DAUNTING AND DIRE:

IMPUNITY, UNDERFUNDED INSTITUTIONS UNDERMINE PROTECTION OF WOMEN AND GIRLS FROM DOMESTIC VIOLENCE IN THE KURDISTAN REGION OF IRAQ

AMNESTY INTERNATIONAL

Amnesty International is a movement of 10 million people which mobilizes the humanity in everyone and campaigns for change so we can all enjoy our human rights. Our vision is of a world where those in power keep their promises, respect international law and are held to account. We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and individual donations. We believe that acting in solidarity and compassion with people everywhere can change our societies for the better.

© Amnesty International 2024
Except where otherwise noted, content in this document is licensed under a Creative Commons (attribution, non-commercial, no derivatives, international 4.0) licence.
https://creativecommons.org/licenses/by-nc-nd/4.0/legalcode
For more information please visit the permissions page on our website: www.amnesty.org
Where material is attributed to a copyright owner other than Amnesty International this material is not subject to the Creative Commons licence.
First published in 2024
by Amnesty International Ltd
Peter Benenson House, 1 Easton Street
London WC1X 0DW, UK

Index: MDE 14/8162/2024
Original language: English

amnesty.org

Cover photo: *An illustration inspired by the case of a young domestic violence survivor whose brother cut off both her ears and shaved off all her hair.*
© Amnesty International

AMNESTY INTERNATIONAL

CONTENTS

ABBERVIATIONS AND GLOSSARY **4**

1. EXECUTIVE SUMMARY **6**

2. BACKGROUND: PREVALENCE OF DOMESTIC VIOLENCE IN THE KR-I **11**

3. METHODOLOGY **13**

4. LEGAL FRAMEWORK **15**

4.1 IRAQI PENAL CODE 15

4.2 DOMESTIC VIOLENCE LAW 15

4.2.1 MARITAL RAPE AS A MISDEMEANOUR 16

5. A JUSTICE SYSTEM THAT PERPETUATES IMPUNITY **17**

5.1 INTERNATIONAL LEGAL OBLIGATIONS 17

5.2 FILING CRIMINAL CHARGES: DANGEROUS AND DAUNTING 19

5.3 MANDATORY RECONCILIATION: PRIORITIZING FAMILY UNITY OVER JUSTICE 21

5.4 IN THE COURTS: GENDER BIAS, HUMILIATION AND DELAYS 22

5.5 SO-CALLED “HONOUR KILLINGS” 25

6. IMMEDIATE PROTECTION: UNDERFUNDED AND INADEQUATE STATE INSTITUTIONS **27**

6.1 ROLE OF THE DCVAW 28

6.2 UNDERSTAFFED AND UNDERFUNDED 29

6.3 LACK OF LEGAL AID 31

6.4 LACK OF AWARENESS 32

7. SHELTERS: ARBITRARY DEPRIVATION OF LIBERTY **34**

7.1 ARBITRARY RESTRICTIONS ON FREEDOM OF MOVEMENT 35

7.2 SHELTERS IN DISREPAIR 37

7.3 NO EXIT STRATEGY 38

8. CONCLUSIONS AND RECOMMENDATIONS **40**

ABBERVIATIONS AND GLOSSARY

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
DCVAW	Directorate for Combating Violence Against Women and the Family. In recent years the word "Family" was added to its title, but the acronym remains unchanged.
DCVAW DIRECTORATE	A governorate level Directorate of DCVAW responsible for that particular governorate only.
DOMESTIC VIOLENCE	In this report, this phrase will be used as per the definition provided by Article 1(3) of the 2011 Law No. 8 to Combat Domestic Violence passed by the Kurdistan Region of Iraq (KR-I) Parliament: "every act and speech or threat of doing so based on gender within family relationships constituted on marriage or blood to the fourth degree or whoever is legally included in the family, which may harm an individual physically, sexually and psychologically and deprive his/her freedom and liberties."
DOMESTIC VIOLENCE LAW	Law No. 8 to Combat Domestic Violence, passed in the KR-I in 2011.
GARMYIAN	An independent administration, but not governorate, of the Kurdistan Regional Government, which encompasses Chamcahmal, Derbendikhan, Kalar and Kifri and surrounding villages east and south of Sulaimaniya governorate.
GBV	Gender-based violence.
"HONOUR KILLING" OR VIOLENCE BASED ON HONOUR	The killing a woman, man or child as punishment for acts considered to have tarnished the "honour" of the family or acts considered to be inappropriate based on the victim's gender such as pre-marital relationship, sexual and otherwise.
KRG	Kurdistan Regional Government.
KR-I	Kurdistan Region of Iraq.
MLSA	Ministry of Labour and Social Affairs of the KRG.
PESHMERGA	The armed forces of the Kurdistan Regional Government.
RAPARIN	An independent administration, but not governorate, of the KRG which encompasses the towns of Raniya, Qaladze and surrounding villages north-east of Sulaimaniya governorate.

REPORTING OFFICE	The reporting office of the DCVAW where an individual can seek protection and/or advice regarding domestic violence.
CRIMINAL COMPLAINT	A criminal complaint is a statement that accuses someone of committing a crime. It is usually filed by the government, but sometimes individuals can file it too. Paragraph 1(a) of Iraq's 1971 Code of Criminal Procedure defines this as the initiation of criminal proceedings for an oral or written complaint that is submitted to the examining magistrate or the investigator or any official in the police station or any member of the judicial system acting on behalf of the injured party or any person taking his place in law, unless the law stipulates otherwise.
SHELTER	In this report, shelters refer to facilities run by the MLSA to receive and house women and girls who survive an attempted killing or grievous bodily harm or injury.
SURVIVOR/VICTIM	Individuals whose rights have been violated or abused are often described as "victims" of human rights violations. Women human rights defenders prefer to use the term "survivor" instead of "victim" as a way of reflecting the agency and resilience of women, girls and others whose rights have been violated or abused. In this report, Amnesty International generally refers to survivors of domestic and/or gender-based violence. The report refers to victims in instances where women and girls are killed because of domestic and/or gender-based violence.

1. EXECUTIVE SUMMARY

> **"'They are teaching men how to get away with rape and murder."**
>
> Director of one of the shelters in the Kurdistan Region of Iraq.

Survivors of gender-based violence, including domestic violence, in the Kurdistan Region of Iraq (KR-I) face significant – and sometimes insurmountable – obstacles in accessing justice and protection despite state-established reporting and protection institutions and a law that criminalizes domestic violence - both of which are unmatched in the rest of Iraq - as well as consistent verbal commitments paid by the Kurdistan Regional Government (KRG) at the highest level to combat violence against women.

Yet 13 years after the Domestic Violence Law was passed, Amnesty International's research has found that widespread gender-based violence in the KR-I is perpetuated by a criminal justice system that fuels impunity and a protection framework that is exhausted and underfunded - the latter hampering the ability of women and girls to take the first step to safely escape abuse and violence while the former rendering any such step futile.

To examine these barriers to accountability, the organization visited state-run reporting offices and shelters in the KR-I, interviewed high-level officials in the institutions that are mandated to respond to domestic violence, spoke with case workers and lawyers, and interviewed 15 women survivors of domestic violence. The cases that Amnesty International looked at included murder, rape, including rape of a minor, beatings, burning, cutting off parts of the body, humiliation, and forced shaving of hair and eyebrows. The research also covered cases of suicide, attempted suicide, and self-immolation.

The investigation found that laws criminalizing violent acts against women and girls in the KR-I remain wholly inadequate or merely ink on paper due to crucial gaps, and that weak implementation undermines the effective protection of women and girls from gender-based violence. In court, slow processes, lack of judicial capacity – caused primarily by the low number of judges and lack of specialized courts - and the discretionary powers of judges founded in vague laws lead at best to punishments that are incommensurate with the gravity of the crimes committed, compounding the suffering survivors have already endured by speaking out. Survivors and social workers described to Amnesty International how women and girls have faced humiliation in courts by judges who prioritize the "family unit" over justice due to deeply entrenched gender stereotypes and victim-blaming, leading them to ultimately re-enter abusive situations which in some cases have results in their deaths.

While there are no accurate statistics on incidences of gender-based violence and the killing of women and girls in the KR-I due to under-reporting by women and their families and the lack of an adequate monitoring mechanism, in recent years, media outlets in the KR-I as well as official bodies have increasingly reported killings of women and girls, especially by family members. Activists and women's rights non-governmental organizations (NGOs) have raised concerns about the lack of effective steps by the authorities to identify and punish the perpetrators, and an increase in restriction on data regarding these crimes. Government officials

have reported at least 30 women were killed in the year 2023, while 44 were reported killed in 2022. However, NGOs told Amnesty International that the numbers are likely much higher.

The findings in this report are based on two fact-finding research trips to the KR-I in March and September 2023 to Erbil and Sulaimaniya as well as the administrative area of Garmiyan. Amnesty International was granted access to two of the three permanent shelters in the KR-I as well as the only 72-hour temporary shelter.

Amnesty International interviewed 15 women survivors of domestic violence as well as directors of local NGOs that work on women's rights, journalists and media workers, and lawyers who work on cases of domestic violence. The organization also interviewed the Minister of Labour and Social Affairs (MLSA), other officials at MLSA, directors at the KRG's Directorate for Combating Violence Against Women and the Family (DCVAW), DCVAW police officers, civilian staff members of the DCVAW, shelter directors and caseworkers in the shelters visited, a senior KRG official, a judge and both members of the gender equality unit of the Ministry of Justice.

A JUSTICE SYSTEM THAT PERPETUATES IMPUNITY

> **"There is no willingness to exact justice. It is as if once the woman is dead, there is no point doing anything about it… What does that say to men who think of killing their wives, sisters, or daughters? That the difficult part is the killing? They [courts] want the suspect to hand himself in and then someone to bring them evidence on a plate."**
>
> Lawyer working with an NGO that provides legal aid to victims of gender-based violence.

One of the most serious obstacles to countering the culture of impunity for gender-based violence and domestic violence is that survivors themselves must file a criminal complaint against their abuser. The public prosecution rarely – if ever – initiates criminal cases against abusers, even in instances of severe physical violence, without a personal complaint from the survivor or her family. Women and girls who file criminal complaints against their abusers frequently face reprisals, threats and intimidation for doing so from the abuser or their families, often aimed at pressuring them to drop the charges.

Further, the criminal justice process is slow and lengthy, and judges in these cases have shown a bias towards the male abuser, including by imposing sentences that are not commensurate with the gravity of the crime. Women and girls often face humiliation at the hands of judges who prioritize what they consider "family reunification" over the protection of women, disincentivizing women and girls from seeking justice and leading many women and girls to drop the complaints against their abusers. Further, under the Domestic Violence Law, women have to undergo a mandatory reconciliation committee with their abuser before a judge moves the case forward to trial.

One of the caseworkers in a shelter visited by Amnesty International described the treatment of a girl who had filed a criminal complaint after her brother raped her, leaving her pregnant. The caseworker said:

"When we accompanied her to the investigative judge, he took one look at her and said 'why are you covering your hair? What are these respectful clothes? If you were such a well-behaved girl this wouldn't have happened to you.' She cried for hours. She was clawing at her own face and drew blood. Her brother was in prison, but her family convinced her to drop the charges. He is out and has said he will take care of her and the child if she leaves the shelter, but she doesn't believe it. I don't blame her. Many girls have been lured to their death like this."

Another caseworker in a different shelter said: "Women do not want to go to court because they will be asked 'what did you do for him to do that to you?' Victims should not be asked what they did to provoke being beaten, stabbed or shot."

If survivors drop charges against their abuser – either as a result of a mandatory reconciliation process, family pressure or to escape shelter conditions - the only safeguard that the prosecution or court requires is that the abuser sign a "pledge of no harm" on the dismissal of the case. Many women and girls have been killed shortly after their abusers signed these pledges.

DCVAW officials, a shelter case worker and a lawyer described to Amnesty International a harrowing case involving two sisters, then aged 17 and 19, who were killed by their father about in September 2020, just a month after they had left a shelter. The girls had been pressured by family members to drop charges against their father and the court accepted a "pledge of no harm" from the father.

Even in cases where women are killed for so-called "honour" reasons, Amnesty International found that state institutions and law enforcement authorities often side with the family members of the victims, namely the perpetrators, and prioritize privacy over justice.

A journalist investigating the killing of a girl in late 2022 in Erbil described how a spokesperson for law enforcement discouraged her from pursuing the story: "He told us, 'If I were you, I would let this go. He is likely to be released within a week.' This, he explained, will be likely because the family of the victim will drop the charges when the perpetrator is family."

A lawyer described to Amnesty International a case in which a judge sentenced a man to 12 years' imprisonment for wilfully murdering his wife, a crime normally punished by life imprisonment or the death penalty:

"He stood in court brazen and said 'Yes, I killed her. She was rude and talked back to me…' He tied her up and stabbed her several times. He slashed her neck so badly [her head] was barely still on her body."

UNDERFUNDED AND INADEQUATE PROTECTION MECHANISMS

Inadequate funding undermines the ability of state-established institutions to effectively deliver protection services, including reporting, legal advice, family advice centres, counselling and pyscho-social care, and safe spaces that enable survivors to make informed decisions about their safety and well-being.

The DCVAW, a KRG entity within the Ministry of Interior, operates as a law enforcement unit, with civil servants and a special police unit designed to facilitate the reporting and initial investigation of abuse, and is the first point of help for survivors of domestic violence. DCVAW officials told Amnesty International of their critical budgetary shortfall, with the Ministry of Interior failing to allocate an annual budget despite being required to do so by law. The lack of financial support, coupled with societal antipathy towards the DCVAW, hampers its ability to respond to complaints from survivors and support them through lengthy criminal proceedings, meaning survivors are put under even greater financial strain and have to navigate the court system alone.

Only women and girls who are in immediate danger of being killed or seriously injured can access one of the three permanent shelters in the KR-I as well as one temporary emergency shelter, a high threshold that would exclude abuse that leads to non-critical injuries. Women and girls require a court order to enter and leave the shelters, which can only be granted if they file a criminal complaint against their abuser. This requirement in effect excludes survivors who are scared of filing complaints as they fear retribution, ostracism and future violence in a society dominated by patriarchal and tribal mindsets.

Once in the shelters, the women and girls' freedom of movement and access to phones and the internet are severely restricted, which are highly deterrent factors for women thinking to leave abusive situations. Amnesty International has found that these restrictions on freedom of movement and communication are disproportionate and violate the human rights of the survivors. The very restrictive conditions under which survivors can leave shelters also raise concerns regarding the arbitrary deprivation of their liberty.

An exit from the shelter can only be granted by the court and only once the case has been resolved, in practice often because the survivor drops charges against her abuser, and if the court and shelter management deem the survivor to no longer be in danger. In one example of the tragic impact of these strict exit requirements, in the Sulaimaniya shelter one survivor took her own life when the court refused to grant her request for a voluntary exit.

During a field visit to the three permanent shelters in the KR-I and the one temporary shelter, Amnesty International found that the shelters were in disrepair, overcrowded, understaffed, and not adequately equipped for the needs of the survivors. The shelters do not offer any vocational or other training, education, or psycho-social support, leaving these women and girls ill-equipped to support themselves outside the shelter if their families do not take them back.

