](#) 21 May 2021

5.3.15 On 11 March 2020 the United States Department of State (USSD) published its report on human rights practices in Iraq covering events in 2019. It stated that: 'The KRG Ministry of Interior's Directorate General of Combating Violence Against Women confirmed 16 cases of honor killing among 22 female homicide victims in the IKR as of September [2019].'⁴¹

5.3.16 The May 2020 joint report by MADRE, HRGJ, OWFI, citing various sources, stated:

'In the aftermath of the conflict with ISIL, many women victims are still at risk of "honor" killing if they return to their homes, for the perceived "dishonor" they bring to their families and communities. In 2017 a group of women trafficking victims, falsely charged with engaging in prostitution and unjustly incarcerated, had to seek refuge at a shelter in Basra, being unable to return home after release due to death threats from their families. Women in prominent positions, including politicians, journalists, doctors, and human rights defenders have also been targeted for "honor" killings for defying prescribed gender roles and taking active public positions. Between August and September 2018 alone, four prominent Iraqi women were assassinated.'⁴²

5.3.17 An English translation (from Arabic) of a June 2020 Al-Jazeera article (available on request) entitled "'Hills of Sinful Women"...The story of secret cemeteries for women in Southern Iraq' stated:

'At first glance, they seem to be no more than archaeological sites, a few miles apart and some villagers usually live nearby. Locally, they are called "ishan," meaning a highland surrounded by water, or archaeological hills. Explorations rarely pass through to discover the area.

'There are dozens of such hills in the ancient cities across Dhi Qar in southern Iraq... With the passage of time, the hills turned into cemeteries where locals bury newborns. Later, they became secret and undeclared cemeteries for women who are murdered in shame-washing, also known as honour killing. As these places are almost neglected and out of sight, they are taken as burial places. According to local beliefs, a murdered woman does not deserve a burial at Wadi al-Salam Cemetery in Najaf, where residents of southern Iraq typically bury their beloved ones.

'Dhi Qar is one of those governorates where femicide is widespread for many reasons. Dominant social norms see women inferior to men. Breaking the social code through emotional relationships, expressing their feelings or adopting positions against their families put the end to women's lives.

'No specific dates document when these hills or nearby places began shifting into secret cemeteries for victims of honour killing. But discussions about these places were renewed after the last killing of two sisters from the Batha (40 kilometres west of Nasiriyah) in early May [2020], when their family decided to kill them after they fled the governorate – seduced by a young man from Kirkuk, north of Baghdad.

⁴¹ USSD, '[Country Report on Human Rights Practices 2019 – Iraq](#)' (Section 6) 11 March 2020

⁴² MADRE and others, '[Human Rights Violations Against Women and Girls in Iraq](#)' (page 8) May 2020

'Abu Ali Nasser, a resident of Batha, said these hills surrounded by water are locally called the shame-washing ishanat... There is no specific place to bury the bodies of victims, Abu Ali told AlJazeera.net. Each clan has one or two burial hills, but, in general, no one discloses the burial place but to the involved family.

"This is not the first time that women are killed in those areas," he added. "They have turned into hills of sinful women, as they are called by some locals there. It is not permissible to discuss or raise this topic, as anything related to this is usually denied."⁴³

5.3.18 The same source further stated:

'Honour killing continues to disturb civil society and women's rights organisations. Continuous monitoring shows that the problem of social media has surfaced as another cause of murder as girls get involved with young men. While victims pay for the relationship with their lives, perpetrators remain at large, says activist Mona al-Hilali.

'Killing to erase stigmas is inherent in Iraqi society, but abated for a while when community leaders stepped in, al-Hilali told Aljazeera.net. As news goes viral very quickly, families rush to kill the girl for fear of scandal, she says, "while the perpetrator, the murderer – authorised by prejudicial legal provisions that make him distort the facts of femicide – goes unpunished."

'...Al-Amin [an activist in Nasiriyah] gives an example of honour killings. A rural girl was on her way to carry home water from a nearby stream. A young man next door met her and said "hello." She said "hello" back and went on. Another neighbour saw the girl and told her brother who killed her. Then, he put the body in the bathroom and set it on fire. "I know she didn't do something wrong," the murderer brother said, "but what should I say to those who saw her saying 'hello' back to the man?"⁴⁴

5.3.19 On 11 December 2020, Rudaw published an article entitled '[To kill your daughter in the name of honour](#)' which provided details about the killing of a husband and wife who got married without the family's blessing in the early 2000s.

5.3.20 On 1 January 2021 Inside Arabia, 'an online news analysis magazine providing in-depth news and analysis of the Middle East and North Africa'⁴⁵, published an article entitled 'Alarming Increase in "Honor Killing" of Kurdish and Iraqi Women' which stated:

'An increasing number of women are being murdered in the Iraqi Kurdistan region in the name of "honor," as local authorities fail to pass and enforce laws against these crimes, and social norms allow those responsible to avoid accountability.

'Killing women on the basis of honor is deeply rooted in the tribal and religious mentalities of Kurdish and Iraqi societies, and even within Kurdish

⁴³ Al-Jazeera, "[Hills of sinful women](#)"... 26 June 2020 (Translated version available on request)

⁴⁴ Al-Jazeera, "[Hills of sinful women](#)"... 26 June 2020 (Translated version available on request)

⁴⁵ Inside Arabia, '[About Us](#)' no date

and Iraqi communities living in diaspora. Due to the recent surge in these cases, the prospect of eradicating the issue in the near future appears bleak.

