

Women's Rights Situation in Iraqi Kurdistan

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**Asuda
For Combating Violence against Women**

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Background:

Human rights protection in any country can be measured based on the protection of women's rights. Countries and communities where women's rights are protected show that the rights of other segments of the population are protected. In contrary to this, communities where protection of women's rights is at a bad level, human rights abuses prevail in all counts and against all segments of the population.

Based on Anthropological researches, the history of women suffering and abuses goes back to the beginning of agriculture. Throughout that long history, there were many factors including sociological, political and religious that contributed and influenced the treatment of women as second class human beings and slaves. Efforts were made to establish this as natural laws that cannot be changed.

This situation continued from the early stages of communities through primitive agricultural communities and then religious communities. During the Renaissance era, calls were made for equal rights for men and women that were made by French intellectuals and then turned to one of the principles of the French Revolution in the 18th Century. Ever since then up to date, the revolution of humanity erupted everywhere in the world against abuse and repression of women aiming at putting an end to the historical abuse against that component of the community. These efforts continue to increase on the local and international and regional levels and many international treaties and conventions were ratified in this regard which underscore all the need to lift all forms of restrictions and discrimination against women and bring about a humane life for women.

Women in the Kurdish Society

The Kurdish society is still considered amongst the few agricultural community, the value and views and traditions of this community overshadows the social and political life and even life of individuals. The social structure in such communities have been constructed in such a way where there is a continuity from grandfather, to son and grandsons ..etc however, as far as women is concerned, they have no significant position that can support a political role for women. Moreover, the primary role of women in such communities constitute housekeeping and bringing up children while male members of the family do have rights of ownership and responsibility and control over women's fate and future.

The tribal system grants ranks and privileges based on power and knighthood and strength to its members. Women are always situated at the bottom of the tribal hierarchy because of the

perception that assumes women are not only unable to protect the future of the clan but they may bring a significant shame to the clan. That is why in such systems, women are always under strict monitoring and censorship.

The primary issue in the tribal community which needs to be elaborated is the clan's view to the term "honour". Without understanding this term we cannot understand the tribal system nor can we understand the plight of women under tribal system. "Honour" represents to the clan the values and very existence of the clan, nothing is more serious than damage to honour clan's because the tribe itself is a moral entity which has two main pillars, blood and honour. The clan in traditional communities believe honor is represented in women and her body even discussing or questioning these matters are considered taboo [or Haram in Islam]. Therefore, women's body symbolizes honour for the tribe and based on this women's body and her behaviour are subject to continuous scrutiny.

Based on the foregoing, in tribal communities a woman does not own her own body, it is owned by the tribe and it is the tribe that decide how and when and in which way woman uses her own body in contrast to men in tribal societies who enjoy freedom in most cases.

The Kurdish community which is a continuation of such communities and is in the phase of transformation from tribal community, in this community private lives of individuals are influenced by the clan and the values of the tribe is dominating and can rule the day to day life of people. The composition of the Kurdish community is a simple traditional one and decadence of individuals can be easily identified by the tribal background. This phenomenon is more apparent in Kurdistan and clans are now dominating political, social and economic entities and those entities are cleverly using this issue for their own interest. In some cases, the tribe chief become the absolute ruler in the area of under his domain and influence and can make crucial decisions regarding the lives of people and their future without any blocking action by the authorities.

Under such state of affairs, women are subject to various forms of pressure and violence by the community which begins with restrictions on women's life and behaviours to acts of murder. All these acts against women are considered normal and allowed based on the values and traditions of the tribe and in some cases they are seen as essential. The official laws in the state have not completely prohibited it. For instance, Iraqi Law dilutes the punishment of those who kill women under honour related pretexts. However, after efforts by women organizations and civil society NGOs in Kurdistan, the Kurdistan Parliament amended that law and honour killing is now treated as any other criminal murder. However, the abolishment of the old law and enforcing the amended law by the government is yet to be seen, in some cases authorities have shown flexibility towards honour cases especially that clans consider honour issues are a domestic in-house social

issue. Even in resolving honour problems, tribes resort to traditional social reconciliation based on tribal practices and rules instead of courts taking into consideration compensating the damage inflicted to the name and honour and prestige of the tribe.

