

# ELIMINATING VIOLENCE AGAINST WOMEN

## PERSPECTIVES ON HONOR-RELATED VIOLENCE IN THE IRAQI KURDISTAN REGION, SULAIMANIYA GOVERNORATE

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## FOREWORD

*Honor-related violence is a deep-rooted social phenomenon and continues to be one of the most pressing social issues in Iraqi Kurdistan. Every day women become victims of direct and indirect abuse and attempts of murder under pretexts of honor. In the recent years, international and local organizations and concerned government institutions have started to work to protect victims of gender-based violence on a case by case basis. However, no serious efforts were made to find the root-causes of the problem and try to carry out scientific research to have in-depth investigation about the issue.*

*The Human Rights Office of UNAMI has taken the initiative to carry out a research study on honor-related violence in Sulaimaniya Governorate. Given ASUDA's experience on honor-related violence and protection of women, UNAMI selected ASUDA to implement the project.*

*ASUDA endeavored to carry out the research survey in the best possible and professional way taking into consideration the qualitative and quantitative aspect of the issue with the aim of getting an overview of the scope of the problem.*

*ASUDA hopes to continue to work on further studies on gender-based violence in order to have a better understanding and scientific overview of the problem and thus identify the appropriate means to address the issue. This would help ASUDA and other organizations to enhance planning and focus of activities carried out in the areas of gender-based and honor-related violence.*

*This project has been a great experience for ASUDA and provided significant contribution to the experience of ASUDA in its years of work on gender-based violence.*

*We are taking this opportunity to thank the UNAMI Human Rights Office and all ASUDA project staff and consultants who contributed to the project. Without the support and efforts of all of them, the success of the project would have not been possible.*

ASUDA, February 2009

*Respect for universal human rights and gender mainstreaming are cross-cutting issues that guide all activities and programs of the United Nations family of organizations. Women's rights are an area of particular concern to United Nations operations in conflict and post-conflict zones: war-torn societies become militarized and even more male-dominated than they may have been before the conflict. These processes marginalize women and erode their rights. At the same time, sustainable peace, human development and societal progress can only be achieved through active and meaningful participation of empowered women in public affairs.*

*The United Nations is committed to strengthening the capacity of state and non-governmental actors in countries where the United Nations operate. National and local actors are encouraged to collect, process and disseminate data on violence against women and to use this data for legislative and strategic policy and development. UNAMI has therefore supported this research project on honor-related violence against women.*

United Nations Assistance Mission  
for Iraq (UNAMI)  
Human Rights Office, February 2009

## I. INTRODUCTION

Violence against women and girls is recognized as a significant and pervasive cause of death of women worldwide. It is viewed as a major human rights violation that must be examined as a key issue in its own right.<sup>1</sup> In the Kurdistan Region of Iraq, violence against women (in particular under-researched phenomena such as honor-related violence<sup>2</sup>) is recognized as a pressing area of concern. Although gender-based violence and specifically honor-related violence in Kurdistan has been highlighted in the media, by non-governmental organizations (NGOs), international organizations and academics, there have been few studies addressing the issue through systematic, multi-level field research.

It is imperative to understand how honor-related violence against women is perceived, manifested and addressed in order to explore practical and sustainable strategies for combating this type of violence. The present research initiative aims to examine honor-related violence in the Sulaimaniya Governorate of Iraqi Kurdistan through a multi-level, multi-issue approach grounded in a human rights framework. Honor-related violence often results in death and appears to be occurring at an alarming rate in Iraqi Kurdistan, thus meriting specific investigation.<sup>3</sup>

Despite the growing interest in the concept of honor and honor-related violence in the Middle East and Central and South Asia<sup>4</sup> little empirical data has been documented. This is largely due to the nature of honor-related violence which for the most part remains a private family affair, shrouded in secrecy.

<sup>1</sup> Geneva Centre for the Democratic Control of Armed Forces, "Women in an Insecure World" Executive Summary, 2005, page 2.

<sup>2</sup> United Nations, "In-depth study on all forms of violence against women" (UN document A/61/122/Add.1), Report of the Secretary-General, July 2006, page 40, paragraph 124.

<sup>3</sup> UNAMI Human Rights Reports January to December 2007.

<sup>4</sup> United Nations, "In-depth study on all forms of violence against women" (UN document A/61/122/Add.1), Report of the Secretary-General, July 2006.

Authorities may either tolerate or accept its occurrence and are often unwilling to confront socio-cultural and religious aspects of such crimes. As a result, there is little reliable information, statistical or otherwise, concerning this phenomenon in the regions in which it occurs.

This project offers an insightful perspective into existing practical literature on the subject, providing a grounded analysis of honor thought and honor-related violence. It does not attempt to offer results suitable for statistical analysis, or to determine the degree of occurrence or prevalence of honor-related violent incidents. Rather, it allows for an enhanced qualitative understanding of the nature of these acts, how they relate to other acts of violence against women, as well as how these acts are viewed and responded to.

Based on the results of this research, this report offers concrete conclusions and recommendations for actions on how actors at the community, governmental and international level can address this issue of concern.

## A) RESEARCH LOCATION AND METHODOLOGY

### *Research Location*

The assessment was conducted in the Governorate of Sulaimaniya, one of the three governorates (or provinces) of the Kurdistan Region of northern Iraq, the other two being Erbil and Duhok Governorates. Although honor crimes are a major issue in Iraq as a whole, the relative stability and security of the Kurdistan Region made this area an obvious choice for conducting research.

Sulaimaniya Governorate was selected as a research site for purely practical reasons: UNAMI's implementing partner in this project, ASUDA, is based in Sulaimaniya and has conducted similar activities in the region. It was anticipated that ASUDA's familiarity with the region would promote efficiency in the data-collection process. The selection of Sulaimaniya does not imply the prevalence of violence against women is higher, lower, or qualitatively different than elsewhere in Kurdistan. Violence against women is a pressing concern region-wide, and indeed all over Iraq. A brief overview

of the Kurdistan Region and in particular the selected province is as follows:

The current Kurdistan Regional Government (KRG) maintains an elected presidency, as well as an appointed Prime Minister and Council of Ministers (executive branch), and a regional parliament, the Kurdistan National Assembly (KNA), which forms the legislative branch.<sup>5</sup> The KRG practises a considerable level of autonomy, guaranteed in the 2005 Constitution of Iraq. Prior to unification in 2006, the KRG was divided along structural and institutional party lines, with the two main ruling parties being the Kurdistan Democratic Party (KDP), based in Erbil, and the Patriotic Union of Kurdistan (PUK), based in Sulaimaniya. Despite official unification, some organs of government maintain separate administration structures including, at the time of writing, separate law enforcement and security apparatuses accountable to party leadership.

The vast majority of the population of the Kurdistan Region, estimated to be around 4.5 million,<sup>6</sup> are ethnic Kurds, however it is also home to ethnic and religious minorities including Turkmen, Chaldeans, Assyrians, and a sizeable Arab community of internally displaced persons. Although most Kurds are Sunni Muslim, a minority, the Failis, are Shi'a. The Kurdistan Region is also home to Yezidi and Ka'kai.

Sulaimaniya City lies in the east of Iraqi Kurdistan and is the administrative center of Sulaimaniya Governorate. The population of Sulaimaniya Governorate is predominantly Kurd and Sunni Muslim with a small Christian community. In 2005, the population of Sulaimaniya was recorded at 1,704,740 with 846,713 male and 858,027 females. It grew to 1,867,070 by 2007.<sup>7</sup> Sulaimaniya Governorate

<sup>5</sup> The establishment of the no-fly zone and "safe haven" of the Kurdish area in Northern Iraq in 1991 allowed for the creation of an autonomous zone where the Kurds could exercise a form of self-government as yet unexperienced despite being autonomous in name since 1974.

<sup>6</sup> No reliable data concerning the population of the Kurdistan Region exists, and publicly available sources vary widely. The figure presented above represents the most commonly accepted numbers, but must be taken as a rough estimate only.

<sup>7</sup> 2005 Census and Sulaimaniya Statistics Department.

administers fourteen districts (including Sulaimaniya City): Halabja, Penjwin, Said Sadiq, Sharbazher, Pishdar, Rania, Darbandikhan, Kalar, Kifri, Chamchamal, Chwarta, Qaradekh, and Koysinjaq.<sup>8</sup>

Little current demographical data on Sulaimaniya was available at the time of writing. In 2001, the KRG Ministry of Education conducted a survey in Sulaimaniya and reported that the literacy level for both males and females was 27% of the total population.<sup>9</sup> According to existing data for the Kurdistan region, 42.8% of women are single and 47.8 % are married. Employment data shows 90% of women are unemployed with 4.3% working in professional categories.<sup>10</sup>

### **Research Methodology**

The methodology of this study is composed of primarily qualitative field research involving semi-structured interviews with the general population, stakeholders and at-risk women. Further, ASUDA implemented a closed ended questionnaire and a range of textual secondary sources was utilized to complement the field research. This multi-method framework represents a flexible yet rigorous research approach. The utilization of primarily qualitative methodology has been chosen for this project because it is the most suitable dynamic for studying the phenomena under question. This approach allows researchers to gain insight into the local perspectives of the study population, providing culturally specific and contextually rich data. Socio-behavioral factors such as cultural and gender norms, key to this project, are best addressed by the utilization of

<sup>8</sup> Koysinjaq (colloquially known as Koya) is officially part of Erbil Governorate but has been administratively part of Sulaimaniya Governorate for the last ten years.

<sup>9</sup> The literacy level for the Kurdistan Region was 30.5% of total population. The data was not gender-segregated. Data provided by KRG Ministry of Education (Erbil) to the UNAMI Human Rights Office.

<sup>10</sup> Iraq Family Health Survey IFHS 2006/7, page 1, World Health Organization (Iraq), Ministry of Planning and Development Cooperation and Ministry of Health, Iraq.

qualitative methodology.<sup>11</sup> By gaining a rich and complex understanding of the phenomenon under question one is able to generate data that can assist in the design of solutions to the phenomenon under investigation in this study.<sup>12</sup> The study was designed to meet acceptable standards of internal and external consistency.

### **General Project Research Questions**

1. *What are the perspectives on honor which prepare the ground for honor-related violence and legitimize the penalties?*
2. *What is the scope and nature of honor-related violence in the area context?*
3. *How are acts of honor-related violence perceived?*
4. *What is the relationship between generalized violence against women and honor-related violence?*
5. *Who is at greatest risk of honor-related violence?*

ASUDA is neither able nor attempting to determine the actual degree of occurrence of this phenomenon. Further, the purpose of this study was not to provide data that are suitable for statistical analysis, therefore the findings presented here cannot be generalized, and are specific to the research context in question. However, as the project was designed to gain a better understanding of honor-related violence in general, not just in the Sulaimaniya Governorate, the data can be seen to represent the views of those living in the Sulaimaniya Governorate on the subject of honor-related violence across the Kurdistan Region of Iraq, rather than in the Sulaimaniya Governorate only.

<sup>11</sup> Mack, Natasha, Cynthia Woodson, Kathleen M. MacQueen, Greg Guest, Emily Namey, "Qualitative Field Methods: A Data Collector's Field Guide" Family Health International, 2005, pages 1-2.

<sup>12</sup> Kardam, Filiz, "The Dynamics of Honor Killing in Turkey: Prospects for Action" UNDP and UNFPA, 2005, page 12.

## **B) DATA COLLECTION**

### *Interviews*

ASUDA, utilizing a team of six female and male professional social researchers with experience in research on related subject matter and a research coordinator, conducted 173 in-depth interviews in the Governorate of Sulaimaniya. Before field research began, researchers received training by an international consultant with experience in qualitative research design and research on violence against women, in qualitative research methodologies, the objectives of the project, as well as an introduction to the interview schedules to be utilized. Further, they received basic background information concerning gender-based violence. In keeping with the flexibility of qualitative techniques, researchers were able to discuss their implementation methodologies throughout the data collection period, which took a month, and were able to revise questions as they saw fit.

Three forms of data-collection schedules were utilized for each of the target groups, which included the general population, stakeholders, or professionals working in fields that deal with honor-related violence and at-risk women. As the interview schedules were not rigid, the researchers were able to conduct the interviews in a flexible fashion, thus maximizing the richness of the data collected. The schedules contained a number of questions designed to examine various facets of the major research questions listed above. The interviews were transcribed by the researchers, each taking responsibility for their own interviews. In many cases the respondents allowed the interviews to be audio-recorded. Length and quality of the interviews differed, however, in general the interviews lasted anywhere from one to two hours, and took place in the respondents' places of employment, residences, and, in some occasions, on the street. Researchers were careful to observe local customary practice, for example males did not interview females, and researchers wore conservative attire when visiting remote or more traditional areas.

The respondents were chosen on the basis of geographical location as well as the professional background of the interviewees, in keeping with the target groups identified in the research design. Those professionals interviewed were chosen based on snowball sampling; the

members of the general population, including men and women of various ages, professions and level of education, were identified randomly. The at-risk women constituted a special group, and maximum care and confidentiality was taken in regards to these interviews. An interviewer who works professionally with at-risk women was chosen to conduct the interviews. In order to ensure informed consent, the participants were verbally informed as to the nature and purpose of the research, and that their participation was voluntary. The research was conducted in such a way as to ensure confidentiality.

### **Survey**

In addition to the qualitative research, ASUDA decided to employ a survey of approximately 3310 respondents that was conducted across Sulaimaniya Governorate.<sup>13</sup> The purpose was to quantify perceptions and attitudes about aspects of honor-related violence and behavior. The survey employed a stratified targeted sampling method where men and women were selected from the city, districts, sub-districts and villages. The respondents came from various social, educational and employment background and from all age group (see appendix).

### **Survey Limitations**

As is to be expected when attempting to conduct research in an area that has been in a situation of underdevelopment, and has not received the benefit of access to rigorous training on international standards of, and advancements in, research methodologies and data-collection techniques, there are several limitations to the survey. Professionals with a familiarity with research methodologies noted questions of internal validity, as well as larger questions of the suitability of utilizing an ambitious large n-quantitative methodology for researching the phenomenon under question. Thus, the results of the survey are featured in this report in a limited fashion, primarily to complement the qualitative data gathered, as the methodology utilized for this portion of the research was more suitable for studying the phenomena under question. It is

<sup>13</sup> The researchers managed to identify a total of 7000 respondents to participate. However, only 3310 completed questionnaires were selected as the remaining had data missing.

important to note that the included survey results represent data that is deemed to meet recognized standards of validity. After a careful assessment of the completed questionnaires, it was decided to rely on 3310 completed questionnaires out of 7000. The rest of the survey was rejected because of missing, incomplete or inconsistent data.

Questionnaires were rejected for one or more of the following reasons:

1. Respondents failed to respond to one or more questions
2. Some respondents selected more than one options when asked to select one option.
3. Contradictions and inconsistent answers which suggest that respondents may not fully appreciate the meaning of the question.
4. Some respondents did not rely on personal experience or knowledge to respond to questions but on media reports and (often multiple) hearsay.

Despite these severe limitations, analysis of the data gathered that meets standards of validity suggests that the findings of the quantitative survey are in accordance with the results of the qualitative research, thus strengthening the overall validity of the findings.

### **August 2008 Consultative Meeting**

In August 2008, ASUDA and the United Nations Assistance Mission for Iraq (UNAMI) Human Rights Office hosted a conference in Erbil to take stock and review protection mechanisms established by authorities and discuss improvements and other effective and feasible means to address honor-related crimes. Many of the recommendations and observations contributed by 22 activists, NGO representatives, journalists and government officials who attended the conference are reflected in the final chapter on recommendations.

## II. INTERNATIONAL, REGIONAL AND NATIONAL HUMAN RIGHTS FRAMEWORKS

### A) DEFINITIONS OF VIOLENCE AGAINST WOMEN

In this study, the term “violence against women” is understood to mean any act directed against a person because of her gender.<sup>14</sup> A comprehensive definition formulated during the United Nations Fourth World Conference<sup>15</sup> (“Beijing Conference”) included any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.<sup>16</sup>

The only instrument in international law that deals specifically with violence against women is a regional treaty, the *Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women*, defining it as the physical, sexual and psychological violence that occur within the family or community.<sup>17</sup> The Convention also recognizes that the right to be free from violence is fundamental to the exercise of civil, political, economic, social and cultural rights. Article 6 of

<sup>14</sup> The term “women” is used to cover females of all ages, including girls under the age of 18.

<sup>15</sup> Fourth World Conference, Beijing, China, September 1995. Other UN bodies have adopted consistent definitions such as the Committee on the Elimination of Discrimination against Women (General recommendation No. 19, paragraph 6); General Assembly resolution 48/104 (Declaration on the Elimination of Violence against Women), article 1; General Assembly resolution 58/147 (Elimination of Domestic Violence against Women).