'...According to statistics by the Kurdistan Regional Government (KRG) Directorate of Combatting Violence Against Women, 120 women were killed in the Iraqi Kurdistan Region (IKR) in 2019. Official statistics show a sharp rise in killing women in the name of "clearing dishonor," or forcing women to commit suicide. In 2018, 46 women were killed in this manner, and in 2017 the number was 50.

'...Lately, the Kurdish authorities have decided not to provide any statistics of violence against women to the local and international media, claiming their decision is meant to avoid the release of inaccurate statistics. Instead, they will issue a report combining data from other legal sources at the end of each year going forward.

'The situation in Iraq is worse even as it is difficult to have a precise number of honor killing victims since the police do not interfere in such cases and often record them as suicide.'⁴⁶

[Back to Contents](#)

5.4 Self-immolation

5.4.1 A study published in January 2018 by the International Journal of Community Based Nursing and Midwifery (IJCMN) was conducted to explore probable issues which might lead to self-immolation in young Kurdish Iraqi women. The study stated that:

'Self-immolation is a heinous suicide method that is common in Eastern societies compared to the West. Self-immolation is extremely painful for both the victim, who may remain alert until death, and for the witnesses. For whatever reasons it takes place, self-immolation leads to irreparable personal and social damage for the individual, community and family and has always been of interest to researchers in different fields as a symptom of social pathology.'⁴⁷

5.4.2 The same study, which consisted of 24 in-depth interviews with women who had attempted self-immolation, further stated that:

'The analysis of the data obtained from the interviews led to the extraction of five categories which seems to be related to self-immolation attempts, including not having control over personal life, marital conflicts, seeking attention, instilling guilt in the family members, and resentment towards male dominant community...Self-immolation is a multidimensional phenomenon that has not come to exist overnight and is rooted in various factors that join to encourage self-immolation attempts by women in critical situations.'⁴⁸

5.4.3 The November 2015 joint report by MRG and CCCR stated that 'In many communities in Iraq, including Kurdistan, there are large numbers of female suicides, especially by self-immolation. Families will sometimes compel a

⁴⁶ Inside Arabia, '[Alarming Increase in "Honor Killing" of Kurdish and Iraqi Women](#)' 1 January 2021

⁴⁷ Amin, PM & others, IJCMN, '[A cry for Help and Protest: Self-Immolation...](#)' January 2018

⁴⁸ Amin, PM & others, IJCMN, '[A cry for Help and Protest: Self-Immolation...](#)' January 2018

female member accused of wrongdoing to kill herself as an alternative to carrying out the 'honour' killing themselves.'⁴⁹

- 5.4.4 On 15 March 2017 Al-Monitor published an article entitled 'Self-immolations on the rise among Iraqi Kurdish women' which stated:

'...[S]ince the early 1990s, several thousand Iraqi Kurds died of self-immolation. In 2015, the Kurdistan Regional Government listed 125 deaths by self-immolation. In most cases, deaths are concealed behind the excuse of a random home accident, but Bahar Munzir, a popular activist for the rights of Kurdish women, told Al-Monitor that 500 such deaths occur each year.

'Sarab, 19, is a survivor. When she was 11 years old, her father died and she had to respect her mother's decision to marry a man who was 14 years older than her... Her mother-in-law dictated her life, but Sarab never complained. "For fear of divorce," she said. Her husband became more and more violent, and desired another woman. Sarab thought about polygamy, which is illegal in Iraqi Kurdistan but still practiced. However, her husband preferred to divorce, remarry, and keep the child he had with Sarab. Barely 18 at the time but looking like she was 30, Sarab took refuge in her mother's house. One evening, after she found out that her child had been treated badly, she took a lighter, covered herself in oil and set fire to herself.'⁵⁰

- 5.4.5 The same source further stated:

'Al-Mesalla [a NGO (non-government organisation) based in Erbil] currently supports Fatima, an Iraqi Kurdish woman who wears a niqab. Fatima talked to Al-Monitor about her situation and said that her husband, a taxi driver, asked her to wear the full-face veil until her skin is "fixed." "I was a very beautiful woman. I wore the scarf because I wanted to," she said. But in April 2015, her husband expressed doubts about her loyalty, suspecting that she flirted with another man by intercepting text messages. Fatima sank into depression and immolated herself - 37% of her body is burned.

'Fatima, an oncology nurse, told her friends and acquaintances that it was a cooking accident. "They say that God wanted to punish me because I drove a car and wore golden jewelry. I was showing off in their opinion," she said in a tired voice... Shala Abdullah, a social worker with Al-Mesalla, told Al-Monitor, "In our culture, if you say that you are burned, we think that it's because you were not a respectful woman. We wonder what you did to want to kill yourself."⁵¹

- 5.4.6 The joint report published by DIS and Landinfo in November 2018 stated:

'As a result of the strain women endure caused by an honour conflicts, women sometimes commit suicide... 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.