So called "Taking off dishonour" are often not only ignores resolving women issues, but it actually uses women as a way of bringing together feuding parties and reconcile. The recent global changes and the development of communications and exchange of culture and technology has had an impact on weakening such a tribal system and therefore the strength of tribal values and traditions differ from one area to the other and from one individual to the other.

Woman in the Family

Woman in the family as a mother, wife or sister does not refute the fact that she is owned and watched by male members of the family and in most cases the economic powers is with the male members and females in the family are economical dependent.

The Kurdish family takes on the tasks and responsibilities like any other traditional community which gives the family have additional rights on members of the family. Family as the smallest social unit in the social system ruled by the tribe and thus transfers the values and traditions to its smallest parts and family responsibilities. The most important issue is the according to prevalent social rules family has the right to question its members and feels responsible towards them.

Statistics on Violence against Women

One: Self-Immolation

Self-immolation is one of the most popular ways which women use to commit suicide. This form of suicide which is practised by women in the Kurdish community is analyzed in the light of a French Sociologist explanation of suicide as the outcome of profound psychological pressure which means the form of suicide which is committed under pressure by the community and the social environment as a reaction to the violence committed against her and she cannot withstand.

According to statistics of the Emergency Hospital in Sulaymaniyah governorate in 2006, 812 women were burned while this figure in 2005 was 778 and 291 women in 2004 against 329 women in 2003. This shows the fact that this phenomenon is increasing at an alarming rate. According to statistics of the Emergency Hospital, the number of women who committed self-immolation between 2003 to 2006 amounts to 2222 women.

A scientific research on self-immolation conducted in the end of 2005 shows that 5 women are reported burned every day and 3 women die every week as a result.

Another statistic provided by the Human Rights Department in Sulaymaniyah shows 41.86% of women fatalities in 2005 were due to burns while in 2006 the rate of women lost their lives due to the same reason was 28.29% in the rural areas.

The KRG Ministry of Health published statistics states 44.67% of women over 18 died as a result of burns in 2006 in the governorates of Sulaymaniyah, Erbil and Duhok. The percentage of girls of 13 to 18 of age was 14.2% while it stands at 4.41% of girls below 13 years.

The Judiciary Medical Department's figures show 51.17% of women's deaths in Sulaymaniyah governorate were due to burns.

A Human Rights Department's statistic of 2006 show 34.46% of women fatalities in Duhok were due to burns while this figure was 26.62% in 2005.

According to a research study on women self-immolation, 45.71% of women committed self-immolation were of age between 15 to 21 and 95% were below 30 years.

The Head of Judiciary Medical Department Dr. Barzan Muhammed Ali Faraj stresses that based on forensic examinations 95% of women fatalities were due to burns.

A US State Department report on human rights situation in Kurdistan Region shows 140 women of over 13 years died due to burns within six months in Sulaymaniyah governorate. In Erbil this figure was 66 against 42 women in Duhok.

Two: Women Murder:

The killing of women is one of the phenomena prevalent in the Kurdish Community which are occasionally justified under honour related pretexts. In other words, such acts of murder are committed under the impact of problems related to honour. This issue has a long history in the Kurdish community which is related to culture and tradition of the community. Although efforts were made by official government institutions and non-governmental organizations and women NGOs with the aim of finding a solution to put an end to this phenomenon, honour killings continue to be widely committed in Kurdistan Region.

The KRG Ministry of Health statistics show 12.72% of women's death in 2006 were deliberately killed by shooting the victim in the governorates of Sulaymaniyah, Erbil and Duhok. 1.18% of the deaths in the same year were strangled.

The Judicial Medical Department in Sulaymaniyah statistics show 10.44% of women in 2006 were shot dead and 1.04% of the fatalities in Sulaymaniyah were strangled.

Human Rights Department figures show 16.6% of women deaths in Duhok were shot dead while 17.03% of the overall fatalities in the governorate in 2005 were shot dead.

A report by Human Rights Section at the US State Department, in 2006 and within six months 21 girls of age over 13 years lost their lives in Sulaymaniyah governorate alone. In Erbil 8 women over 18 years were shot dead and 21 women of over 13 years were shot dead.

The Department of Human Rights statistics shows 7.02% of women deaths in rural areas in 2006 were shot dead while this rate in 2005 was 25.58.