<sup>16</sup> Other acts of violence against women include violation of the human rights of women in situations of armed conflict, in particular murder, systematic rape, sexual slavery and forced pregnancy. Acts of violence against women also include forced sterilization and forced abortion, coercive/forced use of contraceptives, female infanticide and prenatal sex selection.

<sup>17</sup> Article 2.

the Convention states that this right encompasses the right to be valued and educated, free of stereotyped patterns of behavior and social and cultural practices based on concepts of inferiority or subordination.

### B) THE BEIJING CONFERENCE AND PLATFORM FOR ACTION<sup>18</sup>

The Beijing Platform for Action established three strategic objectives in addressing violence against women:

1. taking integrated measures to prevent and eliminate violence against women
2. studying the causes and consequences of violence against women and the effectiveness of preventive measures
3. eliminating trafficking in women and assisting victims of violence due to prostitution and trafficking

Within these objectives, the Platform for Action sets out a series of concrete actions to be taken by governments, including implementation of international human rights instruments, adoption and periodic review of legislation on violence against women, access to justice and effective remedies, policies and programs to protect and support women victims of violence, and awareness-raising and education.

In particular governments are called on to condemn violence against women and refrain from invoking any custom, tradition or religious consideration to avoid their obligations with respect to its elimination. Plans of action should include appropriate measures, especially in the field of education, to modify the social and cultural patterns of conduct of men and women, and to eliminate prejudices, customary practices and all other practices based on the idea of the inferiority or superiority of either of the sexes and on stereotyped roles for men and women.

Another significant measure is to establish or strengthen institutional mechanisms to enable women to report acts of violence against them in a safe and confidential environment, free from the fear of penalties or retaliation.

The Beijing Platform of Action was reiterated in United Nations General Assembly

<sup>18</sup> Adopted during the Beijing Conference.



Third Committee resolution, *Working Towards the Elimination of Crimes Committed in the Name of Honor*.<sup>19</sup> It stresses the need to treat crimes committed in the name of honor as a criminal offence punishable by law and recognized that inadequate data on such violence hinder informed policy analysis and efforts to eliminate such crimes. The General Assembly also emphasized that there is a need to raise awareness involving *inter alia* community leaders with the aim of changing attitudes and behaviour.

“...such crimes [committed in the name of honour] are incompatible with all religious and cultural values...”

United Nations General Assembly  
Resolution 55/66, 2002

### **c) STATES' OBLIGATIONS TO PREVENT AND PROTECT UNDER INTERNATIONAL LAW**

Under article 2(1) of the International Covenant on Civil and Political Rights (ICCPR), each state party undertakes “to respect and to ensure” the enjoyment of the rights recognized in the Covenant. The obligation to ensure gives rise to positive obligations and for member States to effectively investigate, prosecute and punish violators of individual rights and freedoms. A violation would occur if the State has allowed the act to take place without taking measures to prevent it or punish those responsible.

The duty to prevent human rights violations is inherent in the duty to protect. Preventive measures may be of a legal, administrative, political, cultural, social, educational, remedial or other nature and entails a duty not to place a person in circumstances where he or she is at risk of disappearing, being tortured, arbitrarily killed, or exposed to other grave violations of his or her rights, even if such acts are committed by private individuals.

<sup>19</sup> On 31 January 2001, at the 57th Session of the United Nations General Assembly Third Committee, the UN resolution “*Working Towards the Elimination of Crimes Committed in the Name of Honor*” (A/RES/55/66) was passed. The resolution had 90 sponsors.

The General Assembly has also called upon States to effectively investigate, prosecute and document cases of crimes against women committed in the name of honor and punish the perpetrators. The investigations must be initiated once there is knowledge of the alleged facts, and it does not therefore depend on steps taken, or proof tendered, by the victim or his or her next-of-kin. Examples of steps necessary to ensure the effective investigation of alleged unlawful killings are the taking of eyewitness testimony and forensic evidence and an autopsy involving an objective analysis of the clinical findings, including the cause of death. The failure to investigate human rights violations promptly and effectively undermines public confidence in the rule of law, encourages a culture of impunity and is a violation of a state’s international legal obligations.

The Committee on the Elimination of Discrimination against Women had previously expressed concerns about violence against women in Iraq in the form of “honor killings” and urged “*to condemn and eradicate honor killings and ensure that these crimes are prosecuted and punished in the same way as other homicides.*”<sup>20</sup> Although much of the violence occurred in the domestic sphere, states have a responsibility to act with due diligence to eradicate it.

The Committee also recommended State parties to the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) to take “*appropriate and effective measures*” to overcome all forms of gender-based violence such as ensuring that laws against violence give adequate protection to women and respect their integrity and dignity, availability of appropriate protective and support services for victims and gender-sensitive training of judicial and law enforcement officers and other public officials.<sup>21</sup>

The right to respect for one’s private life is protected by article 17 of the ICCPR<sup>22</sup> indicating

<sup>20</sup> UN document A/55/38, page 69, paragraph 194.

<sup>21</sup> General Recommendations No 19 (Violence against Women), United Nations Compilation of General Comments, page 219, paragraph 24(a) and (b).

<sup>22</sup> This right is also protected in article 11(2) of the American Convention on Human Rights and by

that women have the right to enjoy respect for their private life on the same basis as men and that this right must be effectively guaranteed. For instance, this right is violated “*where the sexual life of women is taken into consideration on deciding the extent of her legal rights and protection...*”<sup>23</sup>

#### **D) WOMEN’S RIGHT TO AN EFFECTIVE REMEDY AND DUE PROCESS OF LAW**

Article 2(3) of the ICCPR and other conventions<sup>24</sup> stipulates a legal duty to provide, for women in particular, effective remedies and guarantees to vindicate their rights and access to justice. Member States should ensure that there are no legal provisions preventing women from direct and autonomous access to the courts and that women may give evidence as witnesses on the same terms as men.<sup>25</sup> It is therefore imperative to establish and strengthen judicial and administrative mechanisms designed to protect rights of women.

In relation to treatment of victims in the administration of justice, the basic rule requires victims<sup>26</sup> to be “*treated with compassion and*

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article 8 of the European Convention on Human Rights.

<sup>23</sup> General Comment No 28 (Article 3: Equality of right between men and women), United Nations Compilation of General Comments, page 171, paragraph 20.

<sup>24</sup> See article 7(a) of the African Charter on Human and People’s Rights, article 25 of the American Convention on Human Rights and article 13 of the European Convention on Human Rights. See also article 2 of CEDAW.

<sup>25</sup> Human Rights Committee General Comment No. 28, United Nations Compilations of General Comments, page 171, paragraph 18.

<sup>26</sup> According to paragraph 1 of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (“UN Basic Principles”), the term “victims” means “*persons who individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws within Member States, including those laws proscribing abuse of power.*”

*respect for their dignity*” and for police personnel to receive training to sensitize them to the needs of victims and guidelines to ensure proper and prompt aid.<sup>27</sup> The police should inform victims of crime of ways in which they can obtain forms of assistance and compensation and in particular, to transmit to victims’ information regarding the judicial process and to involve the victim in the criminal proceedings.<sup>28</sup>

A victim should also receive the necessary material, medical, psychological and social assistance through governmental, voluntary, community-based and indigenous means, envisaging assistance not only from the state but also from the community and specialized organizations.<sup>29</sup>

#### **E) THE INFORMAL JUSTICE SYSTEM AND ADHERENCE TO HUMAN RIGHTS PRINCIPLES**

The justice process in Iraq comprises both formal and informal justice systems. The *formal justice system* represents civil and criminal justice and includes formal state-based justice institutions and procedures, such as police, prosecution, courts (religious and secular) and custodial measures. The term informal justice system refers to dispute-resolution mechanisms outside the scope of formal justice system and is usually a non-state administered justice process.<sup>30</sup> In the Kurdistan Region, this phenomenon is often referred to as “tribal justice.”

There have been concerns that informal justice processes are sometimes incompatible with human rights. In Iraq, allegations of rape are routinely dealt with through “reconciliation” at the community level, with few cases reaching the courts. However, officials sometimes use informal conciliation channels to protect rape victims from being killed by relatives for having

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<sup>27</sup> Paragraph 4 and 16 of UN Basic Principles.

<sup>28</sup> The Council of Europe Recommendation on the Position of the Victim.

<sup>29</sup> Paragraph 14 of the UN Basic Principles.

<sup>30</sup> See “*Programming for Justice - Access for All,*” UNDP 2005.

“dishonoured” the family and to prevent retaliatory killings of alleged rapists.<sup>31</sup>

The inherent weaknesses in informal justice systems may not achieve justice for all parties to a conflict due to several factors:<sup>32</sup>

1. When power imbalances exist between disputing parties, there might be exploitation or imposition of decisions not based on consensus but rather on forced acceptance of unfair remedies.
2. Traditional processes are often dominated by men holding a high social status and tend to exclude women as existing social hierarchies and inequalities may often be reflected and reinforced in informal systems.
3. Customary or traditional justice mechanisms may also perpetuate powerlessness of women to obtain appropriate and sustainable remedies.
4. Traditional leaders rarely receive formal training in dealing with women’s issues or are not equipped to provide facilities such as psychological counselling.
5. A judicial approach that de-emphasizes personal responsibility and elevates community and family unity may sometimes contravene women’s rights under international law.<sup>33</sup> A rape victim may be forced into marrying her attacker to preserve family honour and to improve ties between tribes to reduce revenge and further violence.
6. Traditional justice institutions can only effectively address a limited scope of

issues and are not appropriate to deal with serious violations of citizens’ rights. Traditional leaders sometimes impose unregulated forms of sanctions that may not reflect internationally established criminal justice principles of rehabilitation, deterrence, promotion of rule of law and safeguarding society.

7. Informal justice systems are not necessarily authentic, but may constitute “fabricated traditions” and a form of deliberate exploitation created by dominant groups or individuals to further reinforce their power.
8. Extended periods of armed conflict may reinforce power imbalances, may affect how informal justice systems are used (or abused), and may damage or manipulate traditional justice systems that offered some protection to women before the outbreak of conflict. It is thus vital to compare the performance of traditional justice systems before and after the conflict.

International human rights expert opinions and jurisprudence in a variety of jurisdictions have therefore favored hybrid or parallel systems in which decisions taken by informal justice institutions can be challenged in state courts and will be ruled invalid if they violate human rights.

*“traditional attitudes by which women are regarded as subordinate to men or as having stereotyped roles perpetuate widespread practices involving violence or coercion... Such prejudices and practices may justify gender-based violence as a form of protection or control of women. The effect of such violence on the physical and mental integrity of women is to deprive them of the equal enjoyment, exercise and knowledge of human rights and fundamental freedoms.”*  
Committee on the Elimination of Discrimination against Women<sup>34</sup>

<sup>31</sup> See UNAMI Human Rights Report January to March 2007, paragraph 51.

<sup>32</sup> “Doing Justice: How informal justice systems can contribute” by Ewa Wojkowska, December 2006, Oslo Governance Centre and “Justice for All?” 2006 UNDP Indonesia.

<sup>33</sup> Declaration on the Elimination of Violence against Women 1993 (UN General Assembly resolution A/RES48/104); the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 1985. According to the Victoria Falls Declaration, “...it is essential to promote a culture of respect for stated human rights norms and particularly those affecting women e.g. Convention on the Elimination of All Forms of Discrimination against Women. Judicial officers should be guided and apply them when interpreting and applying the provisions of the national and customary law when making decisions.”

<sup>34</sup> See General Recommendation No. 19 (Violence against women), *United Nations Compilation of General Comments*, pages 217-218, paragraph 11.

## F) INITIATIVES ON PROTECTION OF WOMEN'S HUMAN RIGHTS IN THE KURDISTAN REGION

In 2000, the Committee on the Elimination of Discrimination against Women requested Iraq to provide a comprehensive picture with regard to violence against women including information on legislation, statistical data on the types and incidence of violence against women and the responses to such violence by law enforcement officials, the judiciary, social workers and health-care providers. It urged the Government “to encourage and support the establishment of facilities for women victims of domestic violence, and to launch a zero-tolerance campaign on violence against women so as to raise awareness about the problem and the need to combat it effectively.”<sup>35</sup>

In July 2007, the KRG authorities established a Directorate to Follow-up Violence against Women within the Interior Ministry in Sulaimaniya. Later this same year a department was opened in Erbil. These offices had registered some 190 cases by December 2007. Offices now exist in Duhok and Garmian. These departments are mandated to receive cases of violence against women and direct and monitor progress of investigations. The departments also monitor occurrences and patterns of unnatural deaths of women and other forms of violence and produce statistical data and reports on the situation of women in the region.

According to a Sulaimaniya Directorate official, since July 2007 542 cases of violence against women have been “followed up” in the Sulaimaniya and Garmian offices alone. Of these, 204 involved burning and self-immolation, and 82 involved murder, or the threat of murder. Other official statistics provided by the Erbil Directorate showed that between January and February 2008, 145 cases were registered including claims of forced marriages and using women as compensation in disputes and domestic violence. According to officials from the Directorate, violence is higher in poorer rural villages and districts in Erbil and Duhok and many women burn themselves to protest oppression at home manifested as forced

marriages and domestic violence. During the first quarter of 2008, the Sulaimaniya Directorate recorded 3 suspected honor killings, 20 suspicious burning cases, 27 domestic violence and 31 cases of verbal threats against women in Sulaimaniya Governorate. KRG -wide statistics showed that 56 women had been killed in violent circumstances between January and June of 2008, while 105 had died from burning. Data collected by the Directorates are officially acknowledged as conservative estimates as they reflect reported cases occurring within the city limits and not at the district, sub-district or village level.<sup>36</sup>

On 17 June 2007, the KRG Prime Minister Nechirvan Barzani established a high-level Ministerial Commission comprising representatives from eight KRG ministries to address all forms of violence against women at the policy level.

At this writing, the Kurdistan National Assembly was reviewing draft legislation addressing women's rights, including legislation on domestic violence purporting to prohibit, *inter alia*, honor crimes. The KRG has also mandated the creation of a Police Committee to investigate violence against women in police stations.

According to the UNAMI Human Rights Office, those convicted of honor-related killings in the Kurdistan Region were generally charged with premeditated murder under article 406 of the Iraqi Penal Code.<sup>37</sup> In 2002, the Kurdistan National Assembly promulgated legislation authorizing criminal courts to “disregard” Iraqi legislation allowing the imposition of reduced sentences for killings committed in the name of defending honor.<sup>38</sup> However, UNAMI has observed that this is not consistently implemented in practice, illustrating that between 2000 and 2007 in Duhok Governorate, only ten persons were convicted, of whom five received sentences of 15 years' imprisonment. In one case, a man received a two-year sentence in 2007 for killing his wife, while the remainder

<sup>35</sup> UN document A/55/38, page 69, paragraph 194.

<sup>36</sup> Official data from Erbil and Sulaimaniya Directorate to Follow-up Violence against Women provided to UNAMI.

<sup>37</sup> UNAMI Human Rights Report April to June 2007.

<sup>38</sup> Law No. 14 of 2002, passed on 14 August 2002.

received custodial sentences ranging between five and ten years for killing their female relatives.<sup>39</sup> The KNA also passed a decision in March 2007 to exclude honor crimes from the General Amnesty Law.<sup>40</sup> This revoked immunity against prosecution for members of the security forces such as the *Peshmerga* accused of honor-related crimes, subjecting them to arrest and investigation.

A state has a positive obligation under international human rights law and gender-specific legal documents to protect a woman against honor-related violence. A state that systematically fails to effectively investigate, punish and remedy honor-related violence or does so in a clearly discriminatory manner, is in breach of its legal obligation to effectively respond to such violations.

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<sup>39</sup> UNAMI Human Rights Report April to June 2007.

<sup>40</sup> Law No. 4 of 2007, “Amnesty Law for the Kurdistan Region,” 10 March 2007.

### III. HONOR-RELATED VIOLENCE

The understanding of honor is not fixed, and is constructed differently in the varied cultural contexts in which it exists.<sup>41</sup> Despite this, there are similarities in the way that honor-related violence is manifested across divergent cultures. Honor-related violence, sometimes referred to as honor crime, is a form of violence against women where women are punished, usually by their male relatives, but sometimes by others in the community because they are seen to have tarnished the honor of the family or tribal unit. Honor-related violence is viewed as being based in customs and norms that have been incorporated into many cultures. According to these customs, females embody the family's honor, and this honor is related to social standing. Violence against women committed in the name of honor occurs within the family, the community, and by the state, through failure to criminalize these acts. These acts of violence, despite receiving increased attention, remain underreported and under-documented.<sup>42</sup> The most severe manifestation is murder, known as honor killings. The United Nations Population Fund (UNFPA) estimated that 5000 women are murdered by family members each year in honor killings around the world.<sup>43</sup>

Acts of honor-related violence include honor killings but also other violent acts committed against women such as unlawful confinement, battering, acid-throwing, disfigurement, rape, and forced marriage. While acts of honor-related violence are generally levelled against women, men may also be subjected to violence in the name of honor. As this report deals specifically with violence against women, honor-related violence directed against men lies outside of the scope of this project.