'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

⁴⁹ MRG,CCCR, '[The Lost Women of Iraq: Family-based violence...](#)' (page 27) November 2015

⁵⁰ Al-Monitor, '[Self-immolations on the rise among Iraqi Kurdish women](#)' 15 March 2017

⁵¹ Al-Monitor, '[Self-immolations on the rise among Iraqi Kurdish women](#)' 15 March 2017

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. 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. 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.

‘According to one source, the number of suicides as a result of honour conflicts has increased. 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 complaints received by DCWAV are characterised as complaints on less serious cases than suicide attempts.’⁵²

5.4.7 The April 2020 article published by HRW stated:

‘On April 12 [2020], a video surfaced on social media of the woman in a hospital with severe burn wounds. Her mother told Human Rights Watch that eight months ago her daughter married a police officer who had only allowed her to visit her parents once since then. On April 8, her mother said, the husband called to tell her that his wife had a “slight burn accident” and was in the hospital.

‘The mother could hear her daughter screaming. She rushed to the hospital, where the husband’s mother blocked her from seeing her daughter. Police took the young woman’s statement while her mother was blocked from the room, the mother said. On April 11, when she was able to enter the hospital room, her daughter told her that her husband had beaten her so badly on April 8 that she poured gasoline on herself and warned him that unless he stopped, she would light herself on fire.

“I still don’t know if he lit her on fire or she did it herself, but she told me she burned for three minutes while he just watched, and finally his father, also a policeman, came in and put out the fire,” the mother said. “She begged them to take her to the hospital but they waited for over an hour before doing so. Her father-in-law then pretended to the police that he was her father and said to them the fire had been an accident.”

‘The young woman died on April 18...Thikra Sarsim, deputy director of Babel Tower, a Baghdad nongovernmental organization, told Human Rights Watch on the day that the young woman died: “She will not be the last one so long as the law does not protect women. My organization has documented many honor killings over the years, but the death certificates instead say ‘suicide.’”⁵³

[Back to Contents](#)

5.5 Tribal redress

5.5.1 In November 2018, EASO published a report entitled ‘Iraq: Actors of Protection’. The report, citing various sources stated:

⁵² DIS & Landinfo, [‘KRI: Women and men in honour-related conflicts’](#) (page 10-11) 9 November 2018

⁵³ HRW, [‘Iraq: Urgent Need for Domestic Violence Law’](#) 22 April 2020

'Tribal customary law ('urf) is a longstanding and important mechanisms for dispute resolution and preservation of order in Iraq. It is based on a system of collective honour and responsibility, whereby disputes are resolved through restoration of equilibrium by reciprocity and compensation. Tribal justice in Iraq remains common and has reportedly become increasingly popular and preferred to courts and police, particularly in central and southern Iraq... Since 2003, tribal justice has been increasingly relied upon due to weak state capacity in the justice system, for issues ranging from murder, assault, armed conflict, theft, to commercial and criminal matters, to settlement through paying compensation (blood money or diya) or exchanging women/girls, vengeance, or marriage.

'...[T]ribal dispute mechanisms can involve violations of human rights such as giving away female relatives as compensation or honour killing; it may also include retributive killing/death or banishment. Women are "particularly vulnerable" regarding tribal justice and can encounter harsh treatment for transgression of tribal customs.'⁵⁴

- 5.5.2 For more information on tribes, tribal law and tribal justice see the Country Policy and Information Note [Iraq: Actors of Protection](#) and [Iraq: Blood feuds](#).

[Back to Contents](#)

Section 6 updated: 16 March 2021

6. State protection

6.1 Enforcement of the law

- 6.1.1 In regards to enforcement of the law within Iraq the November 2015 joint report by MRG and CCCR stated that:

'The Iraqi Penal Code implicitly sanctions the legitimacy of "honour" killing by providing for mitigated sentences for those who commit crimes for reasons of honour. As a general rule, crimes go unreported and unprosecuted and are seen by the police and judicial authorities as falling within the responsibility and discretion of male family members. Very few of such cases make it to court, and when they do, perpetrators are often acquitted or given very light sentences.

'Several high-profile cases of "honour" killing have caused public outcry and demands for reform in recent years, but little has changed in practice... As numerous examples show, trials for "honour" killings often end in acquittals or light sentences, even in the face of clear evidence incriminating the perpetrator. In 2008 near Kirkuk, a father shot his three teenage daughters after pouring boiling water on them because he suspected them of having pre-marital sex. Two of the daughters died and the third lost an eye. The man was sentenced to only two years in jail. After he was released from jail, the surviving daughter had no option other than to return to live with him.

'...In December 2013, in a trial monitored by UNAMI, a young man in Basra confessed to attempting to murder his sister for "honour" reasons. He admitted to shooting her and attacking her with a sword and an iron bar. Despite his confession, the judge downgraded his charge to a lesser

⁵⁴ EASO, '[Iraq: Actors of Protection](#)' (page 65-66) November 2018

offence, sentenced him to one year in prison and then suspended the sentence, meaning that the defendant did not serve any sentence for the crime he committed.