The Minister of Labor and Social Affairs acknowledged to Amnesty International the limited capacity and disrepair of shelters, and other officials said that addressing gender-based violence lacked political commitment and belief in ameliorating protection for survivors. One of those interviewed by Amnesty International described the shelters as "prisons but with victims in them".

WEAKNESSES OF THE LAW

> **"Men don't want to punish other men."**
>
> Shelter director.

Ambiguities and inconsistencies in the Domestic Violence Law criminalizing violence against women and girls in the KR-I have led to gaps in protection, allowing perpetrators to evade accountability. Despite legal amendments to provisions in the Iraqi Penal Code that establish "honour" as a mitigating factor in cases of murder and other serious crimes against women, impunity for "honour killings" remains the norm in the KR-I. Provisions that void all legal proceedings against a perpetrator of rape if the rapist marries their victim, with any sentence previously handed down in the case then quashed, remain operational.

The KR-I's Domestic Violence Law – though unmatched in Iraq– still explicitly states that its purpose is to "protect the unity of the family from the phenomena of domestic violence" rather than combating domestic violence and providing protection and justice for survivors.

All the lawyers representing survivors of domestic violence interviewed by Amnesty International said that judges tend to prioritize preservation of the "family unity" over the protection of individuals who have experienced domestic violence. This is further enabled by the fact that the Domestic Violence Law includes a mandatory reconciliation process which obligates the investigative judge to refer the criminal investigation to a reconciliation committee before deciding whether to proceed to trial.

Mandatory reconciliation processes are at odds with a survivor-centre approach to domestic and gender-based violence and constitute a barrier to justice. Survivors of domestic violence have a right to be involved in all decision-making processes that affect them.

There are other factors of the law where an opportunity for robust protection from gender-based violence are missed. For example, while the Domestic Violence Law criminalizes marital rape – rare in the region – it treats it as a misdemeanour instead of a felony, which raises concerns about penalties not being commensurate with the gravity of the offence. The Domestic Violence Law does grant judges the discretion to apply relevant articles of the Iraqi Penal Code, the Personal Status Law as well as "other relevant laws in force" that better fit the crime or that specify a greater penalty for the committed crime. However, neither the law nor any policy gives direction as to when the gravity requires such. In fact, research for this report has found in some cases the opposite is true with judges making use of more lenient Penal Code provisions.

The director of one shelter described the case of a 16-year-old girl raped by a 26-year-old cousin:

"The judge…changed the charge from rape of a minor under Article 393 and 394 [of the Penal Code] which carries a sentence of 15 years' imprisonment to the death penalty, to Article 377, which is adultery. When I asked him why he did this, he said he switched it to this article because the man was married and there was no point punishing him with such a severe punishment as he had a family to look after."

The KR-I is bound by all regional and international treaties and conventions that bind Iraq. These include the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) which Iraq ratified in 1986, albeit with some reservations. CEDAW obligates the state to take effective measures to prevent and eliminate gender-based violence. These measures include legislative reforms, public awareness campaigns, and the establishment of support services for survivors.

To address the challenges faced by survivors of gender-based violence in the KR-I, KRG authorities must as a matter of priority strengthen accountability mechanisms, including by effectively investigating all instances of domestic violence. In cases of several physical or sexual abuse, the prosecution should initiate investigations of the alleged perpetrators even if the victim or survivor does not file a criminal complaint. KRG authorities should immediately implement a moratorium on mandatory reconciliation processes and take urgent legislative steps to eliminate this as a prerequisite for criminal proceedings, ensuring timely arrest and prosecution of suspects, and establish dedicated domestic violence courts with judges who are trained to respond to the needs of domestic violence survivors.

The KRG must also increase funding to the institutions recognized by the Domestic Violence Law as they are required to under the law. Adequate resources should be allocated to the DCVAW to ensure it is able to carry out its mission and respond to the immediate needs of survivors. Similarly, adequate funding and support must be allocated to MLSA-run shelters to address the dire conditions within the shelters. The requirement for a court order and a formal criminal complaint to access shelters should be lifted, and restrictions on the liberty of women and girls within shelters should be reconsidered with a view to balancing between their safety and their rights. Shelters should be adequately staffed and equipped to offer comprehensive services, including counselling, education, and vocational training with a survivor-centred approach.

Raising awareness is essential to challenge entrenched gender norms and discrimination contributing to gender-based violence. Authorities should unequivocally reject discriminatory norms invoked by perpetrators to justify violence against women and girls. Public awareness campaigns should highlight the structural causes of gender-based violence, rooted in gender stereotypes and discrimination. The KRG authorities must take these concrete steps in order to bring the reality of survivors in line with the promises they have made to combat violence against women.

2. BACKGROUND: PREVALENCE OF DOMESTIC VIOLENCE IN THE KR-I

The Kurdistan Region of Iraq (KR-I), along with its existing authorities, is recognized in the constitution of Iraq as a federal region.[1] Though the KR-I remains under the authority of the central Iraqi government, its parliament can pass laws that are effective within the borders of the KR-I.[2]

The KR-I became semi-autonomous in October 1991. Since then, the Kurdistan Regional Parliament, founded in 1992,[3] has taken steps to improve legal protections for women and girls, including better protection against domestic violence. Most notably, it discontinued the applicability of articles of the Iraqi Penal Code (Law No. 111 of 1969) that allow for "honour" as a pretext for murder or crime against a family member[4] or provocation as a defence for such crimes;[5] as well as discontinued articles that allow for corporal punishment of a wife and children.[6] It also discontinued the applicability of articles of Iraq's Personal Status Law to prohibit marriage outside a court and imposed restrictions on polygamy.[7]

In 2011, the KR-I parliament passed the Domestic Violence Law which criminalized domestic violence and formally recognized institutions that aim to improve protection and access to justice for survivors of domestic violence.[8] There is no such legislation in the rest of Iraq,[9] and the KR-I law is one of the few laws in the Middle East and North Africa region that criminalizes marital rape.[10]

Despite these legal reforms on paper, domestic violence, and gender-based violence more broadly, remain rampant across the KR-I. While senior KRG officials repeatedly condemn impunity for gender-based violence

[1] Constitution of Iraq 2005, Article 117.The Kurdistan Region of Iraq has a draft constitution that was introduced in 2009 but is yet to be passed.
[2] Constitution of Iraq, 2005, Article 115.
[3] Kurdistan Parliament – Iraq, "History of Parliament", https://www.parliament.krd/english/about-parliament/history-of-parliament/
[4] Law No. 14 on Honour Crimes in the Kurdistan Region – Iraq, ,2002.
[5] Law No.3 to amend the implementation of the Iraqi Penal Code No. (111) of 1969 as amended in the Kurdistan Region of Iraq, 2015.
[6] Law No. 7 on Exclusion of Women from the Provisions of Article 41(1) of the Iraqi Penal Code No. 111 of 1969, as amended, 2001.
[7] Law No. 15 Amending the Implementation of the Personal Status Law No. 188 of 1959, as amended, in the Kurdistan Region of Iraq, 2008. The law requires that the permission of a judge be obtained for second marriage. The judge can only grant this with the knowledge of the first wife. However, in January 2023, the head judge of Iraq's federal supreme court made a statement to the media that the increased restrictions on polygamy were contradictory to Sharia (Islamic) law and the freedoms guaranteed in the civil status law.
[8] Law No. 8 to Combat Domestic Violence, 2011.
[9] Amnesty International, "Iraq: Action must be taken on gender-based violence after murder of Tiba Ali by her father", 3 February 2023 , https://www.amnesty.org/en/latest/news/2023/02/iraq-action-must-be-taken-on-gender-based-violence-after-murder-of-tiba-ali-by-her-father/ See also: The National, "Iraq 'letting men get away with murder' by failing to pass domestic violence laws", 16 May 2023, https://www.thenationalnews.com/mena/iraq/2023/05/16/iraq-letting-men-get-away-with-murder-by-failing-to-pass-domestic-violence-laws/
[10] Law No. 8 to Combat Domestic Violence, 2011, Article 2(1).

and the killing of women and girls, which they refer to as a "scourge", such crimes prevail in a society where gender stereotypes as well as religious and cultural norms fuel these crimes and perpetuate the lack of accountability for them.[11]

While there are no accurate statistics on incidences of gender-based violence and the killing of women and girls in the KR-I due to under-reporting by women and their families and the lack of an adequate monitoring mechanism, in recent years, media outlets in the KR-I as well as official bodies have increasingly reported killings of women and girls, especially by family members, and activists have raised concerns about the lack of effective steps by the authorities to identify and punish the perpetrators.[12]

In 2023, the Directorate for Combating Violence Against Women and the Family (DCVAW) – a body established in 2007 to address domestic violence – reported at least 30 cases of the killing of women and girls.[13] In 2022, DCVAW reported at least 44 cases of women and girls killed in the KR-I, with nine killed in the first two months of that year alone, prompting the Prime Minister of the KR-I to vow to work closely with local organizations to address the issue.[14] In 2021, there were 24 reported cases of the killing of women and girls.[15]

In a study carried out by MLSA, between the years 2017 and 2023, at least 549 women were reported as having committed suicide, with the highest number, 97, reported in 2022.[16] The causes are not listed, and it remains unclear if these cases were investigated at all. The Domestic Violence Law lists "suicide as a result of domestic violence" as one of definitions of domestic violence, though it identifies this as a misdemeanour.[17] Suicide to escape domestic violence, especially by self-immolation, is a method long observed in the KR-I.[18]

Figures provided by the DCVAW for 2022, in response to a request by Amnesty International, show that arrest warrants were issued against 4,437 people after reports of domestic violence.[19]

[11] BBC, "'I wish I hadn't survived': Why women are burning themselves in Iraqi Kurdistan", 14 December 2022, https://www.bbc.co.uk/news/av/world-middle-east-63958584
[12] France24, "Deadly attacks on women rise sharply in Iraqi Kurdistan", 20 March 2023, https://www.france24.com/en/live-news/20220320-deadly-attacks-on-women-rise-sharply-in-iraqi-kurdistan. See also more recently: Rudaw, "Young woman allegedly killed by family in Erbil", 17 April 2024, https://www.rudaw.net/english/kurdistan/170420242
[13] "Family" was recently added to the title of DCVAW, but the acronym remains unchanged. See Abbreviations and Glossary.
[14] Kurdistan Regional Government, "Statement by Prime Minister Masrour Barzani", 23 February 2022, https://gov.krd/english/government/the-prime-minister/activities/posts/2022/february/statement-by-prime-minister-masrour-barzani/
[15] Rudaw, "Erbil glows organge for 16 days of activism on gender violence", 26 November 2023, https://www.rudaw.net/english/kurdistan/261120231
[16] Annual Review the KR-I Action Plan for Human Rights, issued by the OCIA in April 2024, table 23, page 129.
[17] Law No. 8 to Combat Domestic Violence, 2011, Article 1(3). English translation taken verbatim from an official translation of the law provided in hardcopy to Amnesty International by DCVAW in March 2023.
[18] The Guardian, "'I poured gasoline then set fire to my clothes – the flames shot up my body'" 13 May 2024 https://www.telegraph.co.uk/global-health/women-and-girls/kurdistan-iraq-suicide-self-immolation-domestic-violence/
[19] Figures provided in hard copy to Amnesty International researcher during a meeting in March 2023.

3. METHODOLOGY

This report is dedicated to examining the formidable obstacles faced by survivors of domestic violence in the Kurdistan Region of Iraq (KR-I) in their pursuit of justice and protection in a context of chronically underfunded, overlooked state institutions and widespread impunity for gender-based violence. This report specifically focuses on domestic violence against women and girls, recognizing the unique challenges that they face in the KR-I. The report does not examine gender-based violence against men and boys.

Amnesty International analysed relevant laws in the KR-I, including the Law to Combat Domestic Violence (Law No.8 of 2011) and the Iraqi Penal Code.

The findings in this report are based on a combination of remote and in-person research conducted between January and September 2023. Amnesty International researchers conducted two fact-finding research trips to the KR-I, between 10 and 18 March 2023 and 2 and 12 September 2023, where they visited Erbil and Sulaimaniya as well as the administrative area of Garmiyan.

Amnesty International researchers interviewed a total of 57 individuals for this report. Among them were: the Minister of Labor and Social Affairs (MLSA) as well another MLSA official, the Director of the Directorate for Combating Violence Against Women and the Family (DCVAW), four DCVAW directors at the governorate level, four DCVAW police officers, eight civilian staff members of DCVAW, three shelter directors, four caseworkers in the shelters visited, one high-level KRG official, one judge, two members of the gender equality unit of the Ministry of Justice, four directors of local non-governmental organizations (NGOs) that work on issues of women's rights and gender-based violence including the provision of legal aid, three journalists and media workers, and six lawyers. Some individuals were interviewed twice.

On 8 and 11 September 2023, Amnesty International was granted access to two of the three permanent shelters in the KR-I, in Sulaimaniya and Erbil respectively, and on 9 September to the temporary shelter in the Garmiyan administrative area. Amnesty International is one of the only human rights organizations to be given access to shelters in recent years.

An Amnesty International researcher interviewed 14 women survivors of domestic violence. The researcher conducted three individual interviews with three women who had survived domestic violence and who were housed in one of the permanent shelters that Amnesty International's researchers had access to, as well as a focus group of eight women who had survived domestic violence and who were housed in the same shelter. The researcher interviewed one survivor in the presence of her case worker who stated this was necessary as the survivor suffered from mental health issues. Amnesty International was able to interview two survivors of domestic violence outside a shelter.

The majority of the interviews were conducted in Kurdish (Sorani), with the remainder conducted in Arabic or English.[20] The Amnesty International researcher informed all survivors that their participation in the interviews was completely voluntary and obtained informed consent.

It is important to note that given the sensitivity of the issue and the social and safety ramifications for survivors who speak out, access to survivors was exceptionally difficult to obtain. Further, given the coercive conditions in the shelters – described in the body of this report – the interviews were limited in number and duration.

[20] In cases where meetings were held in Arabic, no interpretation was required as the interviewee spoke in Arabic.

In this report, Amnesty International examines a range of crimes against women and girls in the KR-I, including murder, rape, including rape of minors, beatings, burning parts of the body, cutting of parts of the body, and humiliation. The report also references suicide, attempted suicide, and self-immolation.

On 23 August 2024, Amnesty International sent, by care of the KRG's Office for Coordinator for International Advocacy (OCIA), requests for information to the KR-I Directorate of DCVAW and MLSA. During the September 2023 fact finding mission, both DCVAW and MLSA provided hard copies of their responses to an Amnesty International researcher. Their responses have been incorporated into the report.

On 10 June 2024, the organization sent further letters to OCIA to request comments on its final findings laid out in this report. At the time of publication, no responses were received.

4. LEGAL FRAMEWORK

Violent acts against women and girls in the KR-I are criminalized in two pieces of legislation: the first is the Iraqi Penal Code, which addresses felonies, or any act punishable by a prison term of five or more years. The second is Law No.8 to Combat Domestic Violence in Kurdistan Region for the year 2011, henceforth referred to in the report as the Domestic Violence Law, which addresses misdemeanours, or acts punishable by prison terms of less than five years.