<sup>41</sup> Luopa, Katja, "State response to honour killings", page 9, [http://web.abo.fi/institut/imr/norfa/Katja\\_Luopa\\_honour\\_killings.pdf](http://web.abo.fi/institut/imr/norfa/Katja_Luopa_honour_killings.pdf).

<sup>42</sup> United Nations, "In-depth study on all forms of violence against women" (UN document A/61/122/Add.1), Report of the Secretary-General, July 2006, page 40, paragraph 124.

<sup>43</sup> UNFPA, "State of World Population 2000", cited in *ibid*.

Honor-related violence is known to occur in many states, including Afghanistan, Bangladesh, Brazil, Ecuador, Egypt, India, Iraq, Iran, Israel, Jordan, Lebanon, Morocco, Pakistan, Syria, Turkey, Uganda and Yemen.<sup>44</sup> Despite lack of governmental attention to issues of honor-related violence in the Kurdistan Region in the past, it is apparent that this phenomenon has been practiced in the region for some time, and to a higher degree than the official figures portray.<sup>45</sup>

As stated previously, accurate figures on the prevalence of honor-related violence are extremely difficult to obtain. Honor-related violence is seldom reported and generally not investigated with due diligence. However, it is known that honor crimes are occurring increasingly in Iraq and that they affect women predominantly.<sup>46</sup> Anecdotal evidence suggests that cases of honor-related violence are on the increase not only in Kurdistan and the rest of Iraq, but in other countries where honor-related violence occurs, such as Pakistan. It appears that this is part of a "reactionary trend" as a result of changes in the social, political and economic fabric of societies experiencing crisis, as well as a protracted lack of will at the governmental level to curb such practices.<sup>47</sup> In male-dominated societies it is – of all things – campaigns to empower women and encourage their participation in public life that may actually put women at increased risk if such efforts are not accompanied by parallel activities to sensitize men in order to gain their acceptance of women's empowerment.

Based on information gathered by UNAMI since 2006, it is evident that honor

<sup>44</sup> Luopa, Katja, "State response to honour killings", page 8, [http://web.abo.fi/institut/imr/norfa/Katja\\_Luopa\\_honour\\_killings.pdf](http://web.abo.fi/institut/imr/norfa/Katja_Luopa_honour_killings.pdf).

<sup>45</sup> Mojab, Shahrzad, 2004, "No 'Safe Haven' Violence against Women in Iraqi Kurdistan." In *Sites of Violence: Gender and Conflict Zones*, eds. Wenona Giles and Jennifer Hyndman, pages 108-133. Berkeley: University of California.

<sup>46</sup> American Bar Association Iraq Legal Development Project, "The Status of Women in Iraq: Update to the assessment of Iraq's De Jure and De Facto Compliance with International Legal Standards" December 2006, page 67.

<sup>47</sup> *Ibid* pages 6-7.

killing occurs at a high level of incidence in Iraqi Kurdistan.<sup>48</sup> However, due to the difficulty of establishing reliable figures, as well as the problematic notion of whether to include cases of female self-immolation, and other forms of violence against women under the rubric of “honor-related violence” it is impossible to ascertain the true level of occurrence. Official figures are often inconsistent with those published by the media and non-governmental organizations. (For examples of statistics on this phenomenon gathered by UNAMI, please see the box on page 31 of this report.) Further, evidence from NGOs in the three governorates of Duhok, Erbil and Sulaimaniya, as well as observations from official Kurdistan Regional Government sources indicates that there has been an increase in “honor”-related violence.<sup>49</sup> While it is outside of the scope of this project to determine if and why there has been an increase in honor-related violence, those that monitor this issue, such as UNAMI, remain “concerned about the continuing killing of women allegedly to protect ‘family honor.’”<sup>50</sup>

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<sup>48</sup> UNAMI Human Rights Report January to March 2007, page 16.

<sup>49</sup> UNAMI Human Rights Report April to June 2007, page 14.

<sup>50</sup> Ibid.

## IV. CONTEXTUAL OVERVIEW OF WOMEN'S POSITION IN IRAQI KURDISTAN

### A) PATTERNS OF VIOLENCE AGAINST WOMEN IN KURDISTAN

Although women in Kurdistan have avoided much of the direct violence experienced by women in the “lower fifteen” governorates of Iraq, where the security situation remains compromised, they experience a high level of direct and indirect (structural) violence, manifested in the family, in the community, and by the state. Data from a 2008 Iraqi-wide women's survey show that 63.9% of respondents across Iraq believed that violence against women was increasing. In the Kurdistan Region, 52.9% of respondents believed it has increased, with 31.2% responding that they did not know, and only 15.9% reporting that they believed it had decreased.<sup>51</sup>

Honor-related violence represents one type of violence against women that occurs in Iraq and is by no means peculiar to Iraqi Kurdistan. According to UNAMI, honor crimes were perpetrated with regularity in Basra and Basra police had documented that 44 of the women killed in 2007 had gun-shot wounds with some bearing signs of severe abuse suggesting honor-related motivations.<sup>52</sup> However, what distinguishes the violence in Basra from that of the Kurdistan Region is that the crimes in Basra were not necessarily committed by the victim's family or the community, but by self-styled Islamic vigilante groups trying to impose their radically conservative views on what constitutes acceptable social behavior on the population in Basra. Violent crimes against women dropped markedly when a military crackdown by the central government drove these groups underground in the spring of 2008.

Kurdish society has been moving towards modernization in some realms, however, it continues to grip onto patriarchal influenced

<sup>51</sup> Women for Women International, 2008 Iraq Report, pages 21-22.

<sup>52</sup> UNAMI Human Rights Report June to December 2007, page 14.

unequal power relations where women are regulated by a complex network of mutually constituted practices that reinforce the idea that women are by nature subordinate to men.<sup>53</sup> These include moral social regulations as well as women's rights in divorce, marriage, inheritance, and custody. Unequal power relations present in Kurdistan, and indeed in many parts of the world, directly impact on violence against women, as recognised in the United Nations General Assembly's 1993 *Declaration on the Elimination of Violence against Women*. Further, it has been observed by the United Nations that the “pervasiveness of violence against women across the boundaries of nation, culture, race, class and religion points to its roots in patriarchy – the systemic domination of women by men.”<sup>54</sup>

In Kurdistan, situated in the heart of the “patriarchal belt” of the Middle East and Asia,<sup>55</sup> violence against women serves as a mechanism for maintaining male authority and control. This use of violence is intrinsic in patriarchal societies.<sup>56</sup> When a woman is subjected to honor-related violence, particularly for transgressing norms governing female sexuality and family roles wherever it occurs, the violence not only serves to “punish” the individual but to reinforce prevailing gender norms and power structures.<sup>57</sup>

### B) WOMEN'S ACCESS TO POLITICAL PROCESSES

Since 2003, it is apparent that several setbacks for women in Iraq have occurred, partly

<sup>53</sup> Kurdish Human Rights Project, Report for the European Parliament, “The Increase in Kurdish Women Committing Suicide”, July 2007, page 50.

<sup>54</sup> United Nations, “In-depth study on all forms of violence against women” (UN document A/61/122/Add.1), Report of the Secretary-General, July 2006, page 28, paragraph 69.

<sup>55</sup> Moghadam, Valentine, 1994, *Gender and National Identity: Women and Politics in Muslim Societies*. London: Zed.

<sup>56</sup> United Nations, “In-depth study on all forms of violence against women” (UN document A/61/122/Add.1), Report of the Secretary-General, July 2006, pages 28-29.

<sup>57</sup> Ibid page 29, paragraph 73.



caused by the post-Saddam political landscape, which was characterized by a much stronger re-emergence of openly religious (conservative) agendas in politics, but also due to the breakdown in the security situation, and the fact that in times of conflict social relations and politics become more male-dominated.

However, compared to the rest of Iraq, women enjoy a relatively higher visibility in political processes, law enforcement and the judiciary in the KRG-controlled governorates. Nonetheless, they remain underrepresented in positions wielding real political clout.<sup>58</sup> Further, the articulation of gender-sensitive policies and procedures, and the implementation of such procedures are at unsatisfactory levels, despite recent progress to rectify these gaps. There remain severe limitations to accessing power, thus even if women reach the level of political elites, they generally exercise symbolic power, and are not involved in the decision-making process. According to the aforementioned 2008 nation-wide sampling between 43% and 75 % of female respondents in various parts of Iraq did not believe that policy-makers take into consideration circumstances of women in state decisions.<sup>59</sup>

One notable exception is the Women Affairs Committee of the KNA which has made considerable efforts to propagate improvements in the situation of women in the region at both policy and legislative levels and has proposed legislation designed to better protect women against violence.<sup>60</sup>

### **C) WOMEN'S ACCESS TO JUSTICE**

The legal and judicial system in Kurdistan Region comprises of the police, courts, prisons and security forces.

The 2006 Judicial Reform Index for Kurdistan conducted by the American Bar Association concluded that there was lack of *de*

<sup>58</sup> Kurdish Human Rights Project, Report for the European Parliament, "The Increase in Kurdish Women Committing Suicide", July 2007, page 59.

<sup>59</sup> Women for Women International, 2008 Iraq Report.

<sup>60</sup> UNAMI Human Rights Report July to December 2007, page 16.

*jure* independence of the judiciary from the Kurdistan Ministry of Justice and the executive branch. Further, neglect of the judiciary by the various regimes, external political influences and shortage of available resources necessary to develop the judiciary exist. The judiciary in Kurdistan is susceptible to political and tribal influence, and the informal justice system maintains a high level of salience in Kurdistan. Further, both the formal and informal justice systems maintain a strong male bias.<sup>61</sup>

In the Kurdistan Region, although Iraqi national legislation prevails, several competing systems control order, such as regional regulations and legislation, Islamic religious law (*Shari'a*) and local customary law. The relative impact of these components depends on location and interpretation.<sup>62</sup> Evidence suggests that the informal justice system maintains particular salience in issues related to women. Women have great difficulty accessing the formal justice system especially in rural areas, where women's access to legal assistance is frequently limited to "informal justice" networks that often are not aware of women's rights, and are not inclined to protect them.

In the 2008 quantitative sampling survey conducted nation-wide by Women for Women International, as mentioned previously, 52.9% of respondents believed that violence against women in Kurdistan is increasing, citing factors such as declining respect for women's rights, the perception of women as chattels and worsening economy. In relation to protection, 46.8% as compared to 36.2% felt adequately protected by police. However, 76.5% felt they would not be adequately protected by religious leaders in Kurdistan.<sup>63</sup>

Violations of women's human and legal rights in the Kurdistan Region occur frequently, often with the complicity of state actors. Decisions taken by informal institutions that might, in other contexts, be contested through

<sup>61</sup> Kurdish Human Rights Project, Report for the European Parliament, "The Increase in Kurdish Women Committing Suicide", July 2007, pages 63-65.

<sup>62</sup> Ibid pages 64-65.

<sup>63</sup> Women for Women International, 2008 Iraq Report, pages 21-22.

recourse to the formal justice system, are unfortunately often endorsed by formal justice institutions that subscribe to the patriarchal worldview that normalizes violence against women.<sup>64</sup>

It is recognized that the formal justice system must send a clear signal to the community that the killing of women to “protect honor” will not be tolerated, and accordingly passing sentences commensurate with the gravity of these crimes. The United Nations has warned that unless the Kurdish authorities demonstrate sufficient political will to address the perception that violence against women is justified in some cases, the killings are likely to continue.<sup>65</sup>

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<sup>64</sup> Kurdish Human Rights Project, Report for the European Parliament, “The Increase in Kurdish Women Committing Suicide”, July 2007, page 65.

<sup>65</sup> UNAMI Human Rights Reports January to December 2007.

## V. FINDINGS

This chapter discusses the salient findings responsive to the following research questions:

1. What are the perspectives on honor which prepare the ground for honor crimes and legitimize the penalties?
2. What is the scope and nature of honor-related violence in the area context?
3. How are acts of honor-related violence perceived?
4. What is the relationship between generalized violence against women and honor-related violence?
5. Who is at greatest risk for honor-related violence?

### A) WHAT ARE THE PERSPECTIVES ON HONOR WHICH PREPARE THE GROUND FOR HONOR CRIMES AND LEGITIMIZE THE PENALTIES?

The vast majority of those interviewed related honor to women, and the control of women's sexuality. Ideas of what constitutes dishonorable behavior are seen as stemming from socio-cultural norms rooted in the tribal system, religion, or the misinterpretation of religion and patriarchal values. The belief that women who behave in a dishonorable manner must be punished is viewed as a result of social pressure, legitimated by the belief that a transgression has occurred, and exacerbated by lack of education and awareness. This mandates the need for a response for women who are seen to have engaged in dishonorable action. The preferred response is usually violent in nature.

Regarding the defining elements of "honor," respondents' perspectives could be approximated into two categories: 1) those that reduced the concept of honor to control of women's behavior and women's sexuality, and 2) those that defined honor at a higher level of abstraction that encompasses concepts and values such as faith, honesty, tradition and morality. Unsurprisingly, given the patriarchal social structure of Kurdish society, the vast

majority of those interviewed related honor to women, and the control of women's sexuality. Even amongst those that took the view that honor is not reduced solely to women's sexuality, the control of women's sexuality was often inherent in responses to other questions asked. It was clear from the responses that no matter how it is defined, the Kurdish community attaches a high level of significance to the concept of honor.

A notable trend for those who viewed honor as controlling women's sexuality and behaviour is that those who actually questioned this definition often distinguished between their own and what they believe is society's view of honor.

From a total of 3310 respondents in the quantitative survey, 90% or 2984<sup>66</sup> believed in the concept of "dishonourable conduct."<sup>67</sup>

#### *Honor not Reduced to Female Sexuality*

Respondents who perceived honor as more than female sexuality offered these perspectives:

*"Honor is something high and valuable which human beings gain through good behavior. For instance by being moral, respecting others and behaving well. It is for both men and women."* (Female, 27, medical assistant, Kifri)

*"Women's honor does not belong to the man. Honor is to be honest with yourself and your surroundings. I don't regard any personal behavior as dishonorable...but using the public's wealth for personal interest is a dishonorable conduct."* (Female, 33, journalist, Sulaimaniya City)<sup>68</sup>

*"Honor is the standard to measure a person's behavior, it is one's commitment to their own*

<sup>66</sup> Comprising 1070 female and 1914 male respondents.

<sup>67</sup> Respondents were asked "Do you believe in something called 'dishonourable conduct'?"

<sup>68</sup> In this answer, the respondent appears to be criticising the government for corruption, an issue that has been receiving considerable media attention in the region.

*rights and not violating others rights.” (Female, 28, civil servant, Sulaimaniya City)*

Many of these visions of honor that are not specifically related to female sexuality are rooted in notions of fundamental human rights and respect for others. A 24-year-old college-educated male who works as a civil servant views honor as “*someone’s personality, behavior and way of thinking. Not trespassing on others rights and respecting people means protecting honor.*” Further, he viewed “*exploiting girls by boys*” as dishonorable.