'...Most cases go unreported, or are reported as accidents or suicides by family members. Police often accept the family's version of events and do not conduct investigations, even when there is strong reason to believe that an "honour" killing may have taken place. Hospitals will register deaths as suicides even when a woman's body shows signs of violence, fearing retaliation from the woman's family.'⁵⁵

6.1.2 The same source further stated the following in regard to the IKR:

'Although the provisions of the Iraqi Penal Code which allow mitigated sentences for "honour" killings were repealed in the Kurdistan region upon independence, such killings continue to take place.

'...Despite the existence of laws criminalizing violence against women, tribal power holds stronger sway in many parts of Kurdistan. Particularly in rural areas, where illiteracy persists, "honour" killings continue to take place in high numbers beyond the purview of the law. The community at large often accepts tribal solutions in cases of perceived transgressions of honour, so that "honour" killings are not reported nor taken seriously by the police. The police and the court system are also prone to influence from prominent families and tribes, which can lead to perpetrators being acquitted of charges even when there is clear evidence against them.

'Several recent cases show the inability of the law and the justice system to deter crimes against women and the continuing salience of "honour" as a justification for violence... In May 2014, 15-year-old Dunya Hassan was shot to death with an AK-47 assault rifle by her 45-year-old husband, Sleman Zyab Yunis, in Kalakji, Dohuk governorate. Dunya had been forced into the marriage at the age of 14. Her husband, who already had a wife and nine children, had been physically and verbally abusive throughout the marriage and had refused to grant Hassan a divorce. His reason for killing Hassan was that he suspected her of having an extramarital relationship. He released a video proudly defending his actions two weeks after the murder and eventually turned himself into the police. News of Hassan's killing sparked protests by rights groups and the formation of a special committee in parliament to investigate the case. In a positive development, the Kurdish authorities also arrested the cleric who had performed Hassan's marriage when she was 14.

'...However, there have also been some recent positive developments in combating violence against women, including successful convictions of perpetrators of "honour" killing. On 20 May 2014, the Sulaymaniyah criminal court sentenced Osman Ali Mohammed to 15 years in prison for murdering his wife, Najeha Qader, in front of their children in March 2013.'⁵⁶

6.1.3 The joint report published by DIS and Landinfo in November 2018 stated:

⁵⁵ MRG,CCCR, '[The Lost Women of Iraq: Family-based violence...](#)' (page 27-28) November 2015

⁵⁶ MRG,CCCR, '[The Lost Women of Iraq: Family-based violence...](#)' (page 28-30) November 2015

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

‘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.

‘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.’⁵⁷

6.1.4 The same source further stated:

‘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 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.

‘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 [a] 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.’⁵⁸

6.1.5 The same source additionally noted:

‘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. The lack of

⁵⁷ DIS & Landinfo, [‘KRI: Women and men in honour-related conflicts’](#) (page 15) 9 November 2018

⁵⁸ DIS & Landinfo, [‘KRI: Women and men in honour-related conflicts’](#) (page 15-16) 9 November 2018

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.

‘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. Some perpetrators are convicted to one year in prison. Others are acquitted even though a medical report says the woman was killed by shooting which rules out the possibility of suicide.

‘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. 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.

‘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. 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.

‘In the view of Hana Swan [of the NGO Women’s Media & Cultural Organization (WMCO)], 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.’⁵⁹

6.1.6 The November 2018 EASO report, citing various sources, stated:

‘The police reportedly made “limited efforts to prevent or respond to societal violence”. UNAMI similarly observed that during 2017, despite an increase in violence against women, police were not willing to “meaningfully investigate” killings of women and girls for honour. The Ministry of Interior has specialised police units called “Family and Child Protection Units’. According to UNAMI, these units have improved women’s access to justice; however, they are limited to provincial capitals and major cities and lack suitable facilities and female personnel. According to sources interviewed by Lifos/Landinfo, women victims of sexual violence rarely report it to police and the crime “often goes unpunished” as perpetrators can pay to escape punishment.’⁶⁰

6.1.7 The USSD report published in March 2020 stated ‘During the year the KRG began prosecuting murders of women, including by honor killings, as homicides, meaning culprits convicted of honor killings were subject to penalties up to and including the death penalty. The KRG Ministry of Interior

⁵⁹ DIS & Landinfo, [‘KRI: Women and men in honour-related conflicts’](#) (page 17) 9 November 2018

⁶⁰ EASO, [‘Iraq: Actors of Protection’](#) (page 38) November 2018

Directorate General of Combating Violence against Women confirmed that sentences in such cases sometimes reached 20 years.⁶¹

- 6.1.8 The same source further noted that ‘Some families reportedly arranged honor killings to appear as suicides.’⁶²
- 6.1.9 The May 2020 joint report by MADRE, HRGJ, OWFI, citing various sources, stated that ‘Law enforcement, often viewing violence against family members as a private matter, is reluctant to investigate such crimes and hold perpetrators accountable. Women have also been held in prisons or detention centers in order to protect them from potential “honor” killings.’⁶³

- 6.1.10 The June 2020 Al-Jazeera report stated:

‘Usually, the police do not interfere in honour killings after the crime is perpetuated, a security official told AlJazeera.net. No statistics report precisely the number of crimes across Dhi Qar. Due to tribal pressure, they fall under suicides, the official noted.