4.1 IRAQI PENAL CODE

As discussed in Chapter 2, the Iraqi Penal Code applies in the KR-I. The code explicitly prohibits various forms of violence, including sexual assault, rape, and physical violence. Further, in 2002, the KR-I discontinued the applicability of some provisions of the Penal Code within the borders of the region, including the removal of 'honour' as a mitigating circumstance in criminal cases.

The Penal Code defines rape as an act committed by "any person who has sexual intercourse with a female without her consent or commits buggery with any person without their consent".[21] It is punishable by up to 15 years' imprisonment. However, Article 398 provides that all legal proceedings against a perpetrator of rape are voided if the rapist marries their victim, with any sentence previously handed down in the case then quashed.[22] Such laws essentially condone and perpetuate impunity for perpetrators of sexual violence, undermining justice and perpetuating harm against survivors by fostering victim-blaming attitudes in society. They also reinforce patriarchal attitudes that women who are rape survivors are "unmarriageable" and therefore should be forced to marry their abuser, trapping women and girls in unwanted and abusive marriages.

4.2 DOMESTIC VIOLENCE LAW

The Domestic Violence Law defines domestic violence as "every act and speech or threat of doing so based on gender within family relationships constituted on marriage or blood to the fourth degree or whoever is legally included in the family, which may harm an individual physically, sexually and psychologically and deprive his/her freedom and liberties".[23]

Article 2(1) prohibits physical, sexual, psychological, and socio-economic violence as well as harmful traditional practices perpetrated against any person bound by family up to the fourth degree of kinship be it

[21] Penal Code, Article 396.
[22] Article 398 of the Iraqi Penal Code sets forth the relevant language permitting a sexual offender to evade punishment through marriage to his victim: "If the offender mentioned in this Section (Rape, buggery, indecent assault) then lawfully marries the victim, any action becomes void and any investigation or other procedure is discontinued and, if a sentence has already been passed in respect of such action, then the sentence will be quashed. Legal proceedings will resume or the sentence will be reinstated, according to the circumstances if such marriage ends in divorce brought about by the husband without legal justification or in a divorce ordered by the court for wrongs committed by the husband or for his bad behaviour within 3 years following the cessation of the proceedings."
[23] Law No. 8 to Combat Domestic Violence, 2011, Article 1(3). English translation taken verbatim from an official translation of the law provided in hardcopy to Amnesty International by DCVAW in March 2023.

based on law, marriage or blood. The same article includes a non-exhaustive list of prohibited acts or "examples" that constitute domestic violence. These include violence against adult family members and, most notably, marital rape.[24]

Under Article 7, the punishment for anyone found guilty of domestic violence is between six months' to three years' imprisonment and/or a fine of up to IQD 5 million (approximately USD 3,825). This means that any instance of domestic violence covered by the law, including, for example, violent acts resulting in bodily injury and marital rape, is considered a misdemeanour as Iraq's legal system defines a felony as any act punishable by a prison term of five years or more.[25]

Article 8 grants judges the discretion to apply relevant articles of the Iraqi Penal Code, the Personal Status Law as well as "other relevant laws in force" that better fit the crime or that may specify a greater penalty for the committed crime.[26] However, neither the law nor any policy gives direction as to when the gravity of a specific act of domestic violence would warrant the application of the Penal Code, and would therefore authorize punishments exceeding those specified in the Domestic Violence Law.

Article 3 of the law establishes specialized courts to deal with domestic violence cases.[27] However, at the time of writing in early 2024, only one such court was operational in the KR-I. It was established on 2 January 2022 in Sulaimaniya governorate.[28] A judge told Amnesty International that the delays were due to the scarcity of qualified judges in the KR-I. [29] Others interviewed said they thought the delays arose from a lack of political will to take concrete steps to hold perpetrators of violence against women accountable.[30]

As discussed below, these gaps, as well as the practices followed by judicial authorities, which often reflect deeply embedded gender-based stereotypes, raise concerns that the penalties for domestic violence are not commensurate with the gravity of the offence.

4.2.1 MARITAL RAPE AS A MISDEMEANOUR

The Domestic Violence Law criminalizes marital rape. While the criminalization of marital rape is a good step, the fact that KR-I legislation treats rape in the context of marriage as a misdemeanour raises concerns about penalties not being commensurate with the gravity of the offence.

The CEDAW Committee explicitly calls for the criminalization of marital rape and other acts of sexual violence as well as crimes against women's right to personal security and their physical, sexual and psychological integrity.[31] In 2017, the Committee recommended that states, "repeal all legislation that enshrine, encourage, facilitate, justify or tolerate any form of gender-based violence against women". It further recommended that states take action against rape culture that "make women responsible for their own safety and for the violence they suffer".[32]

[24] Article 6 of the law sets out specific punishments for some of the act from the crimes listed in Article 2. Among these is a fine of up to IQD 5 million (approximately USD 3,825)for the incitement of the practice of female genital mutilation (FGM) whereas the same fine or an imprisonment period of less than six months is stipulated for whomever is found to have carried out FGM or assisted in the act. The imprisonment period is stipulated to be up to three years of the victim of FGM is a minor.
[25] Article 25 of Iraq's Penal Code defines a felony as an offence punishable either death, life imprisonment or five to 15 years imprisonment. Article 25 of the Penal Code defines a misdemeanour as an offence punishable by detention with hard labour or ordinary detention for a period of between three months and five years or a fine.
[26] Law No. 8 to Combat Domestic Violence, 2011, Article 8.
[27] Law No. 8 to Combat Domestic Violence, 2011, Article 3.
[28] In September 2023, an Amnesty International researcher attempted to visit the court but was informed that a new domestic violence judge had been appointed that week and was yet to commence looking at the cases. The judge was not available for an interview according to her office that day.
[29] Interview in person with a judge, Ministry of Justice in Erbil, March 2023.
[30] Meeting with KRG official, September 2023. This point was repeated by officials in during interview with directors of shelters, caseworkers in the shelters as well as DCVAW officials and caseworkers.
[31] UN Committee on the Elimination of Discrimination against Women (CEDAW), General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19, 26 July 2017, UN Doc. CEDAW/C/GC/35.
[32] Office of the United Nations High Commissioner for Human Rights, "End in sigh for "marry your rapist" laws, 25 August 2017, https://www.ohchr.org/en/stories/2017/08/end-sight-marry-your-rapist-laws.

5. A JUSTICE SYSTEM THAT PERPETUATES IMPUNITY

> **"We provide shelter, but the law must protect women, not walls."**
>
> Kwestan Mohamed, Minister for Labour and Social Affairs.[33]

Women and girls who survive domestic violence face a series of daunting obstacles in seeking accountability for their abusers. This chapter examines Amnesty International's concerns about the apathy, lack of political will and entrenched gender-based stereotypes of judges to impose a punishment that is commensurate with the gravity of the crime, and the lengthy proceedings that constitute a disincentive for survivors to seek justice. Lawyers, DCVAW officials and case workers, as well as shelter directors, consistently told Amnesty International that delays at all stages of the criminal proceedings, including in carrying out arrests, leave survivors vulnerable to coercion by abusers or relatives to drop their complaints, fuelling impunity. Meanwhile, the judiciary remains reluctant to prioritize protection and justice for survivors over preventing "family disintegration", which according to interviewees only drives impunity.

5.1 INTERNATIONAL LEGAL OBLIGATIONS

The Kurdistan Region is bound by all regional and international treaties and conventions that bind Iraq. These include the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) which Iraq ratified in 1986 with reservations to Articles 2(f) and 2(g), concerning policy measures and modification of laws, Article 16 concerning marriage and family life, and Article 29(1) concerning administration of the Convention and arbitration of disputes. These, it argued, were in conflict with pre-existing national laws that are more in-line with Islamic Sharia's rulings on these issues.[34]

[33] Interview in person with Kwestan Mohamen, Minister of Labour and Social Affairs, 14 March 2023, Sulaimaniya.
[34] United Nations Development Programme (UNDP), *Iraq: Gender Justice & The Law*, 2018,https://arabstates.unwomen.org/en/digital-library/publications/2018/12/gender-justice-and-the-law-in-the-arab-region, p.10.

According to the CEDAW Committee, gender-based violence can take multiple forms including "acts and omissions, intended or likely to cause or result in death, physical, psychological or economic harm or suffering to women, threats of such acts, harassment, coercion or arbitrary deprivation of liberty" that can be "exacerbated by cultural, economic, ideological, technological, political, religious, social and environmental factors, as evidenced, among other things".[35]

CEDAW obligates the state to take effective measures to prevent and eliminate GBV. These measures include legislative reforms, public awareness campaigns, and the establishment of support services for survivors. The CEDAW Committee has highlighted that the obligation to protect requires that states parties "protect women from discrimination by private actors and take steps directly aimed at eliminating customary and all other practice that prejudice and perpetuate the notion of inferiority or superiority of either of the sexes, and of stereotyped roles for men and women".[36] The Committee has also emphasized that states could be held responsible for private acts if they "fail to act with due diligence to prevent violations of rights, or to investigate and punish acts of violence, and for providing compensation".[37]

Moreover, the obligation to protect includes the duty to provide effective remedies to survivors and victims of gender-based violence, including reparation. Medical and psychological care as well as legal and social services are part of rehabilitation that survivors of gender-based violence must have access to. The Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law stipulates that victims should be provided remedies, including reparation.[38]

Rehabilitation is a key component of reparation.[39] The CEDAW Committee has recommended, with regard to reparations to survivors of gender-based violence against women, that states implement measures, including "monetary compensation, the provision of legal, social and health services, including sexual, reproductive and mental health services for a complete recovery, and satisfaction and guarantees of non-repetition," and that they "establish specific funds for reparations or include allocations in the budgets of existing funds".[40]

Iraq is also bound by United Nations Security Council Resolution 1325 on Women, Peace, and Security, which calls for the protection of women and girls from violence in conflict situations, as well as their meaningful participation in peacebuilding processes.[41]

Furthermore, Iraq has a duty under international law to investigate and prosecute acts of GBV effectively.[42] This entails ensuring that perpetrators are held accountable for their actions and that survivors have access to justice and support services. Iraq's international obligations also extend to providing comprehensive assistance and rehabilitation to survivors of GBV, including medical, psycho-social, and legal support. By fulfilling its commitments under international law, Iraq can contribute to creating a safer and more equitable society for all its citizens, regardless of gender.

Non-state actors – private individuals, mostly intimate partners or family members – committed the acts of the domestic violence and gender-based violence documented in this report. However, state authorities remain responsible for taking measures to ensure that people under its jurisdiction are protected from threats to the enjoyment of human rights brought about by the conduct of non-state actors.

---

[35] UN Committee on the Elimination of Discrimination against Women (CEDAW), General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19, 26 July 2017, UN Doc. CEDAW/C/GC/35, para 14.
[36] UN Committee on the Elimination of Discrimination against Women (CEDAW), General recommendation No. 28 on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, 16 December 2010, UN Doc. CEDAW/C/GC/28, para 9.
37 UN Committee on the Elimination of Discrimination against Women (CEDAW), General recommendation No.19: Violence against women, 1992, para 9.
[38] UN General Assembly (UNGA), Resolution 60/147: Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, adopted on 15 December 2005, UN Doc. A/RES/60/147, guideline 3. See also: UN Committee on the Elimination of Discrimination against Women (CEDAW), General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19, 26 July 2017, UN Doc. CEDAW/C/GC/35, para 33.
[39] UN General Assembly (UNGA), Resolution 60/147:Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, adopted on 15 December 2005, UN Doc. A/RES/60/147.
[40] UN Committee on the Elimination of Discrimination against Women (CEDAW), General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19, 26 July 2017, UN Doc. CEDAW/C/GC/35, para 33.
[41] United Nations Development Programme (UNDP), *Iraq: Gender Justice & The Law*, 2018,https://arabstates.unwomen.org/en/digital-library/publications/2018/12/gender-justice-and-the-law-in-the-arab-region, p.11.
[42] UN Committee on the Elimination of Discrimination against Women (CEDAW), General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19, 26 July 2017, UN Doc. CEDAW/C/GC/35, para 32.

5.2 FILING CRIMINAL CHARGES: DANGEROUS AND DAUNTING

> **"The law and judges must work to complement what we do. Otherwise, there is no point. I can interview and arrest [abusers] and send [survivors] to shelters, but unless justice is served, we and victims remain in a pointless cycle."**
>
> DCVAW Director of reporting branch in Sulaimaniya.[43]

One of the most serious obstacles to countering the culture of impunity for domestic violence is that survivors themselves must file a criminal complaint against their abuser. According to two lawyers from a national NGO that works for the protection of women's rights, the public prosecution rarely – if ever – initiates criminal cases against abusers, even in instances of severe physical violence, without a personal complaint from the survivor or her family.[44]

However, as elaborated in subsequent sections, the criminal justice process is slow and lengthy, and judges in these cases have shown a bias towards the male abuser and often prioritize family reunification over the protection of women, disincentivizing women and girls from seeking justice. Crucially, women and girls who file criminal complaints against their abusers frequently face reprisals, threats and intimidation for doing so from the abuser or their families, often aimed at pressuring them to drop the charges.

Amnesty International's research shows that the KR-I authorities were failing in protecting women and girls from these kinds of reprisals. All the women interviewed in shelters said that their abusers had not been arrested or had been released on bail pending investigations, and that they were still threatening them.[45]

Lawyers and some of the authorities interviewed emphasized that some suspects of domestic violence leave the KR-I by crossing into areas governed by the Iraqi federal government to avoid arrest.[46] In some cases, they stated, the KRG authorities have used this as an excuse for not pursuing abusers who seek to evade justice. One of the lawyers said that the excuse is invalid: "A court in the Kurdistan region, given the judicial system remains under the federal system, can request through Baghdad that an arrest warrant is issued at the federal level for anyone. They [judges] just don't want to."[47]

The director of one shelter described a case:

"A girl was brought to us last year. Her brother had cut off both her ears and shaved off all her hair. She was under 16 or 17. This was apparently because she was using social media. That was the entire reason. His family helped him flee to Kirkuk.[48] That's not very far. The judge called me saying we should encourage the family to take her back since the brother could not be arrested. I was livid. I ended up speaking to media and political leaders about this and filed a complaint against the judge. The girl's family took her back, but the brother was never arrested."[49]

A 19-year-old woman interviewed by Amnesty International who had been in a shelter for 17 months described what had happened to her:

"My father married me off at 16 against my will. [My husband] beat me from day one. He would come home drunk and begin swearing at me and ended it with beating me. I went home to my parents but my father would drive me back to my husband's house. I tried to go through divorce proceedings twice, and both times [my husband] would pay off the judges in Kirkuk. The second time my father knew the judge – a female judge – and told her he'd kill me if I tried to go through with the divorce. The judge wouldn't even listen to me. She told me, 'Do you want your father to go to prison because of you?' I tried to take my life twice but it didn't work. Finally, I went to an NGO, and they brought me to DCVAW in Sulaimaniya. My husband doesn't want to give me the divorce – he told me I'm not worth the journey to Sulaimaniya. My

[43] Interview in person with DCVAW Director of reporting branch in Sulaimaniya, 6 September 2023, Sulaimaniya.
[44] Interviews by voice call with lawyers,14 September 2023.
[45] Interviews in person with survivors, 7 September 2023, Sulaimaniya shelter.
[46] Interviews held between 5 – 10 September in Sulaimaniya.
[47] Interviews in person with lawyers and members of KRG authorities, 10 September in Sulaimaniya courthouse.
[48] Kirkuk, the capital city of the governorate of Kirkuk, is under the authority of the federal government of Iraq and the jurisdiction of its security forces rather than those of the KRG. The governorate shares borders with two KRG controlled governorates: Erbil and Sulaimaniyah to its north and east respectively.
[49] Interview in person with director of the temporary shelter in Garmiyan, 9 September 2023, Garmiyan.

mother came to visit me and said my father wants to kill me for having entered the shelter. Is being homeless more honourable than being in a shelter? My life is on hold. How can my father kill me if I leave the shelter in Sulaimaniya, but the police cannot arrest him [my husband] if he is in Kirkuk? No one will listen to logic."[50]

Another survivor pointed to her hair that was cut short and her missing front teeth during her interview with Amnesty International. She said:

"My husband and his sons [from a previous marriage] did this to me. They are out and free. I have nowhere to go to. When I first came here, he told me in front of the judge that if I ever left here, he would rape me then kill me. I was working as a servant for his second wife, and he still beat me. I put up with everything just to stay alive."