### **Honor Reduced to Female Sexuality**

However, the vast majority of those interviewed believed that honor is related to the control of female sexuality and conduct. The respondents differed in their opinions of whether or not they agreed with this definition, often differentiating between their communities’ view of honor and their own. There is also awareness that the concept of honor should be defined differently but that usually the communities’ opinions prevail:

*“Traditionally honor is about sexuality and only related to women, but I believe that sexuality is only part of it.” (Male, 27, lawyer, Sulaimaniya City)*

*“Honor is all the good behaviors of human beings, but in our culture it is merely connected to woman’s behaviors.” (Male, 27, teacher, Zariaian)*

*“There is no unanimous definition to honor; it changes from one culture to another. For example, in a closed society like mine it is directly and merely related to women and sexuality, but maybe in another culture honesty is considered honor.” (Male, 34, civil servant, Sulaimaniya City)*

*“Honor is good behavior that all humans may or may not have. The problem is that in our society honor is merely related to women.” (Female, 36, civil servant, Sulaimaniya City)*

*“It is that huge and dangerous concept which has been related merely to women (by society), and women are urged to protect it.” (Male, 30, university student, Sulaimaniya City)*

*“It is an imposed social value in Middle Eastern cultures on which one’s behavior is measured. In our culture this concept is only related to women in a way that whenever honor is mentioned women come to our minds.” (Male, 25, teacher, Halabja)*

*“Humans should be truthful and not rob, but in our society, honor has a different definition. In our society the belief is that honor is something connected to woman.” (Female, 66, businesswoman, Sulaimaniya City)*

*“Honor should be cared (for) by both men and women but in our community honor is only (the responsibility) of women.” (Female, 29, housewife, Sulaimaniya City)*

*“Any behavior which doesn’t go with human morality no matter if committed by woman or man is considered dishonest (however) Kurds connect honor only to women.” (Male, 39, notary public, Penjwin)*

Some who viewed honor as solely defined by female sexuality did not distinguish between their views and societies’:

*“Honor is a name which belongs to a woman until she dies.” (Female, 24 teacher, Sulaimaniya City)*

*“When a woman does not have honor she is a whore.” (Male, 61, police officer, Sulaimaniya City)*

*“Woman has to protect her honor, not to make dishonorable conduct.” (Female, 28, housewife, Chamchamal)*

*“It is virgin(ity) for a girl, (sexual) treason for women and not having a love relation.” (Female, 25, journalist, Sulaimaniya City)*

### **Dishonorable Conduct**

As to what constitutes dishonorable conduct, it is clear that the vast majority of those interviewed associated dishonorable conduct with “unacceptable” behavior by females along lines of morality and societal norms. There were some respondents who made a point of including bad behavior by males as well; however, generally, it is evident that dishonorable conduct is a construct reserved for women. In their

justification of this construct, the vast majority of respondents cited immoral conduct such as adultery, infidelity or having sexual relations with a man outside of marriage, described as “sex relations.” In many instances a relationship a female enters with a man, even if it does not include sex, defined as a “simple love relation,” is considered dishonorable as well. However, some respondents extended dishonourable conduct to encompass “inappropriate behaviour or attire” such as wearing short skirts, going out without permission, or speaking with a man who is not a blood relation.

Responses from the quantitative survey are consistent. When asked what constitutes “dishonourable conduct,” 79% of respondents identified “sexual relations” (outside marriage).

The most cited examples of dishonorable conduct engaged in by women were:

1. infidelity in marriage
2. pre-marital or “illegal” sexual relationships
3. “love relations” (non-sexual relationship with a man, either by a married or single woman)
4. disobedience of parents
5. prostitution
6. other inappropriate behavior including attire

There is general consensus that in Iraqi Kurdish society, honor is constructed primarily around the control of women pertaining to but not limited to control of sexuality. It is evident that this control extends past sexuality to encompass a general limiting of freedoms. It is also significant that a significant number of respondents appeared to believe that this “socially imposed” perception of honor was *unfair*. Although they maintained that honor is a fundamental value, these respondents forwarded a distinction between what is *clearly* dishonorable conduct (for instance, a woman committing adultery) and that which is viewed as dishonorable by some, yet goes too far in their opinion (limiting of freedoms). Further, there were some that questioned the opinion that honor should be restricted to the behavior of women, conceding that it should relate to the behavior of men as well. These respondents recognized an inherent hypocrisy in the narrow definition of honor – that honor was the burden of females, who are likely to be punished for transgressions,

while males who engaged in similar behaviour do so with impunity.

### **What is dishonourable conduct?**

*“Dishonor is achieved through illegal sexual relationships and illegal love (non-sexual) affairs.”* (Female, 24, teacher, Sulaimaniya City)

*“It is an extramarital relationship.”* (Male, 39, laborer, Qaladze)

*“Girl going out without permission, adultery, infidelity.”* (Female, 54, housecleaner, Kalar)

*“Dishonorable conduct is adultery, going out without husband’s permission, talking to other men.”* (Male, 33, legal assistant, Sulaimaniya City)

*“Dishonorable conducts includes infidelity but also any deviation from tradition and culture by wearing fashionable clothes, talking to men, even a smile that attracts society’s attention towards her.”* (Female, 28, social worker/researcher, Sulaimaniya City)

*“In (our) community we mostly pay attention to the appearance. It seems that fashion, wearing mini skirts, hair-styling is considered dishonorable. Also, having a boyfriend or sexual relations.”* (Male, 29, social worker/researcher, Sulaimaniya City)

Honor-related violence and honor crimes are therefore gender-based violence that is rooted in a form of discrimination against women. This phenomenon seriously inhibits women’s ability to enjoy rights and freedoms on the basis of equality with men.

*“Some men are promiscuous but they don’t accept any deviation from women and order their murder...there are men who themselves don’t care about their honor but when they are consulted over such an issue they offer murder as the best solution.”* (Male, 58, civil servant, Dukan)

*“Men (are allowed) to do anything they like, but they punish...women if they deviate.”* (Female, 36, civil servant, Sulaimaniya City)

*“Women’s honor is critical for culture and family tradition but (no one) is interested if a man does the same thing as a woman.”* (Female, 29, housewife, Sulaimaniya City)

Honor is embodied in the female and should she commit a dishonorable act as perceived by society, her family’s honor is directly compromised, resulting in loss of face in the community. Male family members have a duty to “protect” their honor, through limiting the freedoms of their female family members through violence, coercion and control. The construction of honor as reduced to the control of women’s sexuality prepares the ground for the idea that women who do not protect their honor by submitting their lives to the control of male family members must be punished. The punishment is generally of a violent nature.

When questioned on the rationale and origin for ideas on what constitutes dishonour, as well as what is behind the acceptance and practice of punishing transgressions of honor in a violent manner, most respondents identified multiple factors:

1. Tribal tradition/culture
2. Patriarchal domination
3. Religion/misunderstanding of religion
4. Lack of education/improper education
5. Social pressure

The majority of those interviewed believed that ideas of what constitutes dishonorable action, as well as the belief that women who behave in a dishonorable manner must be punished, is a result of cultural or societal norms rooted in the tribal system. Others offered the belief that it was religion, or the misinterpretation of religion that was to blame. A large proportion of the respondents identified patriarchal norms, either explicitly or implicitly, and many respondents forwarded a combination of factors. Lack of proper education was seen as reinforcing the societal constructs that legitimate the continuation of this practice. It was overwhelmingly recognized that social pressure, reinforced by the aforementioned lack of education and awareness legitimized, and indeed mandated the need for a violent response.

The results of the quantitative survey are in keeping with these findings, with 48% believing that tradition and culture is the main reason, and 43% responding that religion is the basis for the concept of honor.

### ***Tribal Tradition***

According to research findings, the tribal socio-cultural system is seen as determining the basis for what constitutes dishonorable conduct as well as legitimizing punitive action for honor-based violations:

*“This is because of the tradition of society. Families and clans follow this tradition and do not accept any deviation from it.”* (Female, 36, medical assistant, Said Sadiq)

*“Kurdish culture is responsible for this kind of thinking.”* (Male, 50, civil servant, Qaladze)

*“This way of thinking comes from the backward tribal mentality of the Kurdish nation.”* (Male, 28, unemployed, Sulaimaniya City)

*“It is derived from the community’s custom and culture.”* (Male, 26, civil servant, Darbandikhan)

*“Family and tribe are the main source of this type of thought, but they too are the product of the culture and education of the area.”* (Male, 33, civil servant, Sulaimaniya City)

### ***Patriarchy and Male Dominance***

*“(These ideas come from) Kurdish male dominated society and its culture which gives women less rights.”* (Female, 26, civil servant, Halabja)

*“(It comes from) the patriarchal system in which woman is considered as a second degree human and man can question and punish her.”* (Female, 25, teacher, Sulaimaniya City)

*“The society came up with this ancient idea and applies it on all families and groups. It is also patriarchy. We can say it is a mixture of both.”* (Female, 33, journalist, Sulaimaniya City)

*“(It comes from) patriarchal way of thinking. At any time if the father and the brothers do not accept a woman’s behavior they commit violence*

*in the name of honor against her.” (Female, 48, housewife, Kani Goma village)*

Some respondents articulated patriarchy as a by-product of the more privileged in society oppressing the weak.

### **Patriarchy**

*“It has a long history. When jobs and properties became divided, women became men’s property. To protect this property they take many measures including using violence. Also tradition and religion have an active role in directing people to use violence. Religion fills people with violence and divides the community into two parts, giving authority to men to oppress women. Even in religion there are some conditions which have to be met (in order to use violence) but people don’t care about them. (In my opinion) no one belongs to one another. We come together by a legal and social contract under which we are equal. However, religion and social rules give privileges to one party over another and it gives the right to utilize violence.” (Male, 34, civil servant, Sulaimaniya City)*

*“(It comes from) male dominance. When men feel they are dominant they try to exploit the weakness and delicacy of women.” (Male, 27, self-employed, Sulaimaniya City)*

*“Men are in power in society because we have a patriarchal system. A patriarchal system is the opposite of a democratic system – things are allowed for men but forbidden for women. Women have to be shy, fragile and calm. If they deviate they are seen as dishonorable.” (Male, 29, social worker/researcher, Sulaimaniya City)*

### **Religion/Misunderstanding of Religion**

Respondents also identified religion as a factor contributing to this way of thinking:

*“Religion has an influence, in addition old tribal custom and education...we are Muslim, and in Islam honor is holy so any small problem about*

*honor is very large in our minds.” (Male, 26, government official, Qaladze)*

*“Religion is the source of this type of thought because religion forbids any relationship between male and female outside marriage and there are many clear verses on this. Religion also made it easier for tribes and families to commit violence in this patriarchic society.” (Female, 38, civil servant, Sulaimaniya City)*

In this response category, some identified the “misinterpretation of religion” to justify the use of violence to punish women who violate honor. They rejected this thinking on the grounds that it does not originate from conventional Islamic teachings:

*“It comes from religion. This is because people exploit it and use it wrongly. For example, it (Islam) mentions that women should be punished, but not murdered. Also, tribal tradition encourages people to do so.” (Female, 28, agricultural engineer, Sulaimaniya City)*

*“Our people have misunderstood Islam saying that keeping honor is only done by the female party. This is wrong because verses from the Qu’ran explain that both men and women must be punished. The punishment must be according to the level and type of the crime and must be carried out in court. It is only for a judge to decide this.” (Male, 39, notary public, Penjwin)*

*“This notion comes from the illiterate period in which the Arabs lived **before** (emphasis ours) Islam. They were ashamed and sad when they had a daughter. (The clan) considered it an embarrassment and a fault so they burned their daughters alive. This sort of killing brought about the notion of honor. It stems from the illiterate epoch before Islam. Let’s see how Islam solves this problem: Once a man came to the prophet (peace be upon him) and told him that his wife refused no one to commit adultery with. This means she did it with anyone who wanted. He asked, what should he do? The prophet (peace be upon him) replied ‘just divorce her and let her go to her clan.’ Here we can see that there is no penalty selected except divorce.” (Male, 53, religious teacher and preacher, Sulaimaniya City)*

**Lack of Education**

Many of the respondents believed that insufficient, low-quality or improper education relating to the rights of girls and women exacerbates the situation:

*“(Honor-related violence occurs because of) community pressure, lack of education and awareness. Many people don’t have information on what to do if their honor is violated. Because of the closely tied community and tribal interference in family issues, there is only one fixed rule in their minds, which is subjecting women to violence.”* (Male, 33, legal assistant, Sulaimaniya City)

*“Lack of education, patriarchy and community pressure are reasons behind honor-related violence.”* (Female, 50, security officer, Sulaimaniya City)

*“Tribal customs and patriarchy are the sources of this kind of thought (and) social relations and bad education are the main causes of honor-related violence.”* (Male, 35, doctor, Sulaimaniya City)

**Social Pressure**

Regardless of where concepts of honor and punishment are believed to have originated, honor is not a just a personal or a family’s concern. Practically, protecting honor is society’s responsibility. While it is seen as the female’s duty to guard the honor of which she embodies, and it is the male family members’ responsibility to deal with transgressions, “society,” or the wider community is embodied with the mandate to demand punishment, and to exert pressure for this punishment to be carried out. It is therefore, in a practical sense, social pressure that legitimates and mandates the response, which is usually violent in nature. The violence is meant to act as a deterrent, a stark warning to women to avoid dishonorable conduct.

Society as a collective entity could be unforgiving and there is usually no respect for, or acceptance of, individual judgement:

*“This way of thinking belongs to the society because sometimes your brother or father*

*forgets you but the community has no forgiveness.”* (Female, 20, Sulaimaniya City)

**D’waa Aswad Khalil**

One of the most notorious and widely publicized honor killings occurred on 7 April 2007 in Ba’ashiqqa in the north of Nineveh governorate, an area populated by 80% Yezidis and under *de facto* control of Kurdish authorities. 17-year-old D’waa Aswad Khalil allegedly had a relationship with a Muslim man from outside the Yezidi community and was planning to marry him and move to Mosul, which met with disapproval from her community. The situation escalated until a mob of 200 people, including some of the women’s relatives, forcibly removed her from a safe house, dragged her into the street, partly undressed her, kicked her and beat her with rocks, and finally bludgeoned her to death with large concrete blocks.

Policemen in the vicinity reportedly did not intervene. The murder was filmed with one or several mobile phone cameras and the video clips were posted on the Internet, attracting worldwide attention. Demonstrations were held in Kurdistan and abroad to voice outrage at the brutal murder. The killing poisoned already fragile relations between Yezidis, Kurds and Arab Muslims and prompted threats, riots and several follow-up murders. The scale of some of the retaliatory actions matched the extreme level of violence that Iraq was experiencing at the time: Muslim extremists exploited what they perceived as the anti-Muslim attitude of D’waa Aswad Khalil’s community by abducting and killing 23 Yezidi factory workers in Mosul on 23 April 2007. Despite the identification by name of 26 suspects, only a few arrests were made. Criminal prosecutions were not only hampered by the general reluctance to bring perpetrators of gender-based violence to justice, but also by the near-paralysis of judicial institutions in war-ravaged Mosul. By July 2008 reports were emerging of some of the suspected killers seeking a “reconciliation” with D’waa Aswad Khalil’s family to avoid prison.



*“From the society’s point of view violence as a punishment for honor violations is not violence, but a lesson of reform which serves to keep the morality of the community.”* (Female, 27, medical assistant, Kifri)

*“The pressure from the community is very powerful in a way that leaves no role for the individual to judge. The pressure is in the forms of mockery, belittling, all these push the individual to act violently even if he does not believe in what he is doing.”* (Female, 35, civil servant, Chamchamal)

If an act that is perceived as dishonorable becomes known by society, the family is pressured by norms and customs, either internalized by the family or otherwise, to respond to breaches of honor. The findings indicate a high level of social pressure to deal with these transgressions, particularly if the family wants to avoid community ostracism:

*“Families believe that if their women commit conduct seen as dishonorable by the society and do nothing, they would be named and shamed by society.”* (Female, 25, housewife, Sulaimaniya City)

*“Community pressure is the source of honor-related violence because if the family does not commit violence against women they will be the subject of ridicule and gossip within the community.”* (Male, 51, police officer, Sulaimaniya City)

*“Society’s pressure is very strong. Because social relations are very strong, families are easily influenced by society. Be certain, punishment is waiting for every deviator.”* (Female, 27, medical assistant, Kifri)

In some cases the family members willingly accept this task, in other cases they do so with reluctance, or try to fight against it. Many of the respondents who work with at-risk women in a professional capacity disclosed that in many cases, close family members of a woman deemed to have breached family’s honor would actually sense the danger she is facing and discreetly assist her by sending her to a shelter to protect her from relatives or tribe members intent on killing her:

*“When a woman becomes a victim of her behavior it is not the family’s fault (when they*

*kill her); it is the society which forces families to commit violence against women.”* (Male, 24, civil servant, Chamchamal)

*“Pressure from society encourages and sometimes forces the family to take actions. Mostly it is murder.”* (Female, 22, government official, Dukan)

*“Society pressure generates violence against women because if you don’t show violence the community looks at you as a dishonored and disrespected person. I was threatened with death because I wanted to get a divorce from my husband because I was in love with another man. My family refused this because they thought divorce was a shame to them. Our relatives gathered and decided to kill me. I blame this decision on society because many other families around us use violence as a way to solve problems. My father and husband didn’t want to murder me, but our relatives and community tried to force them to do so.”* (Female, 20, Sulaimaniya City)

*“These men may love their wives, sisters or daughters very much but when someone accuses them of dishonorable conduct they have to take some action which probably is murder. We can be sure that this type of idea is put into their minds by a negative and bad society.”* (Male, 53, government official, Halabja)

*“This takes place in communities. If a family kills their daughter, it is considered glorious. There are families that love their daughters but kill them to bring their honor back. For example, in Majidbag Alley, a mother and daughter were killed together with no funeral and the neighbours considered it glory.”* (Male, 29, social worker/researcher, Sulaimaniya City)

It is evident that social pressure acts as a major force in legitimizing and mandating violent penalties and punishments. Indeed those respondents who worked with female victims of violence noted two categories of violence against women: 1) “family” situations involving misunderstandings among family members or spouse, and 2) “social” problems in which a woman faces violence due to breaches of honor. Although both categories encompass the same general type of problem, a situation is usually transformed from a “family” to a “social” problem – and thus into an issue of “honor” –

when the community is apprised and it becomes public knowledge.