‘Investigations often find clues to a murder, but the case is eventually closed under suicide, the official added. These clues are observed on the bodies of many victims. In recent years, Dhi Qar reported a rise in the number of female suicides, most of them are honour killings.

‘Under Iraqi law, any person who finds his wife or one of his immediate female relatives committing adultery or in bed with her lover and kills them or either of them immediately, or assaults either of them so that he or she dies or is left permanently disabled, shall be penalised by imprisonment for up to three years. The right to legal self-defence may not be exercised against those who use this excuse nor do the provisions of aggravating circumstances apply against them.’⁶⁴

- 6.1.11 On 23 November 2020 Rudaw published an article entitled ‘Three men in Kalar arrested for hanging their sister to death: police’ which stated:

‘Three men were arrested on suspicion of hanging their sister to death, in what a local police spokesperson said on Sunday was related to a "social issue".

‘The body of the woman, born in 1994 and named by police only by the initials M.A.M, was found hanging in her own home on Friday evening in the district of Kalar, Garmiyān administration.

“The woman had problems with her husband, and their divorce case was in court,” Garmiyān Police spokesperson Jamal Qidoori told Rudaw.

‘The police forces arrested four suspects in the hours after the discovery of the woman’s body – three of whom were her brothers, Qidoori said.

⁶¹ USSD, [‘Country Report on Human Rights Practices 2019 – Iraq’](#) (Section 6) 11 March 2020

⁶² USSD, [‘Country Report on Human Rights Practices 2019 – Iraq’](#) (Section 6) 11 March 2020

⁶³ MADRE & others [‘Human Rights Violations Against Women and Girls in Iraq’](#) (page 8-9) May 2020

⁶⁴ Al-Jazeera, [“Hills of sinful women”...](#) 26 June 2020 (Translated version available on request)

'...The term "social issue" is often used by Kurdistan Region authorities as a euphemism for the honor-based violence that persists the Kurdistan Region.'⁶⁵

- 6.1.12 On 30 November 2020, The Morning Star (TMS), a reader-owned co-operative daily paper⁶⁶, reported on a demonstration against the killing of women in the IKR which took place outside of the Slemani Court of Justice. The article stated:

'Protesters gathered outside the court building for a press conference this morning before presenting a list of key demands to the court.

'The number of women murdered in so-called "honour killings" is showing a worrying rise, campaigners warned.

'Those gathered stood in silence, wearing scarves emblazoned with red hands, depicting the blood of the women that have been killed in the region.

'On International Day for the Elimination of Violence Against Women in Slemani last week, spokeswoman for the Conscience Group Sakar Ebdullah said that more than 20,000 women have been killed since the 1991 uprising in the Kurdish region.

'Violence against women is reaching "alarming levels" she said, adding: "The existing laws are not favourable to women."

'...Campaign spokesman Mohammed Sheeraz Talibani outlined the main demands to the Morning Star. One of the key changes is to a rule that allows parents, husbands, uncles or brothers to sign papers forcing women's shelters to release their daughters, wives or other female relatives into their care.

"After they are taken from the refuge, they kill them," Mr Talibani explained.

"In Chamchamal there was a case where two sisters were killed by their father. He started a new relationship, but their stepmother didn't like them and kicked them out of the house, saying they were 'bad girls.'

"They ended up in a shelter, but their father signed the papers two months later and they were forced to leave. His new wife told him that they had behaved 'dishonourably' in the refuge.

"He and two other men then shot the girls — and they have escaped punishment as the father has been sheltered by the community, moving from house to house.

"The authorities won't make arrests of the men as the father is a leading figure in the community — so they get away with murder," he said.'⁶⁷

- 6.1.13 On 3 March 2021 Freedom House published a report entitled 'Freedom in the World 2021'. The Iraq section of the report stated that:

'Forced and early marriages are common, especially in the context of displacement and poverty. Nearly one in four Iraqi women aged 20 to 24 were married by age 18, and marriage between 15 and 18 is legal with

⁶⁵ Rudaw, '[Three men in Kalar arrested for hanging their sister to death: police](#)' 23 November 2020

⁶⁶ TMS, '[Support Us](#)' no date

⁶⁷ TMS, '[Campaigners press for changes to stop the killing of women...](#)' 30 November 2020

parental approval. Laws on marriage and divorce favor men over women. In 2020, Iraq witnessed a spike in domestic violence cases. Renewed efforts by Iraqi women's rights organizations to compel the parliament to pass a law banning gender-based violence have been unsuccessful. Rapists can avoid prosecution if they marry their victims; spousal rape is not prohibited. The law also allows reduced sentences for those convicted of so-called honor killings, which are seldom punished in practice.⁶⁸

[Back to Contents](#)

6.2 Shelters

Iraq

6.2.1 The June 2018 UNHRC report stated that in order 'To protect the growing number of women and girls fleeing domestic violence and the threat of honour killings, there is a desperate need for more shelters.'⁶⁹

6.2.2 The January 2019 OWFI report stated that:

'The Iraqi government, in collaboration with UNFPA, opened a shelter in Baghdad after drafting standards for shelters for survivors of domestic violence, including sexual violence. However, the shelter does not provide adequate protection for women fleeing attempted "honor" killings and other forms of domestic violence. In order for a woman escaping violence to be admitted to the shelter, she needs a report from the Ministry of Health (if she has any signs of violence) and a police report about the incident. The case is then referred to a judge and the court makes the decision. Only then with a court order may a woman access shelter. This process jeopardizes the safety of women by exposing them to retribution from their perpetrators and to extra-judicial means of resolution by the victim's family, such as being forced to marry the perpetrator or even being subject to "honor" killings. NGO-run shelters do not impose these difficult and dangerous requirements.