Her caseworker explained that the woman had been at the shelter for two years awaiting a divorce, adding, "When she arrived here, her head was completely shaved and covered in scabs from the rough shaving".[51]

According to Article 109 of Iraq's Code of Criminal Procedure, if a person is accused of an offence punishable by imprisonment, a judge may order the person to be detained for up to 15 days on each occasion – thought the total period of detention on remand should not exceed one quarter of the maximum sentence for the offence - or order their release on a pledge with or without bail if the judge rules that the release will not lead to escape or prejudice the investigation. Article 112 allows for investigators and police officers to hold suspects until a judge can be reached to issue an arrest warrant, but only if the individual is suspected of having committed a felony. However, it makes clear that in the case of misdemeanours, the suspect must be released on bail and investigators must, in all cases, report the matter to the judge as quickly as possible.[52]

According to international human rights law and standards, authorities must ensure that when deciding whether or not to hold a suspect in pre-trial detention, they take into account the safety risks to the survivors, especially in cases of repeat offenders of violent crimes. If there is a public interest that outweighs the deprivation of liberty or substantial reasons to believe that a suspect will commit a serious crime while released on bail awaiting trial or will abscond, pre-trial detention may be justified.[53]

One lawyer explained that if women drop the charges against their abuser – either willingly or due to coercion – the case does not appear on the record of the abuser because the Public Prosecution will not seek to bring charges, including in cases of severe physical abuse that amount to felonies, "so the next time he is taken to court for violence against his wife or other female relative, it will be as if this is the very first time."[54]

When survivors drop charges against their abuser, the only safeguard that the prosecution or court requires is that the abuser signs a "pledge of no harm" on the dismissal of the case.[55]

There have been numerous cases where women and girls have been killed shortly after their abusers signed these pledges.[56]

DCVAW officials, a shelter case worker and a lawyer described to Amnesty International a harrowing case involving two sisters, then aged 17 and 19, who were killed by their father about a month after they had left a shelter in August 2020. The sisters' caseworker said:

"In July 2020, two sisters were brought to us [to the shelter] from the Chamchamal DCVAW reporting office. One was beaten up really badly. The other was her sister and was accompanying her. Her father had beaten her up because she was seen speaking to a man. Her sister who accompanied her was under the same threat simply for helping her. Every day their mother or a relative would come to convince them to leave.

---

[50] Interview with survivor, 7 September 2023, shelter in Sulaimaniya
[51] Interview in person with caseworker, 7 September 2023, shelter in Sualaimaniya
[52] The Iraqi Penal Code defines a felony as an offence punishable by death, life imprisonment, or 5 to 15 years imprisonment. Article 26 defines a misdemeanour as an offence punishable by detention with hard labour or ordinary detention for a period of between three months and five years; or a fine.
[53] Amnesty International, *Fair Trial Manual – Second Edition*, (Index: POL 30/002/2014), 9 April 2014, https://www.amnesty.org/en/documents/pol30/002/2014/en/, chapter 5.4.
[54] Interview in person with lawyer working on domestic violence cases, 11 September 2023, Erbil.
[55] The practice of requesting a pledge is founded in several articles of Iraq's 1971 Code of Criminal Procedure, but it is not mandatory. Rather, it is at the discretion of the judge.
[56] The practice of obtaining a "pledge" from a defendant is cited in several pieces of legislation in Iraq and is usually up to the judge to decide. For example, Article 96 of Iraq's 1971 Code of Criminal Procedure states that it is at the discretion of the judge who issues the arrest warrant to also state in such a warrant that the person named can be released upon signing a pledge to be present in court when required without a monetary bail requirement.

Eventually the father signed a pledge of no harm after the girls dropped the charges. They left in August and their bodies were found in September."[57]

A DCVAW official explained: "Our monitors followed up but soon lost track of the girls and their father. When they couldn't be located, [the monitors] informed the police in Chamchamal but things move very slowly. That is one of the biggest obstacles to effectively doing our work."[58]

A lawyer elaborated on the barriers to justice for the killing of the two sisters: "No one was accused formally [until the father handed himself in]. The father had signed a pledge and the police ended up waiting for him to turn himself in months after the bodies were discovered. I asked the judge, 'why was no one actively looking for him? Two people are dead.' I got nothing but silence." The lawyer added:

"The area where the girls are from is very tribal. No one is going to hand anyone in and cause a tribal problem for the sake of two girls. He [the father] used this time to move his son outside the KR-I then handed himself in and said it was his son who did it. He was in prison for one year and two months and acquitted and released because the judge believed that it was the son who did it. There was no effort made to ask courts in Baghdad to issue a federal arrest warrant [for the brother] despite this being possible in law."[59]

5.3 MANDATORY RECONCILIATION: PRIORITIZING FAMILY UNITY OVER JUSTICE

> **"No matter how bad the abuse is, judges in cases that could break up a family, like a divorce or a man ending up in prison, will always opt for a forgiving sentence. This is usually a fine."**
>
> Domestic violence and divorce lawyer in Erbil.[60]

The Domestic Violence Law emphasizes that its purpose is to "protect the unity of family from the phenomena of domestic violence", rather than protecting women, girls and others to ensure that they can live free of violence.[61] According to all six lawyers representing survivors of domestic violence who were interviewed for this report, judges prioritize preserving "family unity" over protecting survivors of domestic violence.[62]

The Domestic Violence Law forces women and girls who bring criminal cases under this law to undergo a mandatory reconciliation process with the suspect prior to legal proceedings. Article 5 states that the investigative judge must send the case to a reconciliation committee – comprising social workers, lawyers, a women's protection NGO as well as representatives from the DCVAW and the public prosecution – for consideration, before deciding whether to refer the suspect to trial.[63] According to the report by Office of Coordinator for International Advocacy (OCIA), allegations of domestic violence, following a criminal complaint, undergo a "thorough review by the reconciliation board prior to being formally presented to the judiciary. Subsequently, the findings are presented to the court for consideration, allowing the reconciliation board to conclude cases in instances of insufficient evidence or successful mediation." It is not clear what role the reconciliation board plays in examining evidence as, according to Amnesty International's research, the reconciliation committee as stipulated in the Domestic Violence Law has no investigative powers but is rather created for the sole purpose of facilitating reconciliation between the survivor and their abuser.[64]

[57] Interviews in person with DCVAW officials, a shelter case worker, and a lawyer, 7 September 2023, Sulaimaniya.
[58] Interview in person with DCVAW official, 6 September 2023, Sulaimaniya.
[59] Interview in person with lawyer, 10 September 2023, Sulaimaniya courthouse.
[60] Interview in person with domestic violence and divorce lawyer, 11 September 2023, Erbil.
[61] This is taken verbatim from the "Founding Reasons" in the official version of the Domestic Violence Law.
[62] Interviews held in person in Erbil and Sulaimaniya as well as remotely between 5–14 September 2023.
[63] Law No. 8 to Combat Domestic Violence, 2011, Article 5.
[64] Annual Review the KR-I Action Plan for Human Rights, issued by the OCIA in April 2024, table 1, page 17.

As explained by one of the lawyers interviewed by Amnesty International, in severe cases of abuse, first instance judges can make a request to bypass the reconciliation stage. However, the lawyer said that judges presiding over appeal proceedings may rule to send cases to lower courts for retrial on the grounds that the case was not presented to a reconciliation committee, increasing the likelihood of first instance judges rejecting requests to bypass the reconciliation committee.[65]

Amnesty International interviewed members of the reconciliation committee in one of the governorates visited. One of them, a lawyer, explained that although the process is supposed to involve only one reconciliation session, it frequently consists of two or three, which can delay criminal proceedings by months. "This is caused either by one party, often the man, not turning up or turning up and the session turning [into] a fight," they said. The lawyer added that a very high percentage of cases are resolved at this stage, even in cases involving severe physical abuse. The lawyer attributed this to factors that include concerns over the impact on children, societal customs against family separation or divorce, lack of financial options for the survivor, and genuine forgiveness.[66] If a case is resolved at this stage, all charges are dropped.

One of the lawyers interviewed said:

"When a woman files a case against her abuser, we are left treating both as equally guilty. It is as if she over-reacted. I have sat in on the [mandatory] reconciliation committee and heard the words 'you were wrong to beat her and she was wrong to drag you through courts. So let bygones be bygones now that all is equal'."[67]

Mandatory reconciliation processes are at odds with a survivor-centred approach to domestic and gender-based violence and constitute a barrier for survivors to access justice. Survivors have a right to be involved in all decision-making processes that affect them. The CEDAW Committee has called on states to, "Guarantee that alternative dispute settlement procedures do not restrict access by women to judicial or other remedies in any area of the law and do not lead to further violations of their rights".[68] Any mandatory mechanism exercising pressure on survivors to drop criminal charges undermines the very autonomy that survivors should have in all decisions regarding their cases.

5.4 IN THE COURTS: GENDER BIAS, HUMILIATION AND DELAYS

> **"Men don't want to punish other men."**
>
> Director of the temporary shelter in Garmiyan.[69]

If women and girls overcome the obstacles in filing charges against their abusers and the case goes to court, they then have to endure humiliation at the hands of judges – who are mostly male – and who frequently express gender bias against complainants, including blaming them for the abuses they endured.

Amnesty International is concerned that deeply entrenched gender-based stereotypes and discrimination in the KR-I are mirrored in its criminal justice system. This results in the revictimization and humiliation of women and girls who survive gender-based violence, report it, and seek protection and access to justice.

[65] Interview by voice call with lawyer,14 September 2023.
[66] Interview in person with lawyer and member of the reconciliation committee, 10 September 2023, Sulaimaniya.
[67] Interview in person with lawyer, 11 September 2023, Erbil.
[68] UN Committee on the Elimination of Discrimination against Women (CEDAW), General recommendation No. 33 on women's access to justice, 3 August 2015, UN Doc. CEDAW/C/GC/33, para 58(b).
[69] Interview in person with director of temporary shelter in Garmiyan, 9 September 2023, Garmiyan.

One of the caseworkers said: "Women do not want to go to court because they will be asked 'what did you do for him to do that to you?' Victims should not be asked what they did to provoke being beaten, stabbed or shot."[70]

The director of one of the shelters described the treatment of a woman, then aged 25, in court who said she was raped by her brother, then aged 49, which had left her pregnant. The caseworker said:

"*When we accompanied her to the investigative judge, he took one look at her and said 'why are you covering your hair? What are these respectful clothes? If you were such a well-behaved girl this wouldn't have happened to you.' She cried for hours. She was clawing at her own face and drew blood. Her brother was in prison, but her family convinced her to drop the charges. He is out and has said he will take care of her and the child if she leaves the shelter, but she doesn't believe it. I don't blame her. Many girls have been lured to their death like this. She has been here [in the shelter] for six months now.*"[71]

The lack of specialized courts – as mandated by the Domestic Violence Law – means that judges who handle these cases don't have expertise or sensitivity training on gender-based violence issues and often reinforce patriarchal norms in the courthouse.

According to several lawyers and NGO workers, judges enjoy wide discretionary powers, and their opinions, religious beliefs and tribal customs influence how they apply the law.[72] Amnesty International's research has found that judges exhibit a bias in favour of the male abuser in determining under which charges to convict abusers and the appropriate sentencing. In 2022, a local women's rights NGO reported that no cases femicide for 2021 in the city of Sulaimaniya had yet resulted in convictions.[73]

One lawyer, who has worked on family and domestic violence cases for nearly two decades, said that judges presiding over domestic violence cases consistently sentence those they convict under the Domestic Violence Law to fines rather than prison terms, including when violent acts such as beatings have taken place. He said:

"[I recall] the case of a woman who was beaten severely by her husband and she brought charges three times and each time the judge would fine the husband something nominal. She ended up going to court three times, each time bearing the same bruises."[74]

He added, "To a wealthy man in the Kurdistan Region, these fines mean nothing. They have no deterring effect."[75]

Even in cases of felonies prosecuted under the Penal Code, Amnesty International has found evidence that judges use their discretion to protect male abusers. The director of one shelter described the case of a 16-year-old girl raped by a 26-year-old cousin:

"The judge was a member of one of the Islamic parties in the Kurdistan region. He changed the charge from rape of a minor under Article 393 and 394 [of the Penal Code] which carries a sentence of 15 years' imprisonment to the death penalty, to Article 377, which is adultery.[76] When I asked him why he did this, he said he switched it to this article because the man was married and there was no point punishing him with such a severe punishment as he had a family to look after. I told him 'you have no conscience and should not be a judge'. They are teaching men how to get away with rape and murder."[77]

She also recalled a case dating back to March 2023:

"There was a girl who had run away after her grandparents, with whom she lived, discovered that she was pregnant. She was only 15 and seven months pregnant. She had been raped by her cousin. The court acquitted the rapist and found her to no longer be in danger from her family [seeking to kill her for purposes of "honour"]. The day she was supposed to be released from the shelter, she committed suicide."[78]

She added:

---

[70] Interview in person with caseworker, 7 September 2023, Sulaimaniya.
[71] Interview in person with caseworker, 9 September 2023, Garmiyan.
[72] Interviews held in person in Erbil, Sulaimaniya and remotely in March and September 2023.
[73] Rudaw, "No 2021 court cases of femicides settled in Sulaimani: Local NGO", 21 June 2022, https://www.rudaw.net/english/kurdistan/21062022
[74] Interview in person with domestic violence lawyer,11 September 2023, Erbil.
[75] Interview in person with domestic violence lawyer,11 September 2023, Erbil.
[76] Article 377 of the Iraqi Penal Code stipulates that: "(1) a woman and the man with whom she commits adultery are punishable by detention. The offender is assumed to be aware of the marriage unless he can prove that he was not capable of being aware of it; (2) the same penalty applies if a married man commits adultery inside the home shared with their spouse."
[77] Interview in person with the director of the temporary shelter in the Garmiyan,9 September 2023, Garmiyan.
[78] Interview in person with the director of the temporary shelter in the Garmiyan,9 September 2023, Garmiyan.