“...family disputes escalate to “honor” killing when the victim’s tribe or community learn about circumstances that allegedly violated the honor of the family...”

UNAMI Human Rights Report, April to June 2007, page 15.

There are those that are able to rise above intense social pressure, but it is difficult. The respondents generally relayed the belief that those who are educated, or come from a family that is educated, are less inclined to commit acts of honor-related violence. However, there is lack of objective statistical evidence from this study to conclude that there is direct correlation between level of education and honor-related violence. This represents an area in which more specific research is warranted.

## B) WHAT IS THE SCOPE AND NATURE OF HONOR-RELATED VIOLENCE?

Despite the fact that many respondents cited their belief that women who have committed dishonorable conduct should not be routinely subjected to violence, the majority acknowledged that violence, even on the most tenuous suspicion of dishonorable conduct, is common when dealing with honor violations. It appears that there is a varied, yet clearly articulated methodology for dealing with the violation, which is carried out completely outside of the formal justice system. Of the various types of violence utilized, murder is seen as being common. The vast majority of respondents were able to relate a story of honor-related violence that they were familiar with, most of them ending in murder.

### *Punishments for Dishonorable Conduct*

In responding to the question on punishment for dishonourable conduct, the respondents were divided between punishment deemed appropriate by society and their own views. Many respondents felt that women who

have engaged in dishonorable conduct should be counselled, advised, or divorced, and not be routinely subject to violence. However, the reality is that in many situations, allegations are usually not verified, leading to unfounded conclusions and inevitable use of violence.

In the Kurdistan Region, informal justice processes have been allowed to develop by ruling political parties and sometimes utilized to resolve situations involving women such as transgressions of honor. Based on interviews during this study, decisions made by informal justice actors vary depending on location, level of education of the family, social standing of the family, and age and marital status of the female involved. For example, a married woman who is viewed as acting in a dishonorable manner is condemned to harsher penalties than those who are young and unmarried. Most punishments are violent in nature ranging from limiting the mobility of women (described as “home imprisonment”), denial of education, starvation, beating, psychological torment, forced marriage, forced suicide (through burning) and murder.

### Types of Punishment

- Home imprisonment
- Denial of education
- Starvation
- Poisoning
- Beating/physical assault
- Psychological torment
- Forced marriage
- *Zhin be Zhin* marriage<sup>69</sup>
- Forced “suicide” through self-immolation
- Murder
- Pecuniary compensation
- Divorce

<sup>69</sup> *Zhin be Zhin* (woman for woman) marriage is a cultural institution in which a woman is traded for another in a marriage arrangement. For example, man “A” has his eye on a daughter of man “B.” In return for agreeing to this marriage, man “B” is given the daughter or sister of man “A.” It is in essence a very severe form of the commoditization of women, as these women or girls are utilized as bargaining chips. To protest a *Zhin be Zhin* can leave a woman at risk of honor-related violence, as it is seen as her duty to submit to being traded.

Most of the respondents recognized that violence against women is accepted by society and the preferred response to clear transgressions of honor. In particular, murder is seen as a commonly accepted punishment, and sometimes the preferred method of dealing with the issue. The results of the survey are in keeping with this observation, as the majority of the reported cases of honor-related violence were ones that ended in murder:

*“They kill her, they push her to set fire to herself, they drown her or they poison her. Sometimes they marry her off to the one with whom she has had sexual intercourse.”* (Male, 39, notary public, Penjwin)

*“Murder because it is very common here and has become a custom.”* (Female, 35, civil servant, Chamchamal)

*“Murder, physical and psychological torture, home imprisonment, other kinds of oppression and marriage by force...women setting fire to themselves, this sometimes is associated indirectly with honor deviation.”* (Male, 27, lawyer, Halabja)

The following box shows commonly used methods of killing women.<sup>70</sup> In cases of drowning, Lake Dukan in Sulaimaniya was mentioned in multiple responses. Further, many respondents believed that cases of alleged self-immolation by women are in fact intentional killings usually dismissed as suicide. The respondents feel that this practice is exacerbated because of the weaknesses of the legal system in the region and that perpetrators are literally getting away with murder.

**Methods of Murder**

- Shooting
- Stabbing
- Burning
- Drowning
- Suffocation

The penalties and sanctions imposed depend on the nature of the transgression, the age and marital status of the “guilty” party and

<sup>70</sup> 2007-2008 Reports from Directorate to Follow-up Violence against Women, Erbil, Duhok and Sulaimaniya: source: UNAMI, 2008.

the “mentality” and educational level of the family involved. The responses from the sampling of population from city to village and at all educational levels show that people are generally familiar with societal, informal rules and methods of dealing with honor-related situations:

*“Penalties vary according to the location and cultural traditions and according to the nature of the crime. The punishment also depends on the level of education. For example a ‘simple love relation’ may end with murder in some places but in other places they force her to marry the man or someone else (not the man she was in love with). Sometimes a compromise occurs in which ‘Zhin be Zhin’ is used. Other times the sinner’s nose or ears are cut. Males also face violation.”* (Female, 28, social worker/researcher, Sulaimaniya City)

*“The penalties vary according to the level of family’s education. Sometimes women are denied education or physically harmed and some others are killed or imprisoned in the house.”* (Male, 29, police officer, Sulaimaniya City)

*“If she is a girl she should be advised then if the problem continues she should be killed. If she is a married woman she should be killed immediately.”* (Female, 33, housewife, Sulaimaniya City)

*“If the two persons were single, they should be forced to marry each other but if the woman was married she will be beheaded.”* (Female, 48, housewife, Kani Goma village)

*“It differs according to the level of guilt. For example, a married woman should be whipped a lot, but if an unmarried lady has sex she should also be whipped, but not as much as the married one. However, this kind of punishment is not applied these days. Now, if one of a married couple commits adultery, it will be solved by divorce. If a virgin has sex she should be married to another man, not the one she had sex with. This man should know that she is not a virgin and accept her. If a lady is in love (no sexual relationship) with someone, this relationship should not be prolonged, the man should be asked to marry her.”* (Male, 35, social worker/researcher, Halabja)

*“If they are married, divorce is suitable, sometimes killing and suffocation. The*

*punishment differs if it is an unmarried girl or a married woman. If she is a girl, it is normal to have a love (non-sexual) relationship with the purpose of finding a husband.” (Male, 43, civil servant, Qaladze)*

In some cases, physical violence may not always be the preferred solution. Monetary remuneration or offering women as compensation is also a common solution to cleansing honor:

*“If she was married then she would be divorced or murdered. If she is unmarried, they marry her to the man or reconcile with money or other women in exchange, but the suspicion will still remain because they may kill her after a while.” (Male, 24, student, Sulaimaniya City)*

*“The punishments are different. If the relationship ends in sex, then the case ends in killing but sometimes there is a tribal agreement in which the problem is solved by the giving of money or a wife.” (Male, 26, government employee, Qaladze)*

*“(Punishments include) killing, disfigurement (I saw two bodies, the faces of the victims were disfigured beyond recognition), lawsuit (by the man’s family), tribal agreement in which money is paid or the woman is forced to marry.” (Female, 35, police officer, Sulaimaniya City)*

*“Killing, denying education, home imprisonment, preventing from using mobile phone, forced marriage or exchange of women for money.” (Male, 29, police officer, Sulaimaniya City)*

Although respondents may not subjectively agree with the range and extent of sanctions imposed on women, there appears to be a general acceptance that a transgression of honor had to be answered, otherwise the family would lose face and standing in society. Further, although the punishments may differ, there appears to be a highly articulated “informal code” of how to deal with violations of honor that remain completely outside of the formal justice system.

### **How Common is Honor-related Violence?**

Responses to frequency of honor-related violence varied but the majority felt that it was a

common phenomenon and that honor killings in particular are not often publicly acknowledged.

*“There are many cases of punishments, mostly secret murder that is hidden because they believe that in this way they protect their reputation and don’t face legal punishment. There are a lot of examples done secretly, but those done openly are few. I cannot tell you everything, you should find the truths yourselves, you must search, go door to door, especially the poorer areas.” (Male, 45, government official, Chamchamal)*

*“I think murder is very common. Home imprisonment is very common, murder by shooting, physical torture, marriage by force and female circumcision.” (Female, 27, medical assistant, Kifri)*

*“The level of punishment and killing of women is very high, if we look at the statistics we can see that a number of women are killed every week. Most of these killings are honor-related. Even one killing in a week is a lot.” (Female, 38, journalist, Sulaimaniya City)*

*“It is very common, it occurs in my neighbourhood.” (Female, 39, civil servant, Halabja)*

*“In my town, Dukan, this is very common.” (female, 32, civil servant, Dukan)*

*“It happens a lot. I work in a hospital and see many people here who are treated violently. I also hear about it by neighbors and relatives.” (Female, 33, civil servant, Kifri)*

*“(It happens) sometimes. I live in this reality and I know about it.” (Female, 28, agricultural engineer, Sulaimaniya City)*

*“I can’t say it is a common phenomenon. Generally in Kurdistan Region suicide by self-immolation, which is obviously related to family violence, is a problem. Shooting is rare.” (Male, 36, judge, Penjwin)*

*“Honor-related killing is rare or absent in our territory (Halabja). There are no murder cases on honor. There are three cases in which the bodies of murdered women have been found but they couldn’t be identified. We know that they don’t belong to this region and are probably Arabs.” (Male, 53, government official, Halabja)*

*“It is rare because women know if they commit dishonorable conduct they will be killed.”*  
(Female, 54, housecleaner, Kalar)

### **Cases of Dishonorable Conduct**

The researchers compiled true cases of honor-related situations known to the sampled group interviewed. It was concluded that regardless of whether the respondent believed that honor-related violence is common or otherwise, many knew of at least one case. The researchers were careful to exclude accounts derived from media or multiple hearsay sources.

These accounts do not necessarily focus on the type of violation, or type of punishment, as have been outlined previously, rather, on elements that were emphasized by those relating the cases themselves, depicting what they viewed as important in these situations. From these compilations, multiple, at times overlapping themes emerged.<sup>71</sup>

1. Brother as perpetrator of the violence
2. No justice, the perpetrator went free
3. Burning or forced suicide as a result of family pressure
4. Problem stemming from marriage without consent/forced marriage
5. Pecuniary compensation
6. Punishment other than killing
7. Violence perpetrated against a woman who was in fact blameless

### **Brother as Perpetrator**

A respondent who works in a shelter for women at risk in Erbil noted that it is often the brother who implements the punishment, which is often murder: *“In some cases the elderly father had no motivation to harm his own daughter while in other cases, the father would allow his son to carry out the killing. In many instances, it is the son who takes the initiative. In the past two months there have been many cases where a father has brought his daughter to the shelter in order to protect her from her brother.*

<sup>71</sup> It is important to note that there were cases where the man involved was punished as well. The prevalence of these cases is outside of the scope of this project.

*In some of these cases it is evident that the father is frightened by his son.”*

The sampled population group generally corroborates this observation:

*“A 25-year-old policewoman in Darbandikhan was very much supported by her father. However, her father died and her brother took charge of her. He did not accept the freedom that her father had given her. Despite people saying bad things about the family because she was working as a police officer, she insisted on keeping her job. In April 2008 her brother killed her because of societal pressure.”* (Female, 18, civil servant, Darbandikhan)

*“This happened in 2007. A woman, who was 27 had slanderous things said about her. When her husband heard this, he was rough with her. She went back to her family’s house, but after six months she was murdered by her two brothers. They cut off her head. One of them ran away, and the other one was put in prison, but only for one year. He was released because he was considered mentally ill. Now it is discovered that she...had not done anything wrong.”* (Male, 39, labourer, Qaladze)

*“I myself was behaving normally and with a smile on my face at work. I discovered that some stories had been spread around about me and told to my brother. My brother without any attempt to discover the truth beat me.”* (Female, 27, civil servant, Sulaimaniya City)

*“In 2003, in one of the villages in our district there was a boy from a rich and powerful family. He had love relations (non-sexual) with a lot of girls, only for entertainment. Once he heard that his sister had talked to a boy. He came back from work, and his sister was making dinner. He asked his sister to get the bathroom ready for him to wash himself. He then shot dead his sister. I and the people of the village stand witness that the boy is guilty, not the girl. Unfortunately, after a month the boy was released from prison because of family connections.”* (Male, 32, assistant registrar, Penjwin)

*“In March 2008 there was a woman from Darbandikhan working in Kalar. People said there were naked photos of her that were circulated via cell phones, but I didn’t see these photos. When her brother found out about it, he*

*killed her and then ran away. Her relatives have been arrested and are under interrogation. I don't know how old she was. I think her brother is guilty because he killed her without any evidence.*" (Female, 25, engineer, Darbandikhan)

This story also highlights another probable cause of honor-related crimes in the Kurdistan Region, the proliferation of cell phones with camera technology which are easily available. Some respondents believe that misusing cell phones to harass and circulate rumours about women is contributing to incidents of honor-related violence. This is taken seriously by the KRG who have recently passed legislation criminalizing the use of technology that could result in violent incidents.

### ***Perpetrator Going Free***

Many of those who contributed to this project by recounting cases of honor-related crimes emphasised that suspects usually evade accountability and justice. This is viewed as a consequence of the strength and influence of the informal justice processes and the corresponding weakness of the formal justice system:

*"In 1989 there was a 38-year-old married woman who had 5 children. She had a sexual relationship with another man. Her husband found out about the affair and told his son and his nephew to murder her. They tied her up and burned her. The murderers faced no legal consequences. They were congratulated by some people instead."* (Female 28, agricultural engineer, Sulaimaniya City)

*"In 2004 there was a 28-year-old woman who was married and had a relationship with a mechanic. After six months the husband found out about this relationship and told his father-in-law's family. Later her brother killed her, now he is free. It ended like that because of the weakness of the law so the family handled the problem this way."* (Male, 36, writer, Said Sadiq)

*"In 2006 a married man was away for work. During this time his wife established a sexual relationship with a neighbor. Someone found out about this and told the husband about the wife's infidelity. The husband informed his wife's family who allowed him to take appropriate action. The man killed his wife in a remote*

*location. The man she had the affair with escaped and no one did anything to him. Also, the killer faced no legal consequences, he just moved to another place. The person who told the husband that his wife was having the affair is responsible for her death."* (Female, 29, civil servant, Halabja Taza)

Honor-related killings are sometimes perpetrated at home, other times they are carefully orchestrated, taking place in remote locations.<sup>72</sup> In a typical illustration of this, the condemned woman is taken out by her relatives, often under the guise of going on a picnic, or a drive in the country, and is then killed, usually shot, her body dumped in the wasteland, or perhaps in Dukan Lake. Her family members would then lie to neighbours and friends that the victim is away or visiting relatives. After a period of time, when pressed, they might admit that the victim would not be returning and that she had been killed to protect family honor and that was the end of the matter.<sup>73</sup> In some cases, family members continued with the deception, asserting that the victim had moved abroad for good or had joined the PKK.<sup>74</sup>

A male respondent related to researchers a story where his friend had inadvertently interrupted one of these "picnics":

*"My friend used to be unemployed and collect used items made of aluminum and copper in the uninhabited areas surrounding his town. One day he came upon a car with three people in it. There were two men holding a girl who was tied up. One of them told my friend to 'please get out of here because my brother and I want to kill our sister.' They told him that he should not ask any questions because it was not related to him. He*

<sup>72</sup> This was also the observation of UNAMI in its Human Rights Report April to June 2007, page 15: "Most victims were shot at home or at remote locations away from public eyes."

<sup>73</sup> Interview with women's shelter employees, location withheld.

<sup>74</sup> The PKK stands for *Partiya Karkerên Kurdistan* (Kurdistan Workers' Party), a militant Kurdish organization listed as a terror group by United States, NATO and the European Union. Ironically, the PKK is popularly regarded as a haven for women seeking to challenge the patriarchal social norms present in Kurdish society.

*went home, but that ugly scene haunted him.*" (Male, 45, civil servant, Chamchamal)

### **Self-Immolation**

Self immolation or death by fire is one of the key causes of unnatural deaths in the region and the most perplexing. The United Nations has compiled stark statistics on the prevalence and significance of this phenomenon.<sup>75</sup>

Despite its frequency there has been no research on why women choose to boil themselves alive in extremely overheated water, or to douse themselves with kerosene and set themselves alight, resulting in horrific scarring injuries or a slow and painful death. The correlation between apparent voluntary suicides and honor issues are complex and not adequately addressed by investigative bodies.<sup>76</sup> The scale of honor-related killings by burning cannot be concluded from available data from this field study and many cases remain unresolved. Often these burnings are described as "cooking accidents." In other cases women have burned to death in their boiling bath water, known as a "paramez" (an instrument used to boil water) fire. It is believed by many that deal with these cases that many of these "suicides" are often disguised honor killings:

*"We know well that a woman who had set herself on fire has been encouraged and forced to do so, but we close the case as an accidental death."* (Male, 33, legal assistant, Sulaimaniya City)

*"The killing is deliberate but they find various means so that the killer cannot be accused by law. Mostly the women burn themselves. When they are burned (and they don't die) they say it is because of a fire, or cooking accident, which is not true. Usually it is because she is going to be discovered for having committed a wrongdoing and she knows what is going to come. So, they kill themselves before they can be killed by their husband, or someone else...women have no*

<sup>75</sup> UNAMI Human Rights Reports January to December 2007.