The Police Department figures reveal 18.91 of court cases were related to women killings in 2006.

It is remarkable that in some cases women killing is based on suspicion only or on false allegations made by people against a woman. In many cases, the allegation or suspicion was enough to justify women killing.

In 2006, 250 files were presented to authorities to investigate virginity of women of which 11 cases were positive in the examination of which 4 cases were minors who lost virginity due to car accident or falling from high places. This shows that 250 women were accused of losing their virginity by their families and relatives while only 139 cases were proved to have lost virginity.

Suicide:

The phenomenon of suicide amongst Kurdish women has remarkably increased in recent years. According to statistics of Human Rights Department of Sulaymaniyah Governorate, rate of women suicide in 2006 was 23.88% against 22% in 2005.

According to figures of the same department, 20.63% of fatalities amongst women in rural areas [outside governorate centres] were resulted from drug poisoning while this rate was at 5.81% in 2005. In Duhok governorate, 0.66% of women death was due to drug poisoning.

Three: Domestic Violence:

One of the forms of violence which women face is the acts of violence committed against her by her family members such as husband, father, brother, or other relatives. According to figures provided by the Human Rights Department in Kurdistan, 28.68% of cases filed by women in police stations during 2006 were because of physical abuse and beating. According to the same source, 35.36% of the filed cases were against husbands, while 6.94% were against fathers and 3.36% against brothers.

Based on a questionnaire amongst 92 women in detention by police before conviction, 20.16% of them were abused by their fathers, 18.55% were abused by husbands and 17.57% were abused by brothers during different phases of their age.

The same questionnaire shows, 24.59% of the abuses were physical abuse or beating/battering, 33.37% were sexually abused, 20.49% were humiliated, 15.57% were threatened of death and 15.57% were subject to abusive words and expressions.

According to 2006 report of Human Rights Sections at the US State Department, women who resorted to Aram and Nawa women shelters were 114 girls or women over 16 years of age. It pertinent to state that one of the key motives of self-immolation by women is domestic violence committed against women by husband, brother or father or other members of her family. According to a research 95.28% of cases of self-immolation of women were because of family related problems.

Four: Sexual Abuse /Rape:

Sexual abuse and rape is considered as one of the most outrageous crimes all over the world, perpetrators of such crimes are subject to strongest punishments and sentences. Rape has a sever impact on women in all societies, in the Kurdish society women face the most difficult social situations given the traditional nature of the community which is symbolized in the view to the raped women by the community. The society's view such women as women whose honour were spoilt. Such treatment and view by the community to survivors of rape crimes is considered as a form of violence as they are not treated as ordinary women and fingers or accusation is always

pointed at them. This often ruins the social life of raped women and compounds their pain and suffering. In other words, women who face rape, despite the horror of the crimes she faces, she faces marginalisation by the society if people discover or know she was raped. That is why women often conceal cases of rape and prefer to hide the fact they were raped fearing the social consequences they have to face. Court statistics in Kurdistan Region reveal 2.4% of court cases of women in 2006 were cases of rape while 4.32% of cases were sexual harassment. In 2005, 3.69% of women court cases were rape cases and 5.03% were sexual harassment. Based on the outcome of a questionnaire amongst 92 women under detention, 23.31% of the detained women were sexually abused some by family relatives. Sulaymaniyah Police Department figures show 108 cases of sexual rape during 2006.

Five: Child Marriage (Marriage of Girls [minors]):

Marriage is the process of the selection of life partner based on love and mutual understanding. A successful marriage requires freedom of the selection of the partner.

In traditional communities, there are many factors and causes that deprive individuals from being able to select their spouse, particularly female whose fate is decided by relatives in traditional communities without any respect or consideration to the will of the woman. In Kurdish society there are various forms of marriage in which the woman has no say in selecting her husband such as Child Marriage, which is marrying a young girl (generally defined as below the age of fifteen) to an adult man. In this form of marriage the spouses agree that a little sister of the bride

This form of marriage which has been in practice for years does not conform to freedom of selection of partner and basic human rights principles. However, after campaigns and activities by women's rights organizations and advocates of women's rights, this phenomenon is diminishing. According to a scientific research, during 1990 to 2001 27000 cases of this form of marriage were registered in the governorate of Sulaymaniyah, Erbil and Duhok. According to statistics of Women Information Center, cases of this phenomenon were only 5 during 2006 which were only verbal agreements not official marriage. Three of the cases reported in Rania and one cases in Sharazoor and the other in Garmian. The same NGO collected signatures and fingerprints of 1210 women between 2003 and 2004 who were married while they were minors and they want to divorce in Rania. In doing so, a meeting was held with 57 religious leaders in the area and called upon them to stand against this phenomenon and warn the public in their Friday Prayer preaches about it and ask religious leaders [Mullas] not to engage minors to adults.