"So many times, there have been cases of men marrying their rape victims to avoid conviction.[79] A few months later they divorce the girl and her life is left in pieces. That is illegal but judges seem to be above the law."[80]

Article 398 of the Iraqi Penal Code permits a sexual offender to evade prosecution or to have his sentence quashed if he marries his victim. The article states that 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 behaviour within 3 years following the cessation of the proceedings, then legal proceedings can resume, or the sentence reinstated.[81]

Even in cases where the man is convicted of murdering his wife, judges sometimes show leniency. A lawyer described to Amnesty International a case in which a judge sentenced a man to 12 years' imprisonment for wilfully murdering his wife, a crime normally punished by a death sentence[82] or life imprisonment:

"He stood in court brazen and said 'Yes, I killed her. She was rude and talked back to me.'"

"To me it looked like the judge took into account that he had been provoked into the killing. He had gone home [at] midday to catch her unaware. He tied her up and stabbed her several times. He slashed her neck so badly, [her head] was barely still on her body. How is this provocation? This is premeditated murder and he wanted her to suffer."[83]

Article 405 of the Iraqi Penal Code stipulates that wilful killing is punishable by life imprisonment or imprisonment for a "term of years" not specified. Article 406 sets out a number of circumstances that would be considered aggravating and punishable only by the death penalty, the first of which is premeditation.[84]

A DCVAW official explained: "Judges will think of overcrowded prisons and the absence of rehabilitation and opt for the man to be outside and making a living." One of the lawyers explained the effect that such judicial practices have on the prevalence of domestic violence: "If every man thought raising a hand to a woman will cost him months of his life instead of a few hundred thousand dinars, we would see fewer victims. The intention of judges may be good, but it is blind to the long-term consequences."

Further, the lack of specialized judges in the KR-I and a backlog in court cases result in slow judicial processes. According to every lawyer and NGO worker interviewed for this report, delays enable abusers and/or their relatives to exercise pressure on survivors to drop their complaints. This is particularly the case for survivors living in a shelter in poor conditions (see Chapter 7 on Shelters), who may drop charges so that they can leave the shelter – and then inevitability re-enter abusive situations.

According to a social worker at one of the shelters, the slow court processes, as well as the absence of dedicated courts, leave women caught in cycles of domestic abuse between stays at shelters:

"Each time they file charges, things take too long. Her life in the shelter becomes unbearable. Instead of thinking she is safe and should stay here, she starts to consider that the abuse is bearable. She drops the charges and goes back to the abuse. There is one woman, she is 38 years old. So far, she has entered the shelter six times, the latest was last month. Each time she bears similar bruises. At this point I am stepping out of my role and directly telling her not to go back to him. But my words are empty. I cannot back them up with any sort of meaningful financial support or protection."[85]

A lawyer who works for an NGO combating gender-based violence in the KR-I said:

"It takes one month for the case to go before the investigative judge, and then three months for the investigation at a minimum. This is ample time to convince a victim to drop the charges."

[79] Article 398 of the Iraqi Penal Code.
[80] Interview in person with the director of the temporary shelter in the Garmiyan,9 September 2023, Garmiyan.
[81] Article 398 of the Iraqi Penal Code.
[82] The KR-I has in place a de facto moratorium on executions but continues to pass death sentences in cases of terrorism, drug trafficking, human trafficking and violence, especially sexual violence against children. The death penalty is the ultimate cruel, inhuman and degrading punishment, which Amnesty International opposes in all cases regardless of who is accused, the nature or circumstances of the crime, guilt or innocence, or method of execution.
[83] Interview in person with lawyer, 11 September 2023, Erbil.
[84] The KR-I has in place a de facto moratorium on executions but continues to pass death sentences in cases of terrorism, drug trafficking, human trafficking and violence, especially sexual violence, against children. The death penalty is the ultimate cruel, inhuman and degrading punishment, which Amnesty International opposes in all cases regardless of who is accused, the nature or circumstances of the crime, guilt or innocence, or method of execution.
[85] Interview in person with social worker at Sulaimaniya shelter, 7 September 2023, Sulaimaniya.

The CEDAW Committee has emphasized that states parties should "promote a culture and a social environment whereby justice-seeking by women is viewed as both legitimate and acceptable rather than as cause for additional discrimination and/or stigmatization."[86]

5.5 SO-CALLED "HONOUR KILLINGS"

> **"Society punishes families to kill women."**
>
> DCVAW General Director for the KR-I. [87]

In 2002, the KR-I passed an amendment discontinuing the applicability of the articles in the Iraqi Penal Code that establish "honour" as a mitigating factor in cases of murder and other serious crimes perpetrated against women. Despite this, impunity for so-called "honour killings" remains widespread.[88]

According to lawyers and NGO workers interviewed for this report, the legislative amendments have done little to protect women from "honour killings", which have long blighted the KR-I. In the past two years, local and regional media have consistently reported the killing of women and girls in the KR-I for reasons of "honour",[89] and time and again there has been public and media outrage at the failure to promptly arrest suspected perpetrators and bring them to justice.[90]

Throughout the research for this report, caseworkers, shelter directors and lawyers expressed the view that local authorities and law enforcement agencies, particularly the police, have routinely justified state inaction by pointing to the religious and tribal contexts in which these killings take place, which they claim are extremely difficult to navigate. However, the killings and the impunity have undoubtedly been enabled by the absence of any political will to take concrete steps to hold perpetrators to account.

Lawyers and media workers who spoke to Amnesty International said that state institutions and law enforcement authorities often side with family members of victims of "honour killings", namely the perpetrators, and prioritize privacy over justice. A journalist who has extensively covered the issue of gender-based violence confirmed that the police and prosecution often, if not always, take the side of the families. She said that during a press conference following the killing of a girl in late 2022 in Erbil, a spokesperson for law enforcement discouraged her and another journalist from investigating or covering the story: "He told us, 'If I were you, I would let this go. He is likely to be released within a week'. This, he explained, will be likely because the family of the victim will drop the charges when the perpetrator is family."[91]

In cases where a husband or non-family member has killed a women or girl, family members of the victim often reach an agreement outside the court for payment, then drop the charges, after which the prosecution also drops the charges. Even though the public prosecution has a duty to seek justice for felonies in the name of public interest, lawyers interviewed said that prosecutors frequently close investigations or drop the charges in court on the basis that there is no evidence in cases of "honour" killings of women if her family withdraws the complaint.[92]

Amnesty International received information about a rare case where a court convicted a man for killing his 35-year-old wife in 2020 in Sulaimaniya, after her family insisted on receiving justice for her murder, demonstrating that the onus falls on family members who wish to see justice rather than the state's institutions. A lawyer who acted on behalf of the wife's family explained:

---

[86] UN Committee on the Elimination of Discrimination against Women (CEDAW), General recommendation No. 33 on women's access to justice, 3 August 2015, UN Doc. CEDAW/C/GC/33, para 35(d).
[87] Interview in person with DCVAW General Director for the KR-I, 15 March 2023, Erbil.
[88] Law No.14 (2002) on Honour Crimes in the Kurdistan Region of Iraq stipulates that articles 128,130 and 131 of the Iraqi Penal Code will no longer be in force in the KR-I and thus the pretext of honour for any crimes committed against a woman will not be considered a mitigating factor.
[89] Interviews in person with lawyers and NGO workers held in Erbil, Sulaimaniya and remotely between March and September 2023.
[90] France24, "Deadly attacks on women rise sharply in Iraqi Kurdistan", 20 March 2022, https://www.france24.com/en/live-news/20220320-deadly-attacks-on-women-rise-sharply-in-iraqi-kurdistan
[91] Interview in person with a journalist, 11 March 2023, Erbil.
[92] Interview by voice call with a lawyer, 14 September 2023.

"There was a witness who described seeing the husband escape from [the scene of the murder] and drop his hat in the process. The court said this witness testimony was nowhere near enough and that they required DNA testing on the hat; then promptly told us there is no money for the DNA testing.

"We [the NGO that provides legal aid to victims of gender-based violence] campaigned to gather funds for testing in an external lab. The court refused to allow this, citing risk of contamination and suggested we can have it sent to Baghdad for testing in their judicial lab. This request took eight to nine court hearings to get the referral to a Baghdad court, which refused to do the test saying the hat had not been stored properly. It had been lying around in some dusty office.

"The man was finally convicted because other witnesses were produced. All of this happened because the brother of the victim refused to give up on the case and pursued it to the end. This should be the job of the prosecution.

"There is no willingness to exact justice. It is as if once the woman is dead, there is no point doing anything about it. The role of justice is the opposite. What does that say to men who think of killing their wives, sisters, or daughters? That the difficult part is the killing? They [courts] want the suspect to hand himself in and then someone to bring them evidence on a plate."[93]

[93] Interview in person with a lawyer, 10 September 2023, Sulaimaniya courthouse.

6. IMMEDIATE PROTECTION: UNDERFUNDED AND INADEQUATE STATE INSTITUTIONS

Women and girl survivors of domestic violence face chronically underfunded and wholly inadequate state institutions that are mandated to help them report domestic violence and access protection. This worrying impact was central to the concerns raised by every official interviewed for this report. The KRG's failure to prioritize and effectively fund these institutions means survivors are impeded from accessing survivor-centred routes to legal aid, psycho-social support, and safe and private spaces. Limited staffing and policing in these institutions leaves survivors exposed to societal pressure and fears of repercussions as well as the daunting choice between entering a shelter or remaining in abusive situations. It also leaves staff and police at these institutions under immense pressure and ultimately unable to deliver.

The lack of a clear budget and the need to operate on a month-by-month basis without a clear, long-term budget was emphasized by all those interviewed on this issue as the main reason for the failings of these institutions. This chapter will seek to demonstrate the impact this has on survivors' ability to access survivor-centred services tailored to their needs.

6.1 ROLE OF THE DCVAW

> **"Our society itself is the obstacle, the attacker, the danger; if we are weak too then women and girls are doomed to have nowhere to turn to."**
>
> Director of DCVAW reporting branch in Sulaimaniya.[94]

The Directorate for Combating Violence against Women (DCVAW) was established in 2007, prior to the passing of the Domestic Violence Law as an independent government organization under the Ministry of Interior that encompassed a civilian unit and a law enforcement unit to respond to instances of domestic violence.[95] The Domestic Violence Law recognized DCVAW as the "competent authority to follow up on domestic violence issues."[96] The Law further states that the Ministry of Interior shall form a special police unit made up of mostly female officers to deal with domestic violence issues.[97] This police force is now part of the DCVAW.

According to the General Director of DCVAW for all of KR-I, the DCVAW is made up of civilian staff and police. The primary role of the civilian staff is to receive complaints related to domestic violence, offer legal and social advice to survivors, and to monitor survivors of domestic violence after they leave a shelter or drop a criminal complaint.[98] It is most often the first state institution that survivors of domestic violence interact with, and it is mandated by law to offer them immediate protection. The role of its police force is to extract survivors from abusive situations in response to reports from either the survivor or witnesses and to safely escort them to DCVAW offices, a hospital, or the nearest shelter (see Chapter 7 on Shelters).[99]

The DCVAW has a General Directorate for the KR-I, situated in the region's capital Erbil; and one directorate office for each of the four KR-I governorates – Duhok, Erbil, Halabja and Sulaimaniya. Each of the four directorates oversees two or three reporting offices where individuals can report abuse and access legal and social advice, including through a committee of voluntary advisers that meet with both the survivor and the suspect. DCVAW units also operate in the administrations of Raparin (which encompasses the towns of Raniya, Qaladze and surrounding villages in the north-east of Sulaimaniya governorate), as well as Garmiyan, Soran and Zakho, which are administratively linked to Sulaimaniya, Erbil and Duhok governorates, respectively, but have been granted administration powers by the KRG in an effort to decentralize governorate powers.[100]

The General Director of DCVAW explained to Amnesty International the methods in which survivors can report abuse to the DCVAW:

- A survivor can go in person to the nearest DCVAW reporting office to report domestic violence and file a criminal complaint. In cases of physical or mental abuse, a doctor's report is required to accompany the criminal complaint brought before an investigative judge. DCVAW staff may accompany survivors to hospitals, particularly in cases where they lack the support of trusted persons.[101]
- A survivor can call the DCVAW 24-hour hotline to seek advice over the phone.[102]
- A survivor can report domestic violence via a phone application (app) that the DCVAW launched in November 2023.[103]

---

[94] Interview in person with DCVAW Director of reporting branch in Sulaimaniya, 6 September 2023, Sulaimaniya.
[95] Interview in person with the General Director of DCVAW, 15 March 2023, Erbil.
[96] Law No. 8 to Combat Domestic Violence, 2011, Article 3(5).
[97] Law No. 8 to Combat Domestic Violence, 2011, Article 3(6).
[98] Interview in person with the General Director of DCVAW, 3 September 2023, Erbil.
[99] Interview in person with the General Director of DCVAW, 15 March 2023, Erbil.
[100] Rudaw, "Zakho, Soran gain powers in KRG decentralization move", 14 September 2021, https://www.rudaw.net/english/kurdistan/140920212
[101] There are no specified hospitals or departments within a hospital for this purpose. According to interviews carried out for this report, survivors go to or are taken to the nearest emergency hospital. For women and girls in remote areas that requires the survivor be transported to the nearest town or city that has a suitable hospital.
[102] United Nations Population Fund (UNFPA), "119, a free helpline for GBV Survivors and a Message of Hope in Kurdistan", 26 September 2018, https://iraq.unfpa.org/en/news/119-free-helpline-gbv-survivors-and-message-hope-kurdistan
[103] Kurdistan24, "KRG Ministry of Interior develops application to combat violence against women", 27 November 2023, https://www.kurdistan24.net/en/story/33280-KRG-Ministry-of-Interior-develops-application-to-combat-violence-against-women

When reporting domestic violence to DCVAW, the survivor can, under Article 4 of the Domestic Violence Law, invoke a protection order which can encompass one or several of the possible actions:

- a pledge to a competent court by the alleged abuser to not perpetrate violence against the victim and other family members;[104]
- referral and transfer for medical treatment where necessary or requested by the victim;[105] and/or;
- where there is a risk to the survivor and/or other family members, a court can, for a specified duration, issue an order banning the suspect from entering the family home or another location of the survivor's choosing on condition that another contact person, who also resides there, gives a pledge to the DCVAW to be responsible for the safety of the survivor; [106]
- the court can also order that a survivor be admitted to a shelter run by the Ministry of Labour and Social Affairs (MLSA) provided the survivor requests this.

Once granted by the investigative court, a protection order can be extended as deemed necessary by the court. Violation of the protection order is punishable by up to 48 hours in prison or a fine of up to IQD 300,000 (about USD 229).