<sup>76</sup> "The absence of thorough investigations by the authorities has meant that the available evidence remained inconclusive." UNAMI Human Rights Report January to March 2007, page 17.

*choice except burning themselves."* (Male, 29, social worker/researcher, Sulaimaniya City)

*"In 1995 the brother of a 25-year-old girl wanted to exchange his sister for a wife (for himself). He wanted to marry a girl and marry off his sister to that girl's father. On the wedding night the girl burned herself and died...in Iraqi law women are not given due consideration."* (Female, 28, government official, Sulaimaniya City)

### **Statistics on Unnatural Deaths of Women<sup>77</sup>**

- In 2005 there were 289 burning cases resulting in 46 fatalities and 366 burning cases with 66 deaths in 2006 in Duhok Governorate.
- From 2003 to 2006, Erbil Governorate recorded 576 burning cases resulting in 358 deaths.
- In 2006, 88 women were victims of shooting with 41 fatalities in Sulaimaniya.
- In the first half of 2007, there were 28 deaths by blunt objects; 195 by burning and 37 shooting deaths in the Kurdistan Region.
- Between January and June 2008 there were 56 murders and 150 burning cases in the Kurdistan Region.<sup>78</sup>
- In the first quarter of 2008, 136 women died of unnatural causes, the vast majority of these were burning cases.

*"In 2007 a teenage girl built a relationship with a boy via a mobile phone. When her brother discovered this he broke her phone, beat her, then imprisoned her in the home for one week. After this she set herself on fire. She survived for*

<sup>77</sup> According to UNAMI, all statistics provided by KRG authorities and based on known and registered cases.

<sup>78</sup> Rate of fatality unknown.

a week in the hospital. During the investigation she admitted that she had attempted suicide because of her brother's treatment of her. Then she died. The case has been sent to court but I don't know what is happening. This was her brother's fault because he should have advised her instead of torturing her." (Female, 26, researcher, Sulaimaniya City)

"In 2008 I heard about a girl who set fire to herself. Her father was promiscuous: he used to bring prostitutes home in front of the entire family. This disturbed the girl and encouraged her to have relations with boys. When the father knew about it he and his brothers punished the girl severely. Therefore, she set herself on fire. This happened because of the injustice of male-dominated society which allows men to engage in such terrible behavior but does not allow any deviation from women." (Female, 36, civil servant, Sulaimaniya City)

"I knew an 18-year-old girl who had dropped out of school from the 4th grade. A boy loved her and several times asked for her hand, but her father refused it. Once she called the boy to come and see her father again, and she said that if her father refused she would set fire to herself. The boy came and asked for her hand, but her father refused. The girl set fire to herself and after three days she died in hospital. The father and the boy are in prison now, but I believe they will be set free because there is no one to sue them. In this case I believe it was the father's fault and also because of the low level of education of the girl's family." (Female, 36, medical assistant, Said Sadiq)

### **Marriage without consent/"Zhin be Zhin"**

The practice of marriage without consent appears to be common in the Kurdistan Region. For these women, refusal to participate or attempts to extricate themselves from the arrangement could sometimes lead to violence or deadly consequence.

"I was married by Zhin be Zhin. I did not want to, but my family forced me to. My husband treated me badly. I tried to get divorced many times, but my brothers warned me against it. For six years I had a relationship with another man. My brothers discovered this and I am under the threat of death." (Female, 35, housewife, Topkhane)

### **Article 16 CEDAW**

*1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:*

- (a) The same right to enter into marriage;*
  - (b) The same right freely to choose spouse and to enter into marriage only with their free and full consent;*
- [...]*

"One of my cousins was 21 years old. She fell in love with one of her cousins but her father didn't agree on her marriage because he wanted her for Zhin be Zhin. After her family found out about her relation they imprisoned her in her home and starved her. The man she loved insisted on marrying her but her family wouldn't agree. Two years passed and her family continued to imprison her in the house, several times they didn't give her any food for a week. Finally after three years she was forced to marry another man in a Zhin be Zhin process. Her heart was still with her cousin (the man she loved). Now she has three children but her life is terrible. This happened in 2004 in Piremagoon sub-district." (Female, 20, Sulaimaniya City)

In addition to involuntary arranged marriages, women are also exchanged for cash and alleged breach of honor is sometimes resolved by monetary compensation. In some cases, it serves to protect women from death but this entrenches the perception and attitude that commoditization of women in *Zhin be Zhin* arrangements is acceptable and encourages the exploitation of honor as a money-making enterprise.

"Two female relatives aged 18 and 20 were in love with two men, the two couples decided to elope because the women's families objected to their marriage. Their families found the girls, took them outside the city and killed them. They tried to kill the young men but failed. The families agreed to reconcile and the women's families agreed to accept 130,000 US dollars on condition that the two men leave that area. They have gone to Europe and the problem is over." (Male, 27, social worker/researcher, Chamchamal)



*“A man suspected his wife of having relations with another man. He decided to monitor her one day and saw a man entering their house. He caught them having sex and killed them both. He ran away, but after a while he surrendered himself to Chamchamal police station. Now the wife’s family is asking for 30,000 US dollars as compensation and the murdered man’s family is demanding 20,000 US dollars. This happened five months ago.”* (Female, 28, housewife, Chamchamal)

### **Denial of Education**

Punishment may also take the form of denial of education, thus removing possible interactions with men and boys. (In addition, denial of education may have a preventive rather than punitive character, blocking any possible contact between boys and girls.)

*“While I was in my second year of college I was told that in Halabja a boy was seen with three girls who were his classmates. Though I think nothing had happened between the boy and any of the girls, people spread rumours about the case. Therefore two of the girls, or maybe all of them, were not allowed to continue their studies.”* (Male, 27, lawyer, Halabja)

*“In 2008 a 17-year-old girl in a secondary school had a ‘love relation’ (no sexual relations) with a boy, but it was only for fun. The girl’s family (brothers) heard about this. They took their sister out of school. Now she is not allowed out of the house. This is the fault of the brothers and the lack of awareness in her family.”* (Female, 25, journalist, Sulaimaniya City)

*“One of my friends was 16 years old. Two years ago she had a relationship with a boy. Her family found out and beat her until they almost killed her. The boy asked for her hand in marriage but her family refused several times. The girl is in 6th preparatory stage. Her family imprisoned her in the home many times, cutting her food for a week. She sent letters to her teachers to come and convince her family to let her to return to school. Her brother beat her and it has affected her eyes. Her sister hates her because she had a love relation.”* (Female, 17, Kalar)

### **Violence on “Suspicion”**

Some of the accounts related to researchers disclose little evidence or proof of “dishonourable” behaviour. In some of the stories cited in this study, family members usually react at the slightest rumour or conduct which would not appear to warrant violent consequences. People’s increased tendency to believe in rumours has been observed in many war-torn countries and is a sign of the breakdown of social networks in times of conflict.

*“In 1998 to 1999 we had neighbors in Sulaimaniya, the man was from the city and the woman was from a village in Penjwin. They had two daughters and a son. She was about 30 years old and very goodhearted and sociable and cared for the men and women in the neighborhood. Because she was very beautiful the other women in the neighborhood envied her and felt jealous when she talked with their husbands. Some women in the neighborhood told her husband that his wife talked with other men. Her husband did not discuss with his wife but informed her family. Her brother came from their village and killed her. What was very sad was that when her brother came to take her to a certain death, he told her children that she will be back soon. The poor children kept waiting for their dead mother to return, the youngest one was asking me ‘When will my mother come back?’ They waited for a few months, then the father got married again and they left the neighborhood. I don’t know what has happened to them since they left...I never forget this story because I was sure about her innocence and honor, she was only a sociable woman. But people’s gossip and false rumors led to her death. The main perpetrator is society and the godless women who made the false accusations, even after her death they kept the rumors going saying that no brother would kill his sister unless he is certain she has done something dishonourable.”* (Female, 38, medical practitioner, Penjwin)

*“A woman in our area (in Maso village) at the end of the 1980s did not love her husband very much because she was forced to marry him and to have four children. Everyone knew that she did not love her husband but she was an honorable woman. One day when she went to get water her husband’s brother cut her nose with a knife. A few years later her husband died and the*

*perpetrator married her. I will never forget this incident because it has a great effect on me. No other killing or burning that I have heard about hurt me as much as this one. Every hour of every day in this woman's life is a certain death.”* (Male, 40, medical practitioner, Penjwin)

It is important to note that honor-related cases do not always end negatively. There is evidence of the possibility of a positive reconciliation. For each case that ends in death, there are others that are reconciled, apparently successfully. This is an area for further research, in order to determine best practice in professional efforts. For example:

*“Some years ago an infidelity case was referred to me. The woman said that she committed adultery because her husband was treating her badly, and she did this as revenge. Her husband's family suspected her, and wanted to kill her. I sat with the couple many times and the wife promised not to do that again. Her husband forgave her and agreed to take her back. They changed their place of living and the problem was over. In 2007 her husband visited me and thanked me that he took my advice and didn't kill his wife or divorce her, now their children's life is peaceful.”* (Female, 66, businesswoman, Sulaimaniya City)

### **C) HOW ARE ACTS OF HONOR-RELATED VIOLENCE PERCEIVED?**

To determine the range of subjective thinking on honor-related violence, respondents in the qualitative sampling group were asked “What is your perception of honor-related violence?”

Respondents generally expressed their disagreement with the use of violence to solve honor-related violations. 30% of respondents who answered the question felt that violence was justified. 20% of these respondents felt it was warranted in some cases, and 10% felt that violence was justified across the board. The remaining 70% alleged they were against the use of violence to resolve breaches of honor.<sup>79</sup>

<sup>79</sup> It is important to note that researchers felt that in some cases, the respondents were answering in a disingenuous manner to this question. However, for the purposes of this report we are including the responses given, whether or not they are thought to be

The majority, approximately 70% of respondents, claimed they were against the use of violence for solving honor-related issues. The remaining 30% believed it was justified in some cases, or across the board. Nearly all respondents stated that they would prefer the formal legal system (police and courts) be utilized for resolution of honor-related issues, and for punishment to be meted according to law. There was consensus that individuals, society and informal justice processes should not be allowed to impose sanctions and penalties. It is only if an act amounts to a criminal offence, such as adultery, when the accused (whether a man or woman) should be brought before a court of law and punished. However, it is recognized that the formal justice system requires significant reform and strengthening in order for it to be effective. Respondents further stressed their belief that it is the government's responsibility to protect women from violence, and to adequately punish offenders in order to send a clear message that no one is above the law.

*“I never agree with it, even if one commits the biggest betrayal or crime they should be afforded the right to life. Men think that by killing women they remedy their violated honor, but in fact this (killing) will affect their reputation and people will say they were useless because they could not solve their problem, or that the problem was caused by bad upbringing (by the family). In other words, after the killing, not only will honor not be reclaimed, people may criticize and avoid them.”* (Female, 36, babysitter, Halabja Taza)

*“I am completely against using violence over any issue.”* (Female, 36, medical assistant, Said Sadiq)

*“I don't agree, but this does not mean there should be no consequences for the deviation. What I mean is that it should be tackled peacefully.”* (Female, 27, civil servant, Kirkuk)

*“I totally disagree with violence against women because violence cannot make you forget the*

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an accurate reflection of the respondent's actual beliefs.

*person you love or solve your problem.”* (Female, 20, Sulaimaniya City)

*“I don’t approve (of violence) because problems can be solved before they reach that point. I am not (personally) aware of any cases. If I were I would not let it happen. I am against murder, it has to be settled in the court of law.”* (Male, 58, civil servant, Dukan)

Most respondents who felt that violence is sometimes justified agreed that violence including death may be an appropriate response in specific circumstances, for example when it is “proven” that the woman did something wrong: *“I sometimes support it, when it is sure that the girl did wrong, for example went out with a boy, I suggest she should be punished.”* (Female, 33, civil servant, Kifri)

*“I sometimes agree with violence. It is true that sometimes violence is committed without examining the facts, but other times when dishonorable conduct is committed, violence is necessary...sometimes innocent women are rescued and their problems are solved, but some other times there are prostitutes and dishonorable women who are protected (by women’s organizations), these women stain other women’s reputation and should be killed, not protected.”* (Female, 38, babysitter, Halabja Taza)

*“Sometimes, if I tried to do my best for my family and never reject any of her demands and do everything for her but in return she made a relation with another man (dishonorable conduct). I agree with punishing her, but only in this case with these conditions. I agree with punishments for women who prostitute themselves but I regard killing of women without evidence as a very big crime.”* (Male, 27, researcher, Chamchamal)

Others who agreed with violence sometimes felt that some level of violence is justified, but not murder:

*“If it means killing, I do not agree with it, as killing is forbidden in Islam, this is murder, and the person who did it is a murderer. Criticizing or some other simple penalty is normal on the condition that they should not hurt her too much or disable her body’s organs.”* (Male, 32, religious teacher, Sulaimaniya City)

*“I sometimes agree with it. I am not with killing because it complicates the problem. I think a low level of violence should be used according to the dishonorable conduct.”* (Male, 26, police officer, Sulaimaniya City)

Other responses highlighted the patriarchal view of Kurdish society:

*“Sometimes I agree with it...because it makes women respect men.”* (Male, 27, teacher, Zarain)

*“I agree with it. She should be advised at first and then beaten, because a woman’s brain is smaller.”* (Female, 54, housecleaner, Kalar)

*“I agree with it when women stand against men.”* (Male, 36, writer, Said Sadiq)

*“Sometimes I agree with using it because as a man his rights have been violated.”* (Male, 25, police officer, Halabja Shaheed)

*“If the mistake is simple I will use advice and warning, but if it is serious and visible I may react violently and may do anything.”* (Male, 29, police officer, Sulaimaniya City)

It is concluded from this study that the majority of the sample group disagreed with use of violence to address honor-related disputes. They preferred to utilize peaceful resolutions, through advising, or to refer these issues for resolution at the formal legal system (police, and courts) and for punishment to be meted according to law. There was general consensus that individuals, society and informal justice processes should not be allowed to impose sanctions and penalties.

It is only when an act amounts to a criminal offence such as adultery that the accused (whether a man or woman) should be brought before a court of law and punished. Individuals’ and society’s perception of illegal acts and sanctions which falls outside the formal legal framework is irrelevant:

*“Legally, the accusation must be proved true. Otherwise the defendant is considered innocent. On the contrary, socially, as soon as someone is accused of something (especially for women) they are belittled and society’s attitude will change towards them in a way that the accused person loses her reputation. Most of the time people exaggerate in their judgments. For*

*instance, a case like a love affair between two people, it is very unfair, the punishment will be murder. This is unfair because no one has the right to end another's life. I wish that all cases would be brought to a court of law.*" (Male, 27, lawyer, Halabja)

*"Most of the time the family's form of punishment differs from that of the law which usually ends up in murder, depriving women of inheritance or social advantages. In law nothing is considered a crime unless the action has broken a written law. In tribal tradition the punishment is implemented without investigating the case. Also, tribal law isn't uniform, for example, in most tribes elopement is considered a disgrace, but in some tribes it is considered normal."* (Male, 34, civil servant, Sulaimaniya City)

*"There are a lot of ways that society punishes a person such as defaming them or shunning them...if we want to advance and make a civilized society we need to live by rule of law and ignore the law of the jungle because in tribal society punishment is carried out by tribal leaders, and this punishment is generally very violent."* (Male, 26, civil servant, Qaladze)

*"The justice system (should deal with these issues) because it is fair in applying penalties to women, unlike the family."* (Female, 20, housewife, Chamchamal)

*"The law has to implement the punishment because it tries to serve justice. Whereas if the family does it, it is under the influence of tradition and mostly it ends in murder."* (Male, 25, teacher, Halabja Taza)

*"The legal system should carry out the penalties because it is the system within which everyone is given equal rights. Families and tribes do not have fixed laws for punishment and they carry out their penalties without any investigation, which produces greater injustice."* (Male, 33, legal assistant, Sulaimaniya City)

The idea that sanctions should be the responsibility of the formal legal system is reflected in the view of the vast majority of the sample group. However, there is also a perception that the law may not be adequately responsive to honor-related issues.