'Although a government-sponsored shelter for victims of trafficking opened in Baghdad, this is insufficient to provide for all of the women and girls who need assistance. Moreover, even if it were not the case that government-run shelters stay empty due to policies to report victims to their families, the opening of this solitary shelter does not remedy the continued prohibition on shelters operated by women's civil society organizations in central and southern Iraq.'⁷⁰

6.2.3 The UNHCR report published in May 2019, citing various sources, stated that 'Although the Iraqi government has opened some shelters in recent years, their capacity and outreach reportedly remains limited.'⁷¹

6.2.4 On 18 November 2019 KirkukNow published an article entitled 'Kirkuk: Violence against women on the rise' which stated:

⁶⁸ Freedom House, '[Freedom in the World 2021 – Iraq](#)' (Section G3) 3 March 2021

⁶⁹ UNHRC, '[Report...on extrajudicial, summary or arbitrary executions...](#)' (page 10) 5 June 2018

⁷⁰ OWFI & others '[Gender-Based Violence and Discrimination Against Women...](#)' (p11-12) Jan 2019

⁷¹ UNHCR, '[...Protection Considerations with Regard to People Fleeing...Iraq](#)' (page 87) May 2019

'Over the past 10 years, human rights organizations and women's rights advocates have repeatedly urged the Iraqi Ministry of Interior to provide women's shelters, yet their requests remained unanswered.

"The opening of shelters for abused women and girls will decrease murder and divorce cases, because they can provide protection for women who are subjected to violence and threats, as our organization legally cannot shelter them" said Sirood [Ahmed, the head of the Kirkuk office of the Iraqi Amal (Hope) Association for Human Rights], adding that "when a woman or a girl is under the protection of the government, it is very unlikely that someone would dare to kill her."

'Except for the Kurdistan Region, no women's refuges are available in Kirkuk and the rest of the disputed territories; therefore they would be transferred to the Kurdistan Region provinces of Erbil and Sulaymaniyah in coordination with women rights organizations.

'Chiman Ahmed, a lawyer and women rights activist in Kirkuk, speaking to KirkukNow said, "The lack of shelters represents a major problem for us; we encounter different cases of domestic violence, yet we don't know how to deal with them."

'Human rights activists say the opening of women's shelters requires legislation, indicating that the issue has not been regulated by law in Iraq.

'Chiman Ahmed blames "society's patriarchal attitudes" for the problem. "Patriarchal attitudes prevalent in our society, making it is very difficult for us to shelter battered and threatened women; therefore, we send them to shelters in the provinces of the Kurdistan Region."

'No official statistics are available on murder cases of women in Kirkuk, but activists say they believe the lack of shelters is a leading factor that contributes to increased risk on their safety.'⁷²

- 6.2.5 On 23 March 2020 the United Nations Economic and Social Commission for Western Africa (ESCWA) published a report entitled 'Shelters for Women Survivors of Violence: Availability and Accessibility in the Arab Region' which stated:

'Only the government is sanctioned to provide shelters in Iraq due to a narrow reading of the law. This is because the Law on Combating Human Trafficking (2012) states that the Ministry of Labour and Social Affairs should provide shelters. Thus, government officials have interpreted this policy to mean that shelters for victims of trafficking can only be run by the government. They have further interpreted this to mean that all shelters, including those for survivors of violence, must be run by the government. As a result, some shelters are run clandestinely by NGOs with little assurance of safety for the staff or the survivors.'⁷³

- 6.2.6 The Australian Government's Department of Foreign Affairs and Trade (DFAT) noted in its report on Iraq, which was based on a range of sources and dated August 2020, that 'Human rights observers have noted the draft

⁷² KirkukNow, '[Kirkuk: Violence against women on the rise](#)' 18 November 2019

⁷³ ESCWA, '[Shelters for Women Survivors of Violence...](#)' (page 37-38) 23 March 2020

anti-domestic violence law currently being considered by parliament fails to address significant problems, including enabling NGOs to run women's shelters and repealing Article 41 of the Criminal Code.⁷⁴

- 6.2.7 For more information on government-run shelters in Iraq, including funding, accommodation, scope of service, management, staffing and service accessibility and provision see the full [ESCWA report](#).
- 6.2.8 Following a request for information by CPIT regarding shelters in Iraq, Wadi, an NGO that supports various projects to empower women and youth in the Middle East⁷⁵, stated that 'There are "shelters" that are more or less like prisons. With the difference that the inmate can leave after signing a form that she has left on her own will or a pledge signed by the family member, mainly the perpetrator, saying that they [will] stop threatening the girl or woman. In Iraq and the IKR there are some shelters, maybe one in the capitals and the main cities.'⁷⁶

[Back to Contents](#)