6.2 UNDERSTAFFED AND UNDERFUNDED

> **"How can we dedicate any of our time to the improvement of protection and well-being of survivors who come to us for help when we spend every hour of the day finding money for fuel, for car repairs, for drinking water for staff?"**
>
> DCVAW Director for Sulaimaniya governorate.[107]

According to DCVAW officials interviewed by Amnesty International, the Ministry of Interior should set a specific annual budget for DCVAW. This has yet to happen, despite the law being passed in 2011 and the consistent lip service paid by the KRG to respond at the highest level to combat violence against women.[108] Instead, the organization operates on a meagre monthly stipend. One DCVAW official in Erbil said:

"Our work, our existence is a liability rather than an income generator for the government. We're not the oil ministry or the natural resources ministry. Even the traffic police generate income. For the government, we're a burden. It is not surprising we are not prioritized."[109]

The lack of an adequate budget has resulted in a DCVAW that is underfunded and understaffed, severely compromising the Directorate's ability to adequately fulfil its mandate and protect women and girls from domestic violence, especially in remote areas.

The DCVAW Director said that the organization has approximately 1,800 staff, adding: "The Kurdistan region's population is nearly 6 million people. We are stretched beyond the impossible. We do not have enough reporting offices." Indeed, in 2022, the DCVAW received 15,896 complaints of domestic violence, while figures for 2023 were not available to Amnesty International. OCIA told Amnesty International that in 2023, the courts heard 18,620 cases related to domestic violence, of which 10,897 were "settled." However, it is unclear whether those settled cases resulted in an acquittal or conviction, or were dismissed by the courts.[110]

Many areas of the KR-I do not have DCVAW reporting offices. In these areas, individuals can report abuse at police stations. In its second annual review of the KR-I Action Plan for Human Rights, OCIA states that the Ministry of Interior has completed "training initiatives for law enforcement personnel regarding gender-

[104] Law No.8 to Combat Domestic Violence, 2011, Article 4(3)(i)
[105] Law No.8 to Combat Domestic Violence, 2011, Article 4(3)(ii)
[106] Law No.8 to Combat Domestic Violence, 2011, Article 4(3)(iii)
[107] Interview in person with DCVAW Director for Sulaimaniya governorate, 5 September 2023, Sulaimaniya.
[108] Interview in person with director of DCVAW for the KR-I, 15 March 2023 and3 September 2023, Sulaimaniya.
[109] Interview in person with DCVAW official, 15 March 2023, Erbil.
[110] Annual Review the KR-I Action Plan for Human Rights, issued by the OCIA in April 2024, table 1, page 17.

specific dimensions of law enforcement, particularly addressing issues concerning violence against women, to enable a proficient response to such incidents while prioritizing the well-being of the victims".[111]

However, according to DCVAW officials, the treatment by local police who do not have adequate survivor-centred or gender-based violence training deters women and girls from approaching police stations.[112] Social workers interviewed at DCVAW offices said police officers frequently dismiss or ignore complaints by women and girls who have no visible physical injuries requiring immediate medical attention.[113] A caseworker in a reporting office in Erbil told Amnesty International: "In some cases, police warn survivors of reprisals they could face from families if they go ahead with their complaints [and that the] woman will be left not only giving up on her attempt to get help, but even regret it."[114]

A lawyer working with an NGO that supports survivors of gender-based violence and coordinates the work of other lawyers at the NGO who represent survivors said:

"The DCVAW are doing their best, but 1,800 staff members for millions of people is as good as not existing. Their reach is limited, and their absence is in the most vulnerable places, areas where tribal and religious [rule] is supreme. These are the black holes where women are killed."[115]

The DCVAW hotline, although operational 24/7, is also severely understaffed. In one reporting office visited, Amnesty International observed that one person operated the hotline for the whole day.

The director of the DCVAW Directorate for Sulaimaniya governorate described their stretched budget: "I oversee a total of 382 staff members, civil and police; seven reporting offices; 21 cars; a mobile team made up of four people; and a family advice centre. For all this, our monthly budget is USD5,000. It is an endless cycle of patching gaps before another one appears."[116]

A DCVAW investigative officer in Sulaimaniya, whose role is to carry out the initial interview with a survivor who goes to the reporting office, lamented during a meeting with Amnesty International:

"A victim comes to me and finds I do not even have a private space to interview her in. I cannot give her the privacy she needs. She needs to tell me private details but two to three other colleagues in the room are also working. How is that encouraging? We are a society built around shame."[117]

Similarly, in a DCVAW reporting office in Erbil, a caseworker said, pointing to a hole in the floor of her office that she shares with two other caseworkers:

"This is no suitable soothing place for a victim to find herself in. No one who comes here is going to feel like they made it to a safe space. Firstly, there is nowhere to conduct a private interview. Secondly, we listen and fill in a form. We give all the advice we can but then what? So many times, I have wished we had a little bit of petty cash at least to give the victim taxi money to go to a doctor or go to safe location or even go buy some food. Some women turn up here starved. We cannot provide any psychological support. Our job is turning out to be filling forms. Not every woman wants to file a criminal case, but they equally need help."[118]

Another investigator in Sulaimaniya recalled the frustration he felt when dealing with a particularly harrowing case:

"Toward the end of 2019, a woman and her three children came to this office around 8pm. She had run away from her husband. I took her statement but needed her to go to the hospital to get a medical report. I was advising her to enter the shelter. There were no cars to take her to the hospital and while we waited, her children were very hungry. I gave them some biscuits I bought with my own money. There was nowhere for them to rest so they fell asleep on the benches. She stayed up.

"Around midnight, her father came to see her [in the DCVAW office] and they spoke in private. She then told me she was leaving. I had no power to stop her. She didn't want to go through with the report any more. Next day, I got a call. She had burned herself alive and died in hospital.

"I am certain of two things: someone convinced her to kill herself and if I was able to make her and the children comfortable her father wouldn't have been able to convince her to leave."

---

[111] Annual Review the KR-I Action Plan for Human Rights, issued by the OCIA in April 2024, table 1, page 36
[112] Interview in person with DCVAW official, 15 March 2023, Erbil.
[113] Interviews in person with social workers, 4 September 2023, Erbil.
[114] Interview in person with caseworker, 4 September 2023, Erbil.
[115] Interview by voice call with lawyers, 15 September 2023.
[116] Interview in person with Director of DCVAW Directorate for Sulaimaniya, 5 September 2023, DCVAW Directorate for Sulaimaniya.
[117] Interview in person with DCVAW investigator, 5 September 2023, DCVAW Directorate for Sulaimaniya.
[118] Interview in person with caseworker, 4 September 2023, DVCAW reporting office in Erbil.

He also highlighted how their limited capability to comfort victims who seek help combined with their vulnerability leaves staff in a difficult situation:

"There needs to be a legitimate, systemized way of comforting those who come to us, be it with food or water or [a] psycho-social worker who is a female. In our society, women are taught to fear men who try to help them. If I suddenly start giving a victim money or food she will fear for her safety and wonder if I am trying to take advantage of her."[119]

The failure of the KRG to properly support front line workers through effective budgeting and suitable staffing levels means that survivors find an exhausted institution already struggling to prop itself up let alone be effective in protecting them. In 2019, the CEDAW Committee recommended that sufficient resources be allocated to the implementation of the Domestic Violence Law.[120]

6.3 LACK OF LEGAL AID

> **"A crucial element in guaranteeing that justice systems are economically accessible to women is the provision of free or low-cost legal aid, advice and representation in judicial and quasi-judicial processes in all fields of law."[121]**
>
> CEDAW Committee.

Women and girls seeking advice or protection from the DCVAW are often left to face the financial burden of seeing their complaints through the criminal justice system. This is because, according to the Director of DCVAW, the DCVAW does not have sufficient funds to provide any legal aid or any other type of social security services for women and girls who turn to it for help, advice or protection. She explained that such services "would be an essential part of providing robust protection to a survivor taking refuge in us [DCVAW]".[122] This lack of support deters victims from seeking help and filing a criminal complaint. Therefore, many choose to drop the complaint or charges, or seek reconciliation instead of justice. In its second annual review of the KR-I Action Plan for Human Rights (2021-2015), the OCIA stated that the office of the Prosecutor General and the Ministry of Justice are working on reinforcing "national mechanisms aimed at preventing domestic violence and ensuring comprehensive protection for all victims thereof" but did not provide further details. [123]

High-level DCVAW police and management interviewed for this report stressed the need for better and more effective support by international NGOs and UN actors, especially in areas of legal aid, psycho-social support and provision of cash assistance for basic needs, including food items and medication.[124] The director of the DCVAW for the KR-I explained:

"DCVAW is a governmental body and does not have lawyers that can represent survivors. We do not provide any legal aid, not even administration fees for the court. Sometimes a woman changes her mind about moving forward with charges because she cannot afford the legal fees. Or even administrative fees in court. Can you imagine that? I do not have a set budget. I may ask for [a] police car to take her once or twice [to court] but what about later? Court proceeding take very long."[125]

She added:

"When the war [against Islamic State] ended, it seems all the international NGOs waved goodbye. Domestic violence and violence against women existed before, during and continues after war. Women are killed in war time and peace."[126]

---

[119] Interview in person with DCVAW investigator, 5 September 2023, DCVAW Directorate for Sulaimaniya.
[120] UN Committee on the Elimination of Discrimination against Women (CEDAW), Concluding Observations: Iraq, 12 November 2019, UN Doc. CEDAW/C/IRAQ/CO/7, para 22(e).
[121] UN Committee on the Elimination of Discrimination against Women (CEDAW), General recommendation No. 33 on women's access to justice, 3 August 2015, UN Doc. CEDAW/C/GC/33, para 36. See also: United Nations Office on Drugs and Crime, *United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems*, June 2013, Principle 9.
[122] Interviews in person with director of DCVAW, March 2023 and September 2023, Erbil.
[123] The KR-I's Action Plan for Human Rights was established in September 2021 and endorsed by the KR-I's Council of Ministers, An electronic copy of the second annual review report was shared with Amnesty International on 12 June 2024.
[124] Interviews in person with high-level DCVAW police and management, March and September 2023, Erbil and Sulaimaniya.
[125] Interview in person with director of DCVAW, 3 September 2023, Erbil.
[126] Interview in person with director of DCVAW, 3 September 2023, Erbil.

In February 2023, the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) issued a report, Iraq Humanitarian Transition Overview, which addressed the shift of roles from clusters of humanitarian organizations[127] to government institutions. With regards to the transition of the gender-based violence sub-cluster, the report states that the Iraqi government and the KRG "under the development context have the primary responsibility to ensure provision of quality GBV [gender-based violence] services to survivors and at-risk groups of GBV through its mandated and designated entities".[128]

All DCVAW officials interviewed for this report agree that while international NGOs have a role to play, they are not a substitute for state institutions and that the DCVAW's mission is severely undermined by the absence of a permanent and suitable budget from the government leaving each governorate directorate to operate on a month to month basis.[129] The director of the temporary shelter in Garmiyan explained that she had to personally campaign for a funding which at the time of the interview in September 2023 was IQD 750,000 (USD 573) every three months and only as a result of a donation from a political figure.[130]

6.4 LACK OF AWARENESS

According to the director of the DCVAW's Erbil Directorate, the lack of capacity and efforts to raise awareness of the DCVAW's functions weakens its mission:

"If men – who are the majority of the abusers in a case – are aware that coming to these offices is a positive step and does not necessarily lead to an arrest and that privacy and the family unit remain a priority, I guarantee you many of these issues that don't involve violence can be resolved here. We could be truly helpful. But the lack of funding, compounded by the lack of awareness, is holding us back."[131]

A staff member of the DCVAW reporting office in Erbil described several incidents where he witnessed women being subjected to insults, attempted beatings and, in one case, even *talaq* (divorce through repudiation in Islam)[132] on the spot by their husbands for the mere act of going to a DCVAW office to seek advice or help. He said:

"There was a woman who sat right here opposite my desk waiting to speak to my manager. She just wanted someone, a lawyer or a social worker, to speak to him [her husband] and explain that his mistreatment of her was harmful and not legal. She didn't even want to have him arrested. Before she could go through to her appointment, her husband turned up. He insulted her and turned to insult me in the process. He told her that she was no longer his wife for having, in his opinion, brought shame on them for trying to get him arrested. She lost everything there and then. Unfortunately, many people don't understand the positive aspects of our work and think we exist to break apart families."[133]

[127] Clusters are groups of humanitarian organizations working in specific technical sectors of humanitarian action such as water, health, shelter, and logistics that can include local and international NGOs, United Nations agencies, and government bodies involved in humanitarian response.
[128] UN Office for the Coordination of Humanitarian Affairs (OCHA), *Humanitarian Transition Overview: Iraq*, 27 February 2023, https://reliefweb.int/report/iraq/iraq-humanitarian-transition-overview-2023-february-2023-enarku
[129] Interviews in person with DCVAW officials, March and September 2023, Erbil and Sulaimaniya.
[130] Interview in person with director of temporary shelter in Garmiyan, 9 September 2023, Garmiyan.
[131] Interview in person with director of the DCVAW's Erbil Directorate, 4 September 2023, Erbil.
[132] *Talaq* refers to divorce initiated by the husband's pronouncement, verbal or written, of ending the marriage as per Islamic guidance which stipulates that it must be pronounced three times to be final. However, in the KR-I this is not binding. In 2008, the KR-I parliament passed Law No.15 to amend the 1959 Iraq Personal Status Law. Article 15 of this KR-I law states that the validity of paragraph 2 of Article 37 of the Personal Status Law shall be suspended and replaced to stipulate that no verbal or gestural divorce repudiations will count as divorce. If counted as divorce, it will count as one divorce and the divorce of a wife during the waiting period cannot occur."
[133] Interview in person with staff member of the DCVAW reporting office in Erbil, 4 September 2023, Erbil.

WIDESPREAD OWNERSHIP OF WEAPONS

Lawyers, activists and government officials have pointed to the endemic of weapon ownership in the KR-I as a driver of domestic violence, as well as an obstacle to protection, especially when seeking to physically remove a survivor of domestic violence from an abusive household. One lawyer said, "Almost every home in the region has some sort of weapon left over from a recent or old conflict. Most families have a peshmerga [a member of the KRG's armed forces] or [someone] in the police or Asayish [the KRG's primary security and intelligence agency]. All these men take their weapons home. We have seen so many cases where a brother or husband has drawn a weapon on a victim and killed her instantly. There is no going back".[134]

In May 2021, DCVAW police officer Mohammed Latif was shot dead in Sulaimaniya during an attempt to rescue a woman who had called the DCVAW hotline to seek protection.[135] Amnesty International interviewed his commanding officer and one of the officers who was with him at the time of the killing. The latter said: "Anyone can buy a gun for next to nothing in broad daylight without needing a permit and, even if a permit was needed, anyone can have simple political or social ties that will enable them to access weapons."[136] His commanding officer explained: "If we find a weapon on anyone being arrested, we confiscate it even if they have a permit. This does not mean they can't go out and find another one. I arrest someone, I find and confiscate their gun, but then the judge releases them on bail. We're back to square zero, not even square one… Women end up thinking what is the point of calling for help, it will lead to nothing and he [the perpetrator] will be angered even more and punish me worse".[137]

In July 2023, local media in the KR-I reported that a man had killed his two wives inside their home in the Soran district in Erbil governorate.[138] In September 2023, Amnesty International was informed in a meeting with the DCVAW Directorate of Sulaimaniya that DCVAW officers had attempted to enter the home on three occasions after receiving reports from relatives concerned about the well-being of the man's family after he had locked them inside for weeks on end. The officers were unable to enter the home because the house was on a hill so the man could shoot at officers as they approached each time.[139]

On 1 March 2022, the KRG passed the Weapons Acquisition Law No. 2. Article 5(1)(4) states that one of the conditions of obtaining a permit is that the person has not been convicted in a "non-political or scandalous case". Article 6 states that a permit will be considered invalid if the permit holder fails any of the conditions laid out in Article 5 at any point and must hand the weapon in at the nearest police station. However, Article 6(2) allows the permit holder 180 days to "legally dispose of the weapon".[140]

[134] Interview in person with lawyer, 11 September 2023, Erbil.
[135] Rudaw, "Sulaimani police officers shot, one killed in line of duty", 5 December 2021, https://www.rudaw.net/english/kurdistan/051220211
[136] Interview in person with DCVAW police officer, 6 September 2023, Sulaimaniya.
[137] Interview in person with DCVAW commanding officer, 6 September 2023, Sulaimaniya.
[138] Rudaw, "Soran man accused of killing both his wives", 29 July 2023, https://www.rudaw.net/english/kurdistan/290720232
[139] Interview in person with DCVAW directorate of Erbil, 6 September 2023, Sulaimaniya.
[140] Law No. 2 on Firearms and Weapons in the Kurdistan Region of Iraq, 2022.