There is also a demand for authorities to strengthen respect for the rule of law and effective functioning of the legal and judicial system in the region. Even in cases where women have "clearly" (by local standards) breached a family's honor, such as adultery, respondents believed that the formal legal system should play a role in mediation or resolving the dispute in an objective and fair process consistent with the law. There is a strong desire to move away from a justice system based on an individual or community perception of justice and informal networks that are viewed as violent, illegal, unfair and corrupt. This view transcends age, gender, level of education, employment or marital status. This belief is tempered with a general lack of faith in the formal justice system as it exists currently, as it is seen as subservient to political powers and exigencies and therefore has less influence over people's lives than it should.

The following reflects perceptions and beliefs about the formal and informal justice systems. Many of these responses come from formal justice actors.

*"So far our courts (in the Kurdistan Region) apply old, patriarchic law...the Iraqi Personal Status Law works randomly and in favour of patriarchy and against women. In all investigations, done by a judge or an officer, proper rights are not given to the victims of violence. This could be changed by activating some existing legal provisions, otherwise justice cannot be served."* (Female, 50, security officer, Sulaimaniya City)

*"It is critical (to pay attention to the rights of women). However, legislation dealing with this is not moving forward, or is in dormancy. It will remain like this until changes occur in the executive authority, until the judiciary is able to practice law independently. The formal justice system could become active if the executive system would implement the new norms immediately without delay."* (Male, 36, judge, Penjwin)

*"The police's level of education and awareness is very low, and they don't consider acting on (issues that affect women) as their legal duties. I know people who have killed a woman but now roam the streets proudly and freely. (For example), when the perpetrator is a tribal chief, no one dares to tell him anything. I suggest*

changes be made to the law.” (Female, 29, legal professional, Chamchamal)

“(The formal justice system) deals with women’s issues well, but we need special laws and other necessary measures taken to protect women. The laws that exist are not implemented fairly. This is due to some external interventions. The more independent the judicial system is, the more influence it will have. I haven’t faced anything unusual in my work, but I have heard of lawyers being threatened, harassed, beaten up, or even killed.” (Male, 27, lawyer, Halabja)

“Police officers and judges are not sensitized to issues that are related to violence against women. To sensitize the system all governmental and non-governmental organizations and social institutions should work to prevent tribal agreement on such issues to give the law its proper role. Our formal justice system has not been able to afford everyone their equal rights. This reason is the dominance of the political parties over the law, and these parties prevent things from being done properly and in an equal manner.” (Male, 27, hospital employee, Penjwin)

“The formal justice system provides for equality, but in its administration and execution it is discriminatory because we live in a society where tradition and tribal solutions are considered more important. Thus, social tradition is more important than the law, and those administering the law don’t do it justly. Those who administer the law cannot deal sensitively with certain cases fearing the social pressure that faces them in their work. Since tradition is more powerful than the law, they fear that if they apply the right judgment the perpetrators’ family may retaliate.” (Male, 35, doctor, Sulaimaniya City)

“The formal justice system is not effective because sometimes individual power is greater than the power of the justice system.” (Male, 34, doctor, Khanaqeen City)

“If possible punishment should be determined by law but I don’t think people here believe in the law. Tribal custom has replaced the law and people like tribal leaders backed by political parties do anything they like and can conceal it very well.” (Female, 27, medical assistant, Kifri)

“(The cause of problems is partly due to) the inactive legal system which doesn’t punish those who use violence against women. More severe laws should be passed for punishing criminals. There is no active law for protecting women, besides there are some laws which are not implemented.” (Male, 27, self-employed, Sulaimaniya City)

“(The effectiveness of the formal justice system) depends on whether the person is ordinary or well known. If the person is well known, rich, etc., there will be some adjustments in the rules. Favoritism is an obstacle to our work and even if we do not practice it ourselves, those who are higher in rank than we are force us to do so.” (Female, 35, civil servant, Chamchamal)

“Even to this day the administrators of justice think that honor killing is not a major crime and find excuses for it. Perpetrators of crimes of honor are within the official circle, or close to it. This presents an obstacle to punishing criminals and contributes to the rise of violence. To address this, political interference in the administration of justice should be stopped and violence against women should be handled according to the law and international standards.” (Female, 38, journalist, Sulaimaniya City)

“I don’t think either the police or judges are sensitized to issues related to women, in particular killing or self-burning. Because there is no equipment to (properly) investigate the matter and find the truth, they rely heavily on witnesses and confessions. Therefore some investigative tools should be provided to (formal justice actors) to enable them to rely on evidence other than witness statements and confessions. No witnesses or claimants against the perpetrators, then the court will close the case. Sometimes the perpetrators escape justice.” (Male, 29, legal investigator, Kifri)

The reluctance on the part of women to pursue justice or vindicate their rights not only contributes but may also be symptomatic of the ineffectiveness of the legal system:

“If criminals face justice according to the existing rules of law then justice will be served. But we see the perpetrators not punished or punished lightly because of the lack of a plaintiff....burning of women and encouraging them to commit self-burning still goes on without

*providing any solutions. For example we know well that a woman who had set herself on fire has been encouraged and forced to do so, but we close the case as an accidental death.*" (Male, 33, legal assistant, Sulaimaniya City)

The respondents stressed that it is the government's responsibility to protect women from violence:

*"The government (is responsible) because it can set some rules that prevent the phenomenon or decrease it dramatically."* (Female, 27, civil servant, Kirkuk)

*"Government is responsible for protecting these women who face violence because families and tribes are bound by law. If the government protects women then they will not face violence or killing."* (Male, 33, legal assistant, Sulaimaniya City)

*"I think under normal circumstances the family is the most caring unit for women, but when the issue is honor-related the family will turn the most monstrous of all. Thus, family and tribe cannot protect women and the government should do so."* (Female, 38, medical practitioner, Penjwin)

*"According to international human rights law, protection of women is the state's responsibility. Thus every state should do its utmost to combat violence against women and take out necessary measures to root out violence against women."* (Female, 23, student, Sulaimaniya City)

The findings also indicated that the respondent group are generally ready for change to occur as they believe that violence against women and in particular honor-related crimes have a negative impact on society as they cripple development and progress:

*"If commitment to this old tradition continues there will be no attempt to get rid of this old ideology and no progress will occur."* (Female, 33, journalist, Sulaimaniya City)

*"(This violence against women) has a great influence on society – it doesn't allow it to develop."* (Male, 39, laborer, Qaladze)

*"(It is negative because) we see social injustice practised against women and men are privileged*

*over women."* (Male, 30, financial researcher, Penjwin)

Others observed that violence leads to the marginalization of women from public life, leading to inactivity and non-participation in society.

*"Yes it is bad because if society treats women in a bad way they will be inactive and they will not serve or work for their society."* (Male, 30, teacher, Sulaimaniya City)

#### **D) WHAT IS THE RELATIONSHIP BETWEEN GENERALIZED VIOLENCE AGAINST WOMEN AND HONOR-RELATED VIOLENCE?**

The findings established that the respondents accept there is a correlation between discriminatory and violent treatment of women by family or society and honor-related violence.

Respondents strongly believed that there is a correlation between discriminatory and violent treatment of women by family or society and honor-related violence. This is normalized through a general devaluation of women and girls in preference for male members of a family and shifting protection of moral values to the male community.

*"When a family tells the son that you are a man and you should watch over your sister, men will develop a belief that they own women and that if women cross the boundaries put in place by men, men should punish them by using violence and women have no right to defend themselves. Women in turn believe that they should not defend themselves and accept the violence as a right belonging to men. This is the main reason behind the existence of violence against women."* (Female, 28, government official, Sulaimaniya City)

*"The deeper the differentiation between the two sexes, the higher the level of violence. Honor-related violence is supported by family and community, without recognizing that they are the sources of these wrongdoings."* (Male, 40, medical practitioner, Penjwin)

*“Generally in this society and within the family women are not independent persons but rather seen as products with owners, and at every stage of life the owner changes, starting with father and brother to husband and if the husband dies the son. Thus women should act according to the wishes of their owner and any deviation is considered a crime that needs to be punished.”* (Female, 38, journalist, Sulaimaniya City)

*“The parents treating boys and girls in a different way is the cause of this violence. For example sometimes they are proud of it when their son breaks someone else’s honor but they feel ashamed when their daughter does this same thing. Also, sometimes people say ‘may your son not die’ in their greetings in Sulaimaniya but you never hear ‘may your daughter not die.’”* (Male, 53, religious teacher and preacher, Sulaimaniya City)

*“Family’s treatment of women has a great effect on violence against women, because when a woman is considered a second-class person by family and society she won’t be free in her behavior and whatever she does against the family and society’s wishes she will be subjected to honor-related violence”* (Male, 27, hospital employee, Penjwin)

Some respondents observed a cyclical link between “bad behaviour” by women and violent treatment by the family and that each contributes to the other. They believed that if women are treated with less discrimination and with respect by their families, they will refrain from engaging in dishonourable conduct:

*“When women go wrong or do something dishonorable, they then face violence from their families. These women are the same women who have been mistreated by their families throughout their lives, treatment such as differentiation between boys and girls or denying girls education or going out. These are in themselves reasons why women commit dishonorable conduct. Families then react to them violently and the society will look at them with contempt.”* (Male, 33, legal assistant, Sulaimaniya City)

*“When a family does not differentiate between males and females, and provides for their needs, and respects their views, and answers their questions without anger these children will rely on themselves when facing problems and won’t*

*go wrong. They will find the right solutions by themselves or with the help of their parents.”* (Male, 29, researcher, Sulaimaniya City)

*“Bad family treatment has a negative impact on women and leads them to think of rebellion, in which they fail and may lose their life. Women sometimes try to escape their repressive family environment even when they are certain they face death.”* (Male, 59, civil servant, Kalar)

There is some anecdotal but not empirically conclusive evidence that certain sites selected for study appear to experience a higher occurrence of honor-related violence. These locations have been identified as Kifri, Rania, Qaladze and Kalar as compared to sites considered to experience a lower rate, such as Sulaimaniya City, Penjwin, and Hawraman. Respondents stated that this was because of the higher level of education in the areas where women experience lower levels of honor-related violence, as well as the higher salience of a “tribal mentality” in the areas in which it was believed that honor-related violence was more common.

It appears that the respondents believed that in areas where women and their families achieve higher levels of education, there is a mutually constituted situation in which the level of education of the family in general leads to the awarding of more freedoms, and that this higher level of freedom allows the female family members to achieve more education. Further, the respondents believe that in the areas in which honor-related violence appears to be less common, women achieve a higher level of participation in the workforce, and that in general there is a higher level of awareness of the rights of women. If true it would appear that the very things that are often denied to women as a result of “honor thought,” such as education and an increased level of participation in the workplace, and indeed public spaces in general, could lead to lowered levels of violence. This is an area in need of further research.

**E) RISK PROFILE**

In generating a risk profile for women who are at risk of honor-related violence, the results of this study indicated that given multiple factors outlined below, every woman is potentially at risk, apart from those whose families are able to disregard societal norms and values, despite the severe challenges and pressures inherent in this exercise.

The totality of the responses shows the sample group recognizes there is acceptance of violence against women at the family, society and state levels. Violence begins at home because unequal treatment between girls and boys in the family lays the foundation for an attitude in favor of violence against women. This in turn encourages generation after generation to perpetuate discriminatory treatment of women which is eventually reflected in the community and society.

Family decisions such as forced marriages and the denial of education may also lay the groundwork for honor-related violence. Further, a family may face extreme pressure from society to resort to violent means of conflict resolution. Further compounding this cycle, the perceived reluctance of the state to treat issues of violence against women in a serious manner perpetuates this violence. When governmental entities fail to hold the perpetrators accountable, this impunity intensifies the subordination of women who have faced violence, and also sends a clear message to the community that male violence against women is acceptable and inevitable.<sup>80</sup> As a result, patterns of violent behavior are normalized and reinforced at the family, community and state levels.

These findings are in keeping with a range of studies that identify risk factors representing identified co-relational factors situated in the broad context of women's subordination caused by patriarchy at the individual, family, community and state levels that increase the

<sup>80</sup> United Nations, "In-depth study on all forms of violence against women" (UN document A/61/122/Add.1), Report of the Secretary-General, July 2006, page 29, paragraph 76.

chances of women being subject to violence across the globe.<sup>81</sup>

However, out of this research, it became apparent that there were some specific indicators, or "red flags," in Kurdistan, above and beyond the generalized multi-level framework of violence that women experience:

1. Those whose "dishonorable" acts become public.
2. Those who were forced to marry, by *Zhin be Zhin* or otherwise.
3. Those who experienced generalized violence in the home, including preferential treatment of boys and denial of education.
4. Those with a family with a high level of tribal affiliation or no education.
5. Those with brothers who are charged with supervising the behavior of their sisters.
6. The marital status of the woman involved – married women appear to face more severe penalties.
7. Those from areas with a high level of social environmental pressure, an area of enquiry warranting further research.
8. Those who work outside their home (employed) and can therefore not avoid contacts with men are automatically at risk of rumors.

<sup>81</sup> Ibid, page 34, paragraph 98.



## VI. SUMMARY

The vast majority of those interviewed related honor to women, and the control of women's sexuality. "Dishonorable conduct" was viewed primarily as immoral behavior such as adultery, infidelity or having sexual relations with a man outside of marriage, described as "sex relations." However, this construct also includes a relationship a female enters with a man, even if it does not include sex, defined as a "simple love relation."

Examples of dishonorable conduct cited were:

1. infidelity in marriage
2. pre-marital or "illegal" sexual relationships
3. "love relations" (non-sexual relationship with a man, either by a married or single woman)
4. disobedience of parents
5. prostitution
6. other inappropriate behavior including attire

The belief that women who behave in a dishonorable manner must be punished is seen as a result of societal norms rooted in the tribal system, religion, or the misinterpretation of religion or patriarchal values. Most respondents cited a combination of one or more of the above. Tradition was the most frequently cited response. Social pressure, legitimated by the belief that a transgression has occurred, and exacerbated by a lack of awareness or education, mandates the need for a response. The response is usually violent in nature.

Types of punishment:

- Home imprisonment
- Denial of education
- Starvation
- Poisoning
- Beating/physical assault
- Psychological torment
- Forced marriage
- Forced "suicide" by self-immolation
- Murder
- Pecuniary compensation
- Divorce

Of the various forms of punishment identified, murder was seen as a common, and often the preferred response to perceived violations of honor. The common methods of murder are as follows:

1. Shooting
2. Stabbing
3. Burning
4. Drowning
5. Suffocation

Despite the fact that many respondents cited their belief that women who have committed dishonorable conduct should not be routinely subjected to violence, and that alternate avenues, such as advising, are an option, the vast majority acknowledged that violence, even on the most tenuous suspicion of dishonorable conduct is common when dealing with alleged honor violations.

It appears that there is a varied, yet clearly articulated methodology for dealing with the violation, which exists completely outside of the formal justice system. Of the various types of violence utilized in the informal justice system, as mentioned earlier, murder is seen as being common. Many respondents were able to relate a story of honor-related violence that they were familiar with, the preponderance of them ending in murder. In several cases a woman was murdered for a violation of honor as simple as being suspected of engaging in friendly behavior (smiling, talking) with men outside of the immediate family structure, being too present in the public sphere (having a job that male family members did not approve of), or for having slanderous comments made about her.

70% of respondents claimed they were against the use of violence for solving honor-related issues. The remaining 30% believed it was justified in some cases, or across the board. Nearly all respondents cited their preference for the utilization of the formal legal system (police and courts) for resolution of honor-related issues, and for punishment to be meted according to law. There was consensus that individuals, society and informal justice processes should not be allowed to impose sanctions and penalties. It is only when an act amounts to a criminal offence such as adultery that the accused should be brought before a court of law and punished. However, it is recognized that the formal justice

system requires significant reform and strengthening in order for it to be effective.

Respondents further stressed their belief that it is their government's responsibility to protect women from violence, and to adequately punish offenders, in order to send a clear message that no one is above the law, and that issues of violence against women are taken seriously by those in power.

The findings established an acceptance that there is a correlation between discriminatory and violent treatment of women by family or society and honor. Acceptance of violence against women is normalized through a general devaluation of women and girls, beginning at a very young age in preference for male members of a family.

Out of the findings of this research, a risk profile has been generated. These findings are consistent with a range of studies that identify risk factors representing identified co-relational factors situated at the individual, family, community and state levels that increase the chances of women being subject to violence across the globe.

## VII. CONCLUSIONS AND RECOMMENDATIONS

Before this assessment report, there was inadequate empirical data substantiating the root causes of honor-related violence against women. The lack of accurate data has hindered meaningful policy analysis at the domestic level. The KRG leadership, civil society and the international community must demonstrate a firm commitment and political will to acknowledge and address the prevalence and causes of honor-related violence.