Kurdistan Region of Iraq

- 6.2.9 The joint report published by DIS and Landinfo in November 2018 stated:
- '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 [Directorate of Combating Violence Against Women]. 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.
- '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.
- '...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... 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.
- '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

⁷⁴ DFAT, '[Country Information Report Iraq](#)' (paragraph 3.125) 17 August 2020

⁷⁵ WADI, '[Homepage](#)' no date

⁷⁶ WADI, 'Response to CPIT questions' 22 February 2021 – available on request.

education and jobs. Some Arab women have accessed the shelters in KRI.⁷⁷

6.2.10 The UNHCR report published in May 2019, citing various sources, stated:

‘In the KR-I, the Ministry of Social Affairs is reported to be operating shelters for female survivors and those at risk of domestic violence and trafficking. In addition, some local NGOs have reportedly been permitted to operate shelters for women fleeing domestic violence. Both government and NGO-run shelters are reported to suffer from a lack of funding, limited capacity, poor quality of services as well as security risks. A major obstacle for women to access government-run shelters in the KR-I is that admission requires a judicial order, meaning that formal legal proceedings must be initiated against the perpetrator.

‘Observers indicate that, unless shelter staff, law enforcement officials or community leaders reach a mediated agreement with the woman’s family, the woman has no prospects for a future outside the shelter. Even if a family pledges not to harm the woman or girl upon return from the shelter, she may still be subjected to forced marriage or other forms of violence, including “honour killings”.’⁷⁸

6.2.11 The 2020 DFAT report on Iraq noted that: ‘In the KRI, four KRG Ministry of Labour and Social Affairs operated shelters and one privately-operated shelter provide some protection and assistance for victims of gender-based violence and human trafficking. However, space is limited and service delivery poor. Authorities generally focus on family reconciliation rather than offering legal remedies to victims.’⁷⁹

6.2.12 In their response to an information request by CPIT, WADI stated:

‘After the [passing of] Law 8 of 2011...centres for combating domestic violence in the towns and provinces where opened. Special courts were also set [up] for looking after domestic violence cases in coordination with NGOs like WOLA (Women Organisation for Legal Assistance), originally a centre started by WADI [and] then made into an NGO and [is] still a WADI partner. The support offered by the KRG is not very potential [effective] because of man domination and control in the Ministry of Interior, Police Depts, courts etc.’⁸⁰

[Back to Contents](#)

Section 7 updated: 16 March 2021

7. Non-Government Organisations (NGOs)

7.1.1 The June 2018 UNHRC report stated:

‘At the federal level, while the Government does not permit non-governmental organizations to run shelters, some do in practice, often at very high risk. The Special Rapporteur was alarmed to discover that the few organizations providing such shelter – filling a gap due to lack of publicly

⁷⁷ DIS & Landinfo, ‘[KRI: Women and men in honour-related conflicts](#)’ (page 18-19) 9 November 2018

⁷⁸ UNHCR, ‘[...Protection Considerations with Regard to People Fleeing...Iraq](#)’ (page 88) May 2019

⁷⁹ DFAT, ‘[Country Information Report Iraq](#)’ (paragraph 3.125), 17 August 2020

⁸⁰ WADI, ‘Response to CPIT questions’ 22 February 2021 – available on request.

funded shelters – are targeted and stigmatized, their offices raided by police and their staff intimidated and threatened by various actors. In the Kurdistan region, whereas such organizations are permitted to run shelters, it appears that the authorities have denied licences to establish private shelters based on accusations of encouraging prostitution.”⁸¹

7.1.2 The joint report published by DIS and Landinfo in November 2018 stated that ‘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.’⁸²

7.1.3 The January 2019 report published by OWFI and 12 other organisations stated:

‘Despite repeated calls for policy change from international human rights bodies, in central and southern Iraq, it is against public policy for Iraqi NGOs to provide shelter to women escaping domestic violence, attempted “honor” killings, trafficking or other forms of gender-based violence. NGO-run shelters operate in an undefined legal framework and the NGOs who run them are cautious about publicizing their services. In practice, the Government has criminalized NGO-run shelters that provide protective services to victims fleeing violence.

‘...Consequently, NGO-run shelters and their service providers are not only vulnerable to police raids, but they also lack protection from threats of violence by extremist groups. The ban puts women at risk of torture and death. If women are discovered being housed in a privately-run shelter, police may send survivors back to their families, who they are fleeing in the first place. This means it is not only the lack of available shelter, but the policy prohibiting privately-operated shelters itself that puts women and marginalized people at risk of torture or death.