Other forms of traditional marriage have been significantly reduced but not certainly eradicated. Often in tribal feuds when members of a clan is killed by another in a tribal dispute or it is about honour, both sides come to tribal reconciliation after a girl is provided by one side to another in return to the blood or honour of the other side. What is alarming is there is no law prohibiting such tribal and traditional practices.

Six: Female Genital Mutilation [FGM]:

FGM is a rite practiced in traditional Islamic societies and it is often viewed as a social and religious duty that must be performed by parents. The tribal community as a community based on iconic pillars, such as terms of honour summarized in the body of women, it always strives to block the personal desires of women because those desires bring shame to the family and clan. One of the taboos in closed traditional communities is women sexual life. Therefore, in order to neutralize women's sexual desires, the communities resorted to circumcision through which sensitive parts of women and men genitals are cut.

What made FGM has more impact is the religious references encouraging the practice particularly in Islam where it is often referred to as a religious duty to the extent statements were made describing anything offered by women even water as "Haram".

According to statistics by Women Information Centre, during 2005 in Garmian area out of 1544 girls, 907 were circumcised which makes about 57%. In Rania and its surroundings, out of 1544 girls, 403 were circumcised which is about 26% while inside Sulaymaniyah city during the same year only two cases of FGM were reported. These figures changed during 2006 in Garmian for example, out of 1544 girls, 310 were circumcised which is 20% while in Rania 13% i.e. 207 of 1544 girls were circumcised. In Sulaymaniyah only one cases of FGM was reported in 2006 in a suburb of "Kani Kurda" one newly constructed slum.

The foregoing shows the FGM phenomenon is declining, for example the above figures show that in Garmian the area the phenomenon has reduced by 37% and in Rania by 7% while in Sulaymaniyah city it has gone down by 50%.

It has been noticed by women affairs researchers and experts that FGM is not prevalent in Badinan area [Duhok governorate]. Even elderly women in the area hardly recall FGM was ever practised in the area and believe circumcision bring misfortune to girls. This shows that although FGM is strongly backed by religion, traditions play more important role in the practice and it is not merely a religious rite given the fact that the population of Badinan area like other areas in

Kurdistan are also Muslims and yet don't practice FGM. It is also remarkable that population in areas in Kurdistan bordering Turkey do not practise FGM while those live in areas bordering Iran practise FGM.

Seven: Marriage and Divorce:

Social stability of any society is measured by the rate of marriage and divorce. In any area of the community where divorce rate is high shows economic, social, political and psychological instability. This phenomena also brings about many other social problems the most important one is the disbanding of family and confusion and scattering of its members including children and adults.

High incidence of divorce shows that building of the family was not based on sound basis, but there were other factors that played role in the process of family formation. These factors cannot guarantee welfare and long-term happiness for the family. According to Civil Status Court in Sulaymaniyah, during 2006, 985 divorce cases were reported of which 375 cases ended with divorce ruling and 478 were disregarded and 132 are pending. In the same court, during 2005, out of 2786 case claiming divorce, 1254 ended with divorce ruling and 1085 were disregarded and 447 are pending.

Comparing the figures of both years reveal that divorce claims in courts reduced by 1/3 which is encouraging and shows more social, economic and psychological stability of Kurdish family. Although there are no precise statistics available on widows particularly those in child bearing age [below 40], the view of the society to widows can be seen as disrespect and humiliating with suspicion based on which widows view themselves and decide their behaviour and personality.

In summary, the society's eye is more on widows because of the fact that the society also expect women to be behind a man to protect her. Widows are often negatively seen when they want to marry again particularly if she has children when she has to face criticism and insults from the society.