7. SHELTERS: ARBITRARY DEPRIVATION OF LIBERTY

The Domestic Violence law established shelters for women and girls who are survivors of domestic violence, governed by the Ministry of Labour and Social Affairs (MLSA).[141] While the Law refers to "victims" rather than women and girls only, currently there are no shelters for men and boys in the KR-I.

There are only three official and permanent shelters in the KR-I, in Erbil, Duhok and Sulaimaniya. The shelter in Sulaimaniya also serves the administrative area of Garmiyan, which encompasses the towns of Chamcahmal, Derbendikhan, Kalar and Kifri in the east and south of Sulaimaniya governorate. There is an emergency shelter in Garmiyan, established in 2014, which provides temporary shelter for 72 hours pending the resolution of the case or transfer to the Sulaimaniya shelter. Amnesty International was granted access to two of the permanent shelters and the temporary shelter.

According to figures provided by the MLSA in response to a request for information by Amnesty International, as of September 2023 the numbers of women and children under the age of seven[142] in shelters were: 40 women and three children (all female) in Erbil; 29 women and five children (one female and four male) in Sulaimaniya; and 23 women and two children (all female) in Duhok. The ages of survivors in the shelters ranged from 14 to 50.[143] These numbers are significantly lower than those of reports of abuse and violence received by the DCVAW, which in 2022 alone were 15,896 for the entire KR-I according to figures shared with Amnesty International.[144]

During its visit to the temporary shelter in Garmiyan in September 2023, Amnesty International was informed that no survivors were residing there at that time.

[141] Law No. 8 to Combat Domestic Violence, 2011, Article 3(2).
[142] Children from the age of seven and onwards will be removed from the shelter and put into an orphanage overseen by the Ministry of Labour and Social Affairs. This is to avoid the child missing any years of education. Interview in person with management at one of the shelters,11 September 2023
[143] Figures provided in hard copy to Amnesty International researcher during a meeting in September 2023. Although children are removed from their mother in the shelter after the age of seven, the girls in the shelter aged 12 -18 are unaccompanied survivors whom the court does not deem to be safe outside the shelter in an orphanage. There are no shelters for unaccompanied boys who are indeed taken to orphanages as explained to an Amnesty international researcher by a DCVAW police official in Sulaimaniya on 5 September 2023.
[144] Figures provided in hard copy to Amnesty International researcher during a meeting in March 2023.

7.1 ARBITRARY RESTRICTIONS ON FREEDOM OF MOVEMENT

Women and girls require a court order to enter and leave the shelters. Once in the shelters, their freedom of movement is severely restricted. According to the Minister of Labor and Social Affairs, Kwestan Mohammed, and the shelter management interviewed, this is to protect their safety and the safety of the shelter staff who would be held accountable should the survivor be harmed. [145] However, the measure does not appear to be proportionate as it fails to take into account the individual situation of each survivor.

None of the women and girls are allowed to leave or re-enter the shelter at any time of the day or night except to visit a hospital or court, when they will be accompanied by a member of staff from the shelter as well as an armed police officer from the DCVAW.[146]

Access to phones and the internet is severely restricted. Survivors can only make phone calls in the presence of a staff member or caseworker. Caseworkers, managers, legal advisers and social workers in shelters visited by Amnesty International all conceded that the restrictions of movement and access to the internet and phones can make life extremely difficult for the survivors.[147]

Amnesty International has found that these restrictions on freedom of movement and communication are disproportionate and violate the human rights of the survivors. The very restrictive conditions under which survivors can leave shelters raise concerns regarding the arbitrary deprivation of their liberty and the violation of their rights to liberty and security of person.

According to the directors of shelters interviewed for this report, an investigative judge will only consider granting a court order to enter a shelter if both of the following requirements are met: the survivor has lodged a criminal complaint; and they remain at imminent danger.[148] They explained that judges base their decision to grant access to a shelter on the survivor's medical report, the statement taken at the DCVAW or police station when the survivor reported the abuse, and the statement of the investigative police officer who interviewed the survivor.[149] This process can take up to 24 hours according to investigative officers at the DCVAW who explained that women and girls can immediately enter the shelter while the process is concluded, but that an investigative judge should be available 24 hours a day for this purpose.[150]

This requirement for a court order to enter a shelter is not found in law. All directors of the shelters explained that these "guidelines" came into existence after the shelters were established to underscore that these women in the shelter were officially under the protection of the law and to alleviate the stigma attached to entering a shelter.

The director of the temporary shelter explained: "previously people would look down on this place [shelter] because it was unclear what took place here. They thought it was akin to a whorehouse. With this official entry and exit policy, families in fact are more reassured when their daughters are here while things are resolved. I have in many instances managed to help a girl go home safely and without coming to harm later because their families know that here they are under lock and key."[151]

Another shelter director said:

"In the past, entering a shelter was seen as akin to entering a brothel. Today, [there is] awareness that there are strict movement controls, no access to the internet or phones, no men are allowed inside the building, and most importantly, every single person here is here by a judge's order."

She added:

"Awareness that it is a legal process and a place to protect and restrict the movement of the survivor reassures families, especially from tribal and religious backgrounds, that their daughters, sisters or whoever

[145] Interview in person with the Minister for Labour and Social Affairs, 3 September 2023, Erbil on 3 September 2023; Interviews with shelter directors on 7, 9 and 11 September 2023, Sulaimaniya, Garmiyan and Erbil.
[146] Interviews in person with shelter directors on 7,9, and 11 September 2023, Sulaimaniya, Garmiyan and Erbil.
[147] Interviews in person with caseworkers, managers, legal advisers and social workers in shelters, March and September 2023,Erbil and Sulaimaniya.
[148] Interview in person with the Minister for Labour and Social Affairs,3 September 2023, Erbil; Interviews with shelter directors on 7, 9 and 11 September 2023, Sulaimaniya, Garmiyan and Erbil.
[149] Interview in person with the Minister for Labour and Social Affairs,3 September 2023, Erbil; Interviews with shelter directors on 7, 9 and 11 September 2023, Sulaimaniya, Garmiyan and Erbil.
[150] Interviews in person with shelter director, 5 September 2023, Sulaimaniya.
[151] Interview in person with the director of the temporary shelter in Garmiyan,9 September 2023, Garmiyan.

are kept in a safe place and under the watch of the government rather than in an unknown location with questionable characters."[152]

While seeking to address the stigma attached to entering a shelter is important and the aim of protecting survivors is legitimate, such measures must not compromise the rights and liberty of the survivors. The restrictions described above may amount to arbitrary deprivations of liberty.

Leaving a shelter also requires a court order. The survivor must submit a request, through the shelter, to the judge overseeing the case, who bases their decision on reports from the shelter's psycho-social adviser and caseworker regarding risks to the safety of the person should they leave. The outcome or progress of the criminal case is also a factor. For example, a survivor can drop her complaint and "reconcile" with those threatening her safety. To approve the request to leave the shelter, a judge requires a pledge of "no harm" from the person making the threats or the survivor's family. The pledge is not legally binding and acts more as a statement of guarantee making the pledger "responsible for the whereabouts of the survivor".[153]

One case worker explained that the conditions in the shelter and the discretion of judges in determining the end of shelter accommodation, a process that can take a long time, can adversely affect the physical and mental well-being of the survivor. She recalled:

"In 2017, a woman killed herself after the court repeatedly refused her request to exit the shelter. She hung herself in the bathroom with her headscarf."

In the past, survivors of domestic violence were not required to obtain a court order to leave a shelter. This changed gradually in recent years after there were several reports of women or girls being killed after pledges had been signed. However, the requirement to obtain a court order severely undermines the agency of the survivor to decide about their own well-being and fate and raises concerns regarding their right to liberty and security of person.

Further, case workers interviewed in shelters and DCVAW reporting offices, shelter managers and high-level officials in the DCVAW told Amnesty International that the need to file a criminal case to enter the shelter may constitute a barrier to protection, especially when survivors do not wish to lodge a complaint because of fear of further victimization. A caseworker at the DCVAW said:

"It is a big step to file charges against your father, brother or husband. In our society it means you are not looking back. It erases all your bruises and your wounds and leaves you as the attacker. A woman speaking up needs to be prepared to lose everything and gain nothing."[154]

Shelters play a crucial role in providing effective protection of women and girls against domestic violence. The CEDAW Committee has concluded that a state's failure to provide shelters violates Article 2(a), (b) and (c) of the CEDAW.[155]

Shelters should be accessible to all survivors of domestic violence, irrespective of whether there is an imminent risk to their life and/or their willingness to file a criminal complaint. Many survivors face barriers to reporting abuse due to fear of reprisals, financial dependence, stigma and/or other cultural factors, including entrenched gender-based stereotypes and gendered patterns of oppression that have a disproportionate impact on women and girls. Requiring survivors to report their cases to access shelters deters survivors from seeking help, leaving them trapped in abusive family contexts.[156] Shelters should also be accessible to all survivors, including those who do not perceive an immediate threat but want to enjoy their right to security and be protected against further acts of violence.

The UN Working Group on Arbitrary Detention has emphasized that temporary measures to protect women should be applied only in exceptional circumstances, when necessary and expressly requested by the women concerned. These protection measures must not continue against the will of the women concerned.[157] Shelters are designed to provide temporary relief and protection for survivors, yet the reality for many who enter the shelter is that their stay there could be indefinite, even if they want to leave.

---

[152] Interview in person with the director of the Erbil shelter, 11 September 2023, Erbil.
[153] Interviews by voice call with two lawyers, 14 September 2023.
[154] Interview in person with DCVAW caseworker, 4 September 2023, Erbil.
[155] UN Committee on the Elimination of Discrimination against Women (CEDAW), Views: *Ms. A.T. v. Hungary*, adopted on 26 January 2005, UN Doc. 2/2003.
[156] UN Women, *Handbook for Legislation on Violence against Women,* 2012, https://www.unwomen.org/en/digital-library/publications/2012/12/handbook-for-legislation-on-violence-against-women#:~:text=The%20Handbook%20first%20outlines%20the,women%2C%20divided%20into%20fourteen%20chapters, p.30.
[157] UN Working Group on Arbitrary Detention (WGAD), Report: *Arbitrary Detention*, 6 August 2021, UN Doc. A/HRC/48/55, paras 69-70.

Removing the current requirements would ensure that all survivors, regardless of their legal and/or other circumstances, can access the vital support and protection they need to escape abusive relationships, ultimately increasing their chances of breaking free from the cycle of violence and rebuilding their lives.

7.2 SHELTERS IN DISREPAIR

An Amnesty International researcher visited two of the three permanent shelters in the KR-I and the one temporary shelter. They found that the shelters were in disrepair, overcrowded, understaffed, and not adequately equipped for the needs of the survivors.

In one of the permanent shelters visited by Amnesty International, there were only six bedrooms to accommodate up to 60 women. The researcher was told that the cramped conditions had led to physical fights on some occasions. In the other permanent shelter visited, the rooms were run down, with threadbare carpet, an extremely old sofa and very few chairs given the occupancy.

In the Erbil shelter, Amnesty International observed a recreational room and several living room-type spaces. A CCTV tour of the shelter viewed by Amnesty International showed some toys for the children, some gym equipment and two large televisions. The manager said that they use the government's two yearly stipends for summer and winter clothing to buy basics, such as one bra, one set of underwear and one outfit for each woman.

In the Sulaimaniya shelter, Amnesty international was informed that a sports hall existed but that it was not possible to visit it. In the temporary Garmiyan shelter, Amnesty International observed no recreational spaces and noted that only two bathrooms existed for both staff and the shelter residents, only one of which was operational.[158] The shelter was clean, with three to four beds in one room.

A caseworker in one of the shelters visited said:

"Because of the lack of space, women with different ages, needs, mental states and even morals are bunched together in rooms. This can be very intimidating and scary. Last week, one woman who is not well mentally, verbally attacked some of the women. She cannot control what she says. The others don't understand. A number of them beat her up really badly."[159]

In terms of medical care, both the permanent shelters visited have a part-time nurse while the temporary shelter has no medical staff at all.

According to information provided by the MLSA in a written response to Amnesty International, shelters are given a monthly government stipend of petty cash to provide food and non-food items such as sanitary products, and fuel for cars to transport survivors to court, hospital or a doctor, as well as general maintenance of the shelter. The stipends vary from one governorate to another, ranging from IQD 1 million to 1.5 million (approximately USD 763 to 1,145). The stipend for the temporary shelter comes as a donation from the office of the vice president of the KRG.[160] In a meeting with the director of the temporary shelter on 9 September 2023, she told Amnesty International:

"We had no budget at all. I ended up lobbying the office of the vice president and we were allocated 750,000 Iraqi dinars [573 in USD] as a donation from him – not the government. It was supposed to be monthly. Then it became once every three months. Now, we have not received it since June. I buy everything myself from my own money. This is not sustainable."[161]

In the temporary shelter, staff members reported working around the clock. Amnesty International observed that one social worker had brought her three-month-old baby with her to work because the demands of the shelter meant she felt she could not take sufficient maternity leave. The director explained that staff shortages were ignored by those higher up, even though they had repeatedly raised the issue since 2014, when the shelter opened. She said:

"This case worker [pointing to a member of staff cradling her baby] came back to work 10 days after giving birth. I had no choice but to ask her to come back and she obliged because she truly cares. This goes

[158] Amnesty International's visits to shelters in Sulaimaniya, Garmiyan and Erbil on 7, 9 and 11 September 2023 respectively.
[159] Interview in person with deputy director of the Sulaimaniya shelter,7 September 2023, Sulaimaniya.
[160] Written information provided in person to Amnesty International researcher on 4 September 2023 in response to memorandum addressed to MLSA from the organizationon 23 August 2023.
[161] Interview in person with director of the temporary shelter in Garmiyan, 9 September 2023, Garmiyan.

against all standards of maternity rights in the world but what can we do? We are women working for women yet neither of us have our right protected."[162]

In meetings with Amnesty International in March and September, Minister of MLSA Kwestan Mohammed explained that the shelters have limited capacity, are in disrepair and government plans to build more shelters or improve the existing ones are yet to materialize. She stressed the lack of coordination to effectively protect victims and survivors, adding that law enforcement, prosecutors and judges have relied on shelters to institutionalize neurodivergent women and women convicted of sex work, which is criminalized in the KR-I and Iraq, which compounds the capacity problem and undermines the safety and well-being of all women in the shelters. This, she said, demonstrated the lack of understanding of the role of shelters in protection.[163]

During a meeting at the MLSA in Erbil in September 2023, another ministry official responsible for coordinating the affairs of the shelters candidly explained: "In our meetings, it is also clear that the issue of violence against women is not prioritized nor is there sufficient belief or commitment to combating it." Other officials and survivors shared this sentiment. One survivor interviewed in Sulaimaniya said that the government remembered them every 8 March, International Women's Day, and some days in November during the 16 Days of Activism against Gender-Based Violence. She added:

"To someone like me who clawed and gnawed her way out of rape, beatings and starvation, all I wanted was someone to tell me there is life outside the door [of her home], women and lawyers who can help me, that I could get a job and raise my three girls with dignity."[164]

7.3 NO EXIT STRATEGY

One of the overarching concerns with the shelter system in the KR-I is the lack of any exit strategy for the survivors, meaning that survivors can remain in the shelters indefinitely. The shelters do not offer any vocational or other training, education, or psycho-social support, leaving these women and girls ill-equipped to support themselves outside the shelter if their families do not take them back.