‘Despite this repression, a few women’s rights organizations continue to provide safe housing, illegally and clandestinely, to those fleeing domestic violence, “honor” killing threats, and other forms of gender-based violence. Iraqi NGOs and women’s rights defenders seeking to assist women and girls encounter regular harassment, arbitrary surveillance, and warrantless searches. This harassment not only puts staff and residents at risk, but it forces them to routinely relocate, avoiding unwanted attention from neighbors who have on occasion mistaken safe houses for brothels. One Iraqi women’s rights activist explained, “Shelters are thought of as encouraging women to disobey their husbands, and daughters to disobey their parents. This leads to the presumption that a shelter—a place where a group of immoral women reside without a male guardian—is likely a brothel.” This type of police abuse can leave women in hiding unprotected from family members who track them down for escaping threats of “honor” killings.’⁸³

7.1.4 The same source further stated:

⁸¹ UNHRC, ‘[Report...on extrajudicial, summary or arbitrary executions...](#)’ (page 10) 5 June 2018

⁸² DIS & Landinfo, ‘[KRI: Women and men in honour-related conflicts](#)’ (page 18) 9 November 2018

⁸³ OWFI & others, ‘[Gender-Based Violence and Discrimination Against Women...](#)’ (p10-11) Jan 2019

‘Additionally, such services cannot be publicly advertised and it makes it extremely difficult for organizations to expand them to meet the current need. Lifting the ban on NGO-run shelters would enable local Iraqi women’s human rights organizations to operate legally and provide better protective services and emergency response to women and girls as well as other at-risk individuals fleeing violence. Furthermore, legalizing their activities will provide an additional layer of protection for these organizations, including unhindered access to police assistance and the state’s collaboration in protecting victims of gender-based violence.

‘Only in the region of Kurdistan have some local NGOs been permitted to run and maintain shelters for women fleeing violence. In 2011, the Kurdish Regional Government (KRG) passed Domestic Law No. 8, the Law against Domestic Violence in the Kurdistan Region of Iraq, which calls for the creation of women’s shelters. While the law does not explicitly allow for NGO’s to run shelters, it provided space for collaboration between government and civil society and led to the creation of some shelters although not enough to meet the current needs.’⁸⁴

7.1.5 The UNHCR report published in May 2019, citing various sources, stated that ‘a local NGO runs a number of secret safe houses; however, the Government considers these shelters to be illegal. As a result, they are at risk of closure as well as raids and attacks by security forces, affiliated forces, as well as family members, who perceive them as places “where a group of immoral women reside without a male guardian”. During such raids, the women are reportedly at risk of being handed over to their families.’⁸⁵

7.1.6 The March 2020 USSD report stated:

‘While the law does not explicitly prohibit NGOs from running shelters for victims of gender-based crimes, the law allows the Ministry of Labor and Social Affairs to determine if a shelter may remain open, and the ministry did not do so. As a result, only the ministry could operate shelters in central government-controlled territory. NGOs that operated unofficial shelters faced legal penalties for operating such shelters without a license. NGOs reported that communities often viewed the shelters as brothels and asked the government to close them; on occasion, shelters were subject to attacks. In order to appease community concerns, the ministry regularly closed shelters, only to allow them to reopen in another location later. In the absence of shelters, authorities often detained or imprisoned sexual harassment victims for their own protection. Some women, without alternatives, become homeless.

‘...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

⁸⁴ OWFI & others, ‘[Gender-Based Violence and Discrimination Against Women...](#)’ (p10-11) Jan 2019

⁸⁵ UNHCR ‘[...Protection Considerations with Regard to People Fleeing...Iraq](#)’ (page 87-88) May 2019

resulted in further victimization by the family or community, there were few options for women accommodated at shelters.’⁸⁶

7.1.7 The 2020 DFAT report on Iraq stated that:

‘The KRG maintains a special police force to investigate cases of gender-based violence and a family reconciliation committee within the judicial system. NGOs report, however, that gender-based violence remains a common occurrence within the KRI. In most areas, there are few or no publicly-provided women’s shelters, information services or support hotlines, and little or no sensitivity training for police. While NGOs are not explicitly prohibited from running shelters for victims of gender-based crimes, national law allows the Ministry of Labour and Social Affairs to determine if shelters remain open. NGOs report communities often view shelters as brothels and either ask the government to close them or occasionally attack them. To appease community concerns, authorities often close shelters, only to allow them to reopen in another location later. NGOs operating unofficial shelters face legal penalties for operating them without a license. In the absence of shelters, authorities often detain or imprison sexual harassment victims for their own protection. Some victims, without alternatives, reportedly become homeless.’⁸⁷

7.1.8 In their response to an information request by CPIT, WADI stated: ‘NGOs that provide support are under threat, mainly the head of the NGO is liable to the threat. So they usually coordinate with the shelters run by the police. If victims refrain from going to the police centres due to distrust and...ill-treatment, the NGOs have to seek secret shelters and this is not easy but it [can be] done.’⁸⁸

[Back to Contents](#)

⁸⁶ USSD, ‘[Country Report on Human Rights Practices 2019 – Iraq](#)’ (Section 6) 11 March 2020

⁸⁷ DFAT, ‘[Country Information Report Iraq](#)’ (paragraph 3.125) 17 August 2020

⁸⁸ WADI, ‘Response to CPIT questions’ 22 February 2021 – available on request.

Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the [country information section](#). The Home Office's Country Policy and Information Team uses some standardised ToRs, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- Legal Context
 - Constitution
 - Penal Code
- Honour Crimes
 - Definition
 - Prevalence
- State response
- Non-Government Organisations (NGOs)

[Back to Contents](#)

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[Back to Contents](#)

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[Back to Contents](#)

Version control

Clearance

Below is information on when this note was cleared:

- version **2.0**
- valid from **19 March 2021**

Changes from last version of this note

Updated country of origin information and guidance. This CPIN has been extended to include all of Iraq rather than just the IKR.

[Back to Contents](#)