The following recommendations are strategic, inter-related and comprehensive in approach. Some of these recommendations should be implemented at the national level, others at the Kurdistan Regional Government level, with the support of the United Nations and the international community.

Concurrent with these recommendations is the recognition that the empowerment of women and their involvement at policy and planning forums from villages and cities to the highest political institutions is critical to addressing honor-related violence. In parallel, men (policy-makers, law-enforcement personnel, lawyers, religious leaders, teachers, doctors) must be sensitized and involved in these activities.

It is further recognized that it is important to utilize expertise from actors in other countries with Kurdish populations and the wider Middle East, including local actors who have been successful in working with at-risk women, in order to formulate and implement best practice based on examples from areas where honor-related violence is a recognized problem. It is strongly recommended that the government support collaboration with NGOs and governmental actors from outside the Iraqi Kurdistan Region with experience on these issues to formulate education and awareness campaigns, legal strategies and protection services.

Any policy and legislative approach to eliminating all forms of violence and in particular, honor-based violence should include these elements:

1. Improving the level of cooperation and knowledge in the support services.

2. Increased awareness of the social consequences of honor violence and its prevention through instituting programs that result in changes in attitudes and perceptions related to violence.
3. Ensuring that victims of violence and those at risk receive adequate protection and support.
4. Breaking the cycle of violence by reviewing rehabilitation programmes for perpetrators.

### Quantitative Survey Results

The majority or 39% of respondents believe that enhancing greater awareness of fundamental rights of women is the key to protection against honor-related violence. Others suggested creating and enforcing effective legislation (27%).

### A) LEGISLATIVE MEASURES

*“...the need to treat...crimes committed in the name of honour as a criminal offence, punishable by law”<sup>82</sup>*

The KRG is encouraged to adopt a set of comprehensive laws dealing with various forms of violence against women and specifying appropriate remedies, similar to the United States 1994 Violence Against Women Act, such as tackling the socio-economic dynamics of gender-based violence. The conspicuous absence of specific comprehensive legislation addressing violence against women is a setback. In 2007, the Women Affairs Committee of the Kurdistan National Assembly had proposed a law “Elimination of Violence against Women” criminalising all forms of violence and discrimination against women, including under-aged and forced marriages, threats of death and offering women as compensation in tribal reconciliation. However, at time of writing, the draft law has yet to be approved.

<sup>82</sup> UN resolution “*Working Towards the Elimination of Crimes Committed in the Name of Honor*” (A/RES/55/66)

The KNA's draft Law on Elimination of Domestic Violence proposes establishing special courts dealing with domestic violence, protection for alleged victims during investigations from possible retaliation from suspects, requiring perpetrators to pay for victim's psychological and medical treatment, and allowing women to request for divorce to prevent further abuses. The draft also emphasises the right of a victim to be provided medical after-care and basic essentials. This is consistent with the approach adopted in other countries.<sup>83</sup>

The Iraqi Penal Code contains articles that seek to justify honor-related crimes. Further, there exist other provisions in the Penal Code that condone violence and discriminate against women, such as article 398<sup>84</sup> which contradicts a rape victim's right to justice by allowing the offender to lawfully marry the victim, and also articles 128 to 132, which consider "honourable motives" a "mitigating excuse."<sup>85</sup>

<sup>83</sup> In the United States, the 2005 Violence against Women Act authorized federal support for initiatives such as financial compensation, assistance and services to victims.

<sup>84</sup> Paragraph 398: If the offender mentioned in this Section then lawfully marries the victim, any action becomes void and any investigation or other procedure is discontinued and, if a sentence has already been passed in respect of such action, then the sentence will be quashed. Legal proceedings will resume or the sentence will be reinstated, according to the circumstances if such marriage ends in divorce brought about by the husband without legal justification or in a divorce ordered by the court for wrongs committed by the husband or for his bad behavior within 3 years following the cessation of the proceedings. The public prosecutor, the accused, the victim or any person who has an interest in the proceedings may, according to the circumstances, make application for the proceedings, investigation, procedures or execution of the sentence to be stopped or for their resumption or for the reinstatement of the sentence.

<sup>85</sup> Paragraph 128 (1): Legal excuse either discharges a person from a penalty or reduces that penalty. Excuse only exists under conditions that are specified by law. Notwithstanding these conditions, the commission of an offence with honorable motives or in response to the unjustified and serious provocation of a victim of an offence is considered a mitigating excuse. (2): The court must identify in its decision the excuse that discharges a person from a penalty.

**Article 409 Iraqi Penal Code No. 11/1969**

*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.*

Some progress has been made to prohibit honor-related killings in the Kurdistan Region. In April 2000, Kurdish authorities controlling the Governorate of Sulaimaniya issued Decree No. 59, which gave the courts discretion to ignore articles 130 and 132 of the Iraqi Penal Code, making it clear that "[t]he killing or abuse of women with the pretext of cleansing the shame is not considered to be a mitigating excuse." In 2002, the Kurdistan National Assembly in Erbil issued Law No. 14 which states: "The perpetration of a crime with respect to women under the pretext of honourable motives shall not be considered an extenuating legal excuse for the purposes of applying the rules of articles 128, 130 and 131 of the Penal Code, number 11, 1969, amended."

However, these are regional measures and the KRG should also work closely with the Government of Iraq to amend national penal laws that justify honor-related motives in murder and work to bring not only regional measures but also policies and practices into compliance with international standards. Further, these measures are not applied in a systematic manner, and legislation designed to protect women is too often made ineffective due to a failure in implementation. For example, article 9 of the Iraqi Personal Status Law No. 188 of 1959 prohibits marriage without consent and codifies the right to freedom of choice in marriage. Violators can receive punishment ranging from a fine to ten years in prison. Despite this, freedom of choice in marriage remains rare in Kurdistan. The need to ensure the proper implementation of laws and measures, through the strengthening of rule of law, cannot be overstated.

The KNA and KRG authorities should implement laws that focus on education and prevention, create training programs for law enforcement officers, health-care providers, housing and shelter providers and the male population. There should also be a specific legislative framework for housing, employment and crisis services.

One of the more pressing gaps in the Kurdistan Region's legislative regime is the failure to outlaw multiple judicial processes including informal justice processes. There must be specific legislation outlawing extra-judicial processes unless authorised by the regional authorities and consistent with the rule of law and human rights. There should be legislation regulating "tribal reconciliation" and other "alternative" dispute resolution processes and excluding resolution of serious crimes including honor-related crimes from these informal mechanisms.

The regional authorities should also conduct a thorough review of existing national and regional legislation, policies and institutional practices including an educational curriculum to promote equality and eliminate unfair discrimination against women. This is an important strategy to address one of the "root causes" of honor-based crimes against women.

## **b) Criminal Justice System and Remedies for Victims of Violence**

*"...states have an obligation to prevent, investigate and punish perpetrators..."<sup>86</sup>*

Effective implementation of the laws requires protection systems and mechanisms to assist law enforcement officials and departments entrusted with protection responsibilities of women at risk and victims of violence. It is reiterated that the KRG has an obligation to investigate and punish those responsible for committing or aiding and abetting or under any mode of responsibility established by law.

<sup>86</sup> UN resolution "Working Towards the Elimination of Crimes Committed in the Name of Honor" (A/RES/55/66)

Given the lack of awareness concerning existing legislation, it is recommended that training mechanisms are provided to criminal justice actors to educate them on the nature of the law, and their duties to ensure implementation of the rule of law. Any education program should include a victim's access to trained legal personnel and easier access to the legal system.

Mandatory and systematic gender-sensitivity training for law enforcement and judicial officials and producing guidelines on violence against women as well as training on procedures for response to acts of violence against women must be seen as a priority. The international community should assist the police, judicial officers and social workers to draft guidelines and protocols on specific issues such as forced marriage, honor crimes and other forms of violence consistent with investigatory best practices and human rights standards. There should also be a concerted effort to activate the role of public prosecutors to assist investigating judges to monitor and provide directives for honor-based investigations and prosecutions.

The draft Law on Elimination of Domestic Violence would require an increase in female law enforcement officers as well as specialized training for such officers, medical assistants and other officials dealing with gender-based violence. There should also be a specialized desk dealing with gender-based violence at every police station and female officers on call to deal with such cases at all times.<sup>87</sup>

There is general consensus among women's rights workers and activists that honor-related cases must fall squarely within the jurisdiction of the formal legal system and that the social environment should evolve from tribal-based and political dominance to rule of law structures and institutions.<sup>88</sup>

Judicial institutions such as courts and General Prosecutor's Offices should draft and implement sentencing benchmarks and

<sup>87</sup> According to researchers, there are 17 female investigating judges, 14 female assistant investigating judges and 3 female judges in Sulaimaniya courts and the judicial system.

<sup>88</sup> UNAMI-sponsored conference with women rights activists and government officials, 26 August 2008, Erbil.

guidelines to ensure consistency in minimum sentencing throughout the region reflective of the regional government's policy, the seriousness of such crimes, and to deter commission of honor-related crimes. Judicial officers should also adopt a consistent approach in allowing tribal reconciliation of such crimes.

The police should also be given wider powers of arrest and detention without seeking judicial orders in cases where any delay would endanger a victim. For example, police should be given discretion to intervene and arrest, caution or charge an abusive man. Police should also be able to act quickly to prevent family members and suspects from destroying evidence in suspicious burning cases. It is recommended that a survey of the police and investigating judges be conducted to determine gaps in fulfilling their obligations to prevent and investigate violence against women and to thereafter review existing policies, procedures and practices.

### C) PREVENTIVE MEASURES

Human rights activists and government officials concur<sup>89</sup> that a fundamentally important strategy is to raise awareness through formal education for girls and women, men and boys in schools and higher institutes of education in the following areas:

1. acts that constitute criminal offences that would attract penal sanctions, in particular honor-related crimes
2. the concept of equality in all spheres of life; forms of discrimination
3. self-esteem for girls beginning at a young age
4. fundamental rights of women that are protected under the Constitution and national laws which should be respected by the male community and
5. the compatibility of religion and social ethos with fundamental human rights of women

Further, it is recommended that a large-scale campaign to strongly encourage families to educate their daughters, and to treat them with love and respect as a valued member of the

<sup>89</sup> UNAMI sponsored conference with women rights activists and government officials, 26 August 2008, Erbil.

family be implemented. It is imperative that this reaches the rural areas.

Action should be taken to uphold Article 9 of the Iraqi Personal Status Law No. 188 of 1959, which criminalizes forced marriages. A strong message must be sent out that practices such as *Zhin be Zhin* are extremely detrimental to the mental and physical health of women, and indeed illegal.

Another key strategy is a consistent and sustainable public awareness campaign conducted by both women and men trained in disseminating information on women's rights and using various tools such as media, school textbooks and educational curricula. An effective approach may be borrowed from Canada's White Ribbon campaign managed and implemented entirely by men to raise awareness among men of forms of violence against women and protection of women's rights. In the KRG-administered areas, public awareness campaigns must envisage long-term gains such as changing attitudes of tribal societies. Further, they must occur across the region, reaching those in the more remote village areas as well as the cities.

The mobilizing of religious leaders, community leaders and government representatives and high-level officials to consistently and publicly disseminate policy statements and clear signals regarding honor-related crimes must occur. Those with a high level of influence and standing in the community, particularly Mullahs, should be strongly discouraged from making public statements (such as those made in the Friday sermons) that condone violence against women.

### D) PROTECTION

It is imperative that due to shortcomings in the legal and judicial system, the regional authorities should, as a matter of priority, support the establishment of professionally and independently operated centers and shelters based on successful models. In adequately and professionally staffed institutions women at risk could seek refuge and protect their lives. Human rights activists and managers of existing shelters, however, agree that these are temporary measures and that authorities have an obligation

to ensure continuing, meaningful protection for women at risk.<sup>90</sup>

**The Case of “B.M.H.” (born 1970)**

“B.M.H.” lived in Shurtawa Quarter and was illiterate. She married “Rizgar” when she was twelve years old. She bore him eight children and worked as a cleaner in a school. She was reportedly involved with her neighbor’s son and communicated with him through a mobile phone. She was caught talking to him, so she sought refuge at his house for a week until police arrested her for adultery. She was detained at the Women Rehabilitation facility in Erbil, however, her husband withdrew the charge and asked her to return to her family. She claimed that her husband and brother had by then threatened to kill her and was sent to the Nawa Center (a shelter in Erbil) on 20 May after being released from the Women Rehabilitation facility. On 25 May her husband came to the Nawa Center and signed a commitment letter that he is willing to accept her and be responsible for her safety. The researchers claimed that when her sons came to the Center to take “B.M.H.” home they made it clear that they would kill her for her conduct. She was killed the same day.<sup>91</sup>

In cases where shelter residents cannot return to their communities and families without risking their lives, authorities must explore long-term protection strategies in consultation with the international community including relocation and effective personal protection orders.

The KRG should institute gender-sensitive budgeting and make a policy decision to allocate adequate resources to long-term protection and care for women at risk of honor-related crimes. The draft KNA Law on Elimination of Domestic Violence would also make it obligatory for the Ministry of Labour and Social Affairs to open a center for women. The law should be adopted and implemented without delay. There must be a strong policy focus on legal and financial aid for housing facilities for victims at risk, including grants for transitional housing and long-term

<sup>90</sup> Ibid.

<sup>91</sup> Details provided by UNAMI Human Rights Office.

housing grants. This should be implemented concurrently with employment and vocational training opportunities. According to the findings, existing shelters are powerless to prevent women from returning to their families once certain conditions are fulfilled, sometimes leading to deadly consequences for the women at risk.

The regional authorities should work with civil society and NGOs to draft the mandate, powers, security arrangements and facilities pertaining to these shelters and oversight of management by a human rights entity or an independent body. Consultations with activists and shelter personnel disclose a need to transfer management of shelters to NGOs, with funding by the government. For instance, Norway has approximately 50 shelters for battered women and children. Many of these shelters are initiated and run by NGO women’s groups and co-funded by local and state authorities. If the local authorities allocate 20 per cent of the funding for each shelter, the state will provide the other 80.<sup>92</sup>

**E) EMPOWERMENT OF WOMEN**

*“...their effective participation in decision-making and policy-making processes... critical tools to prevent and eliminate crimes against women committed in the name of honour...”<sup>93</sup>*

The KNA has replaced the Personal Status Law No. 188 of 1959. The law deals with issues of matrimonial entitlements, divorce, inheritance and polygamy and has generally not been well received by Kurdish women’s rights activists. However, there are some who feel the amended law is more “woman friendly” than before.

There should be greater concerted efforts to secure women’s social and economic rights including right to housing and to own property as well as a move towards the normalization of women’s presence in the public sphere through the provision of economic opportunities for women at all levels of society.

<sup>92</sup> <http://www.norway.org.sg/policy/gender/violence/violence.htm>.

<sup>93</sup> UN resolution “Working Towards the Elimination of Crimes Committed in the Name of Honor” (A/RES/55/66)

## APPENDIX:

### DEMOGRAPHICS OF RESPONDENTS IN QUANTITATIVE SURVEY

#### *Gender*

| Male | Female | Total       |
|------|--------|-------------|
| 2083 | 1227   | <b>3310</b> |
| 66%  | 37%    | <b>100%</b> |

#### *Age Group*

| 10-20 | 21-30 | 31-40 | 41-50 | 51-60 | 61-70 | 71-80 | 81-90 | Total       |
|-------|-------|-------|-------|-------|-------|-------|-------|-------------|
| 233   | 1272  | 1055  | 470   | 211   | 51    | 12    | 5     | <b>3310</b> |
| 7%    | 38.4% | 32%   | 14%   | 6%    | 2%    | 0.4%  | 0.2%  | <b>100%</b> |

#### *Educational Level*

| Illiterate | Reads & Writes | Elementary School | Intermediate & Secondary School | Institute & University | Higher Education | Total       |
|------------|----------------|-------------------|---------------------------------|------------------------|------------------|-------------|
| 319        | 151            | 627               | 1266                            | 905                    | 42               | <b>3310</b> |
| 10%        | 5%             | 19%               | 38%                             | 27%                    | 1%               | <b>100%</b> |

#### *Financial Status*

| Good | Fair | Poor | Total       |
|------|------|------|-------------|
| 960  | 2048 | 302  | <b>3310</b> |
| 29%  | 62%  | 9%   | <b>100%</b> |

#### *Marital Status*

| Married | Single | Widow(er) | Total       |
|---------|--------|-----------|-------------|
| 1015    | 2229   | 66        | <b>3310</b> |
| 30.7%   | 67.3%  | 2%        | <b>100%</b> |

#### *Place of Residence*

| City | Town | District | Collective Town | Village | Total       |
|------|------|----------|-----------------|---------|-------------|
| 1274 | 743  | 505      | 47              | 741     | <b>3310</b> |
| 39%  | 22%  | 15%      | 2%              | 22%     | <b>100%</b> |