Regarding marriage in 2006, the Personal Status Code statistics show 7839 marriage cases in Sulaymaniyah governorate.

Education:

One of the basic human rights and women's rights is access to education. Up to date, culture and tradition in many countries limits access of girls to education. Education impacts on women's situation in two areas:

One: Impact of the level of awareness and knowledge of her rights.

Two: Impact of her political and social participation and her economic position. Available statistics show that in Kurdistan Region women literacy is increasing which reflects the attention of the authorities to this issue from the social and political point of view.

According to statistics, in 2006 86.6% of girls of 6 year of age enrolled in primary schools while this figure was 80% in 1990 and 52% in 1977.

In 2000, 7.7% of girls between 18 to 23 of age were enrolled in Universities against 6% in 1990 and 4.3% in 1977. Between 2001 and 2002, 43% of Salahaddin University were female while in 1990-1991 only 26% were female. These are indicators of slow grow in the level of education of women. In 2000, 35.7% of seats of Post Graduate studies were allocated for women while this was only 23.6% in 1990.

According to prevalent statistic, women illiteracy in 1997 was 30.90% against 70.7% in 1977. This also indicates significant progress compared to regional countries. For example, in Saudi Arabia, women illiteracy in 200-2001 was 25.62%, in Sudan 49%, in Egypt 42%, in Iraq, Kuwait, UAE and Qatar were about 21%.

Women and Political and Professional Participation

Many Intellectuals believe the most important difference between modern and advanced societies and traditional societies is women political participation.

Political participation was the subject of many researches and studies, for example "Samuel" believes "Political participation is a form of political activity preformed by ordinary citizens with the aim of influencing the decision making by the government".

Myrom Wienter believes "Political participation is a set of administrative practices that aim at impacting on the overall political process and the running of the affairs of the society through which leaders are elected for various levels of government"

Political participation in general must encompass a number of aspects:

1. A set of behaviours through which the people present their demands to the ruling elite. These demands represent the issue through which the public provide support to the authorities.
2. The efforts made by the people with the aim of influencing the authorities, amongst the most important acts are (voting in general polls, putting pressure on ruling elite, demonstration, petition and signature collection and presenting then to the authorities) or any other lawful acts.
3. Parliamentary representation more seen in modern societies with large number of population who cannot all exercise their authority and need elected representatives to do that on their behalf.
4. Participation in public meetings, membership in political parties, membership in pressure groups and allocation of some time to public issues.
5. Endeavour to change the political state of affairs in the society.
6. Writing book and publication and dissemination of articles in magazines and newspapers on issues related to the society's public life.
7. Reading books, newspapers and magazines and listening to commentaries by radio and TV stations as well as news agencies related to political, social and economic life in the society.
8. Some intellectuals believe isolation aimed at reject the current state of affairs in the society can be interpreted as a form of political participation.

During 2006 in Kurdistan Region several important political events took place that had an impact on women's issues as well. These were the announcement of the unified administration of the Kurdistan Regional Government cabinet comprising 42 Ministers, of which only 3 were women. The Ministry for Women Affairs was given to a woman as a Minister of State without portfolio. Due to the fact that Director Generals and Deputy Ministers were not identified, the percentage of women in those posts is yet unknown.

During 2006, Civil Society NGOs have had a considerable effect on issues related to political, social and economic life of Kurdish women. For example, in 20 September 2006, a group of female MPs upon request from Women Organizations presented a draft amendment to Personal Status Code no 188 of 1959 with emphasis on articles prohibiting polygamy and marriage outside

courts and legal qualification for marriage as well as ways of managing family life and participation of women in these.

In this connection, women faced many challenges, most important of which are:

1. Weak practice of democracy and civil liberties.
2. Old fashioned, reactionary and backward thinking of the political authority.
3. Scarce Human Resources.
4. Feeble Organizational structures.
5. Inadequate strategic development.
6. Lack of legal and political awareness amongst women.
7. Weak coordination amongst Women Organizations.

Each of the above difficulties has had different impact on the level of women's political participation in the issues and challenges related to women's political and legal life. Despite the relatively large number of women working in various positions which makes up to about 41% of workforce in public departments according to unofficial statistics. This figure is relatively high compared to regional countries such as 26% in Iran, 18% in Syria, 17% in Jordan and 9% in Gulf States in general.