MLSA officials and shelter managers interviewed for this report laid out the possible fates of women who enter a shelter:

- they return to the marital or family home after the case is resolved by a conviction or acquittal of the abuser, or after the charges have been dropped after the abuser signs a pledge of no harm following the reconciliation process;
- they find that their family has disowned them after the case has been resolved or a pledge has been signed, so they end up homeless; or
- they face an indefinite stay at the shelter due to prolonged criminal proceedings or ongoing threats by the in-laws or their own family for bringing "shame" on them, even if the perpetrator has been convicted.

The words of a DCVAW investigator are a stark reminder of the dangers facing survivors if they leave the shelter:

"The lives of women and girls who enter shelters essentially come to a stop. It should not be that way… the shelter should be a short moment in her life, a crossing from one side to the other safely… I look at women who turn up with wounds, bruised eyes and know that even if I do everything, after she leaves this office, 90% of the time she will be back to what sent her here in the first place."[165]

Minister of MLSA Kwestan Mohammed noted the obligation of the government to design concrete plans to provide housing for these women and their children who do not return to their family or marital homes. She explained:

"Our society shuns women who live alone and [are] rejected by their family. This is a reality that we must be very honest about no matter how much we progress. I have asked government to earmark a percentage of housing developments for this, but nothing has come to this yet. At this time, in every one of the

[162] Interview in person with director of the temporary shelter in Garmiyan, 9 September 2023, Garmiyan
[163] Interview in person with Minister of MLSA Kwestan Mohamed, 13 March 2023, Sulaimaniya.
[164] Interview in person with a survivor, 13 March 2023, Sulaimaniya.
[165] Interview in person with DCVAW investigator, 5 September 2023, DCVAW Directorate in Sulaimaniya.

[permanent] shelters there are women there who have nowhere to go to. This is taking valuable space from other women who need it."

She also pointed out that at the time of meeting Amnesty International in March 2023, at least six long-term shelter residents had been there for six to nine years. These women could not leave as their lives remained in danger. An Amnesty International researcher observed one of these survivors, who had lived in the shelter for nine years, sitting in a wheelchair. A caseworker at the shelter explained:

"She is in a wheelchair because she is paralyzed from the waist down. Her brother shot her several times. He still says he will kill her if she comes out. Her mother visits her but she [the mother] is helpless. The brother is free and there is no arrest warrant for him because there is no one to follow up on her behalf. Who would take her in if she left? She will be here for years."[166]

ATTACKS ON SHELTERS, STAFF AND RESIDENTS

In the past decade, there have been several attacks on government-run shelters, their staff and residents.[167] In every shelter visited for this report, staff and management described incidents of shooting at the building or at cars belonging to the shelter; attempted forced entry; stalking; threats of violence; and smearing the reputation of staff members. One manager recalled being shot at while transporting a survivor of domestic violence to court: "She was in the shelter because her family had threatened to kill her. They wanted to get to her any way they could."[168]

NGOs do not run shelters exclusively for survivors of domestic violence, citing security concerns as the main reason. The director of ASUDA, one of the oldest women's rights NGOs in the KR-I, said they closed their shelter after an armed attacked wounded one of the women in the shelter.[169] She said: "We ran the shelter from our establishment in 2000 until 2013. It provided a safe haven and bought time. We assisted women in giving birth and talked women out of suicide. Women didn't need to file criminal charges to enter. After the shooting in 2008, it became increasingly difficult to feel safe or make women feel safe. If I can, for example, through personal or political connections or even financial ability, secure a guard or protection for myself, what about the building and the women inside? And instead of accountability and improvement, we're left with no choice but to shut down."[170]

A high-ranking DCVAW police commander told Amnesty International: "Our staff are completely dedicated and have at times unfortunately been subjected to verbal abuse, harassment outside work and even physical violence. This job is not like any other in the government. It requires patience and self-control. This means constant need for training and retraining, and enough staff so that others can rest. Where is the money for that?"[171]

[166] Interview in person with caseworker, 7 September 2023, permanent shelter in Sulaimaniya.
[167] Kurdistan24, "PHOTOS: Gunmen attack women's protection office in Sulaimani", 29 November 2018, https://www.kurdistan24.net/en/story/18147-PHOTOS:-Gunmen-attack-women%E2%80%99s-protection-office-in-Sulaimani
[168] Interview in person with shelter manager, 11 September 2023, Erbil.
[169] ASUDA, "Asuda Shelter Comes Under Attack", 12 May 2008, https://web.archive.org/web/20160303220257/http://old.kvinnatillkvinna.se/en/article/3209
[170] Interview in person with director of ASUDA, 14 March 2023, Sulaimaniya.
[171] Interview in person with DCVAW police officer, 6 September 2023, DCVAW reporting office in Sulaimaniya.

8. CONCLUSIONS AND RECOMMENDATIONS

The Kurdistan Region of Iraq (KR-I) has made some positive strides in legislation to protect women and girls from gender-based violence, particularly domestic violence, but many of those provisions are either wholly inadequate or remain ink on paper. As documented in this report, survivors face significant – and sometimes insurmountable – obstacles in accessing justice and protection.

One of the most serious obstacles to countering the culture of impunity for domestic violence is that survivors themselves must file a criminal complaint against their abuser. The public prosecution rarely – if ever – initiates criminal cases against abusers, even in instances of severe physical violence, without a personal complaint from the survivor or her family. Women and girls who file criminal complaints against their abusers frequently face reprisals, threats and intimidation for doing so from the abuser or their families, often aimed at pressuring them to drop the charges.

Further, the criminal justice process is slow and lengthy, and judges in these cases have shown a bias towards the male abuser, including by imposing sentences that are not commensurate with the gravity of the crime. Women and girls often face humiliation at the hands of judges who prioritize family reunification over the protection of women, disincentivizing women and girls from seeking justice. Even in cases where women are killed for so-called "honour" reasons, Amnesty International found that state institutions and law enforcement authorities often side with family members of victims of "honour killings", namely the perpetrators, and prioritize privacy over justice.

Although the KR-I has a specialized entity – Directorate for Combating Violence against Women (DCVAW) – to respond to the immediate needs of domestic violence survivors, including by receiving complaints, directors have informed Amnesty International that the government has failed to allocate a suitable budget for it. The lack of an adequate budget has resulted in a DCVAW that is underfunded and understaffed, severely compromising the directorate's ability to adequately fulfil its mandate and protect women and girls from domestic violence, especially in remote areas. Crucially, DCVAW does not have any funds to provide legal aid to survivors of domestic violence, leaving survivors to assume the financial burden of seeing their complaints through the legal system.

Women and girls who are in immediate danger can access one of the three permanent shelters in the KR-I as well as one temporary emergency shelter. However, women and girls require a court order to enter and leave the shelters, which can only be granted if they file a criminal complaint against their abuser. Once in the shelters, the women and girls' freedom of movement and access to phones and the internet are severely restricted. Amnesty International has found that these restrictions on freedom of movement and communication are disproportionate and violate the human rights of the survivors. The very restrictive conditions under which survivors can leave shelters also raise concerns regarding the arbitrary deprivation of their liberty.

An Amnesty International researcher visited two of the three permanent shelters in the KR-I and the one temporary shelter. They found that the shelters were in disrepair, overcrowded, understaffed, and not adequately equipped for the needs of the survivors. Yet, there is no exit strategy from the shelters, meaning that survivors can remain in the shelters indefinitely. The shelters do not offer any vocational or other training, education, or psycho-social support, leaving these women and girls ill-equipped to support themselves outside the shelter if their families do not take them back.

The KRG should ensure that their commitment to protect women and girls from domestic violence is followed by concrete steps to end impunity for these crimes. To that end, Amnesty International makes the following recommendations to the authorities in the KR-I:

INCREASE FUNDING

- Allocate sufficient resources to the implementation of Act No. 8 of 2011 on Combating Domestic Violence in the Kurdistan Region (the Domestic Violence Law), including by ensuring that the Directorate for Combating Violence Against Women and the Family (DCVAW) receives sufficient funding to carry out its mission and provide effective protection of survivors and avoid staff burnout.

ACCOUNTABILITY

- Ensure that police stations that do not have a DCVAW unit or representative provide a safe and confidential environment for women and girls to report domestic violence; that there is mandatory registration of all complaints of domestic violence; and that all complaints are investigated promptly, impartially and effectively.

- Reform the current legislative framework to ensure that reconciliation and mediation processes are not a prerequisite for criminal proceedings.

- Ensure that suspects of domestic violence are arrested promptly, including when they are outside the territory of the KR-I and on federal Iraqi territory, and, if there is enough evidence to warrant this, charge and prosecute them in trials that respect international human rights standards and without the recourse to the death penalty.

- Take into account all existing evidence regarding the safety threats against survivors and/or the risk of absconding when making bail decisions.

- Investigate any alleged failures by law enforcement to promptly, impartially and effectively investigate complaints of domestic violence.

- Collect and publish data regarding complaints, prosecutions and sentences of domestic violence and make use of these data to inform policies aimed at tackling impunity.

- As stipulated in the Domestic Violence Law, establish domestic violence courts, including in administration areas outside those that are overseen by judges dedicated solely to cases of domestic violence.

- Ensure that pledges include a suitable punishment, as prescribed in law, and such punishment is implemented in cases of violation.

RAISING AWARENESS:

- Authorities at the highest level should make clear that law enforcement and judicial authorities must reject customary, traditional, religious and gendered norms that discriminate against women and girls when invoked by suspects of domestic violence and/or their families to justify, deny and evade responsibility for that violence.

- Raise public awareness of domestic violence and other forms of gender-based violence, including its structural causes rooted in gender-based stereotypes, discrimination and oppression.

- Earmark sufficient funding for raising awareness of the law punishing domestic violence.

SHELTERS

- Urgently lift the requirements for survivors of domestic violence to file a complaint or be in immediate danger as prerequisites to access shelters if they want such protection and provide this protection as soon as possible.

- Urgently end the arbitrary restrictions on liberty of women and girls in shelters, including by ending the requirement for a survivor to have a court order to leave the shelter.

- Improve the living conditions in shelters to ensure that women and girls can live in dignity and do not feel forced to drop charges against their abusers in order to leave the shelter.

- Ensure that neurodivergent women and girls are not referred to shelters and that shelters are not used to house people convicted of criminal offences under Iraqi law.

- Amend laws and practices to reroute budgets for shelters so that they are adequately staffed; protect survivors of domestic violence; ensure their access to health services, including counselling and other services; and ensure that the shelters can adopt a survivor-centred approach.

- Establish shelters for different age groups, genders and severity of threats.

- Ensure that children who live in shelters with their mothers in the aftermath of domestic violence can access education and other rights, and that their best interest is always taken into account.

- Expedite investigations in cases where threats remain against survivors who have spent a long time in shelters, and promptly arrest suspects and bring them to justice if there is sufficient evidence, so that survivors can live safely if they leave the shelter.

- Ensure that women and girls who wish to leave the shelter are given social security benefits, as stipulated in the Domestic Violence Law.

- Earmark residential units for women and girls who leave shelters and find themselves homeless for any reason, including lack of means, family rejection or relocation due to fear or reprisals.

EFFECTIVE REMEDIES, INCLUDING REPARATION

- In line with the CEDAW Concluding Observation on Iraq,[172] the KR-I should strengthen both medical and psychological support services for victims, as well as counselling and rehabilitation services, and ensure that those services are properly funded and accessible, that staff are trained and the quality of the services provided is regularly monitored.

[172] UN Committee on the Elimination of Discrimination against Women (CEDAW), Concluding Observations: Iraq, 12 November 2019, UN Doc. CEDAW/C/IRAQ/CO/7, para 20(c).

AMNESTY INTERNATIONAL IS A GLOBAL MOVEMENT FOR HUMAN RIGHTS. WHEN INJUSTICE HAPPENS TO ONE PERSON, IT MATTERS TO US ALL.

CONTACT US

info@amnesty.org

+44 (0)20 7413 5500

JOIN THE CONVERSATION

www.facebook.com/AmnestyGlobal

@Amnesty

DAUNTING AND DIRE:

IMPUNITY, UNDERFUNDED INSTITUTIONS UNDERMINE PROTECTION OF WOMEN AND GIRLS FROM DOMESTIC VIOLENCE IN THE KURDISTAN REGION OF IRAQ

Survivors of gender-based violence, including domestic violence, in the Kurdistan Region of Iraq (KR-I) face significant obstacles in accessing justice and protection despite established reporting and protection institutions and a law criminalizing domestic violence. The KR-I's criminal justice system perpetuates impunity, and its underfunded protection framework hampers women and girls' ability to escape abuse. Laws criminalizing violence against women and girls are inadequately implemented, and judicial processes are slow and ineffective. Judges often prioritize the "family unit" over justice, leading survivors back into abusive situations, sometimes resulting in their deaths.

To address these challenges, authorities of the Kurdistan Regional Government (KRG) must strengthen accountability mechanisms and investigate all instances of domestic violence. Prosecution should initiate investigations of abuse even without a criminal complaint from the victim. Mandatory reconciliation processes should be halted, and dedicated domestic violence courts established with trained judges. Increased funding for institutions recognized by the Domestic Violence Law is essential, ensuring shelters are adequately staffed and equipped to provide comprehensive services. Restrictions on accessing shelters and on the liberty of women and girls within them should be reconsidered. Raising public awareness is crucial to challenge entrenched gender norms and discrimination. KRG authorities must take these steps to align reality with their commitments to combat violence against women.

INDEX: MDE 14/8162/2024
JULY/2024
LANGUAGE: ENGLISH

amnesty.org

AMNESTY INTERNATIONAL