

First quarterly report

Of woman status in Iraq

Q1 2023

Prepared by

Al-Nidal Association for Human Rights

Women Rights in Iraq

Between societal norms hammer and the anvil of
the laws in force



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About the association:

The Al-Nidal Association for Human Rights is a non-governmental, non-profit organization that is not affiliated with a political or partisan entity.

It was established in February 2022 amid the difficult circumstances that Iraq was going through, the most recent of which was the protest movement (October), the challenges of Covid-19 and its impact on society, and the previous turbulences that made the country unstable and in need of solidarity from all sides.

The founders and members of the association believe in the important role of civil society and its responsibility to correct paths and draw policies for a society that enjoys peace, upholds its rights, and enjoys democracy, justice, and participation.

We challenged the difficult circumstances and with the aid of our volunteer members, we took more challenges to contribute to reducing the suffering of society, and to exercise our rights guaranteed by the constitution by contributing and participating in building peace, spreading the concepts of democracy and promoting the reality of rights to reduce violations that affect society in general and the most vulnerable groups represented by children and women with disabilities. Our policy is to open our work horizons to all partners with whom we meet in visions and goals of the government and society.

The association started as a group of young people who had been working under the umbrella of a volunteer team named (Tweet with Goodwill) since 2019, registered in the Ministry of Youth and Sports / National Center for Voluntary Work. Since that time, we have sought to develop work to serve the community in a more professional and committed manner and to obtain the moral personality that allows practicing activities that could not be done in the past, and indeed we have taken our first steps and the rest of the story.

The vision of the association:

A peaceful and democratic society whose members enjoy equal rights and freedoms, promotes the values of social justice and citizenship, and rejects extremism in all its forms.

Association message

Contribute to raising the social awareness of the individual to know the rights and freedoms and work against human rights violations by democratic means guaranteed by the constitution, law, treaties and international covenants.

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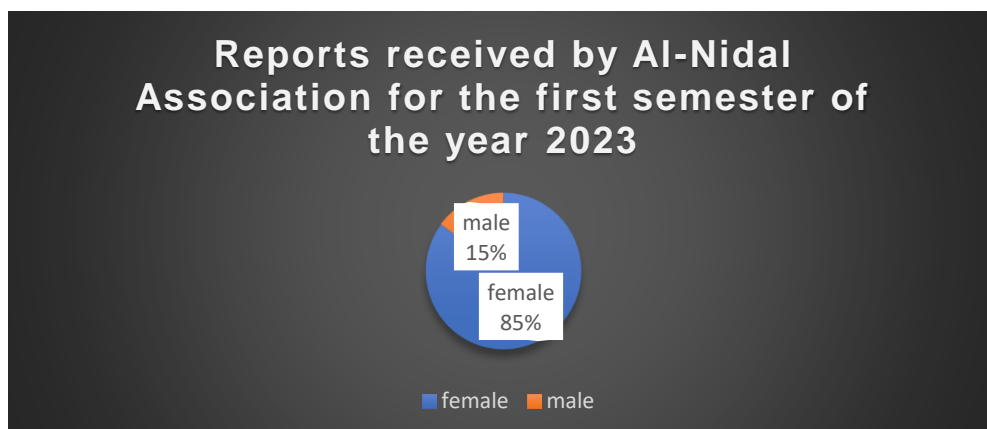
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Executive summary

The report of the Al-Nidal Association for the first quarter of the year 2023 sheds light on the violations that were monitored, documented, and addressed to diagnose weaknesses and to identify most of the violations that women in Iraq are subjected to, such as murder, violence of all kinds, electronic blackmail, child marriage, and others; and to point out to weaknesses in the enforcement of the law and allowing impunity in murders in the name of “honor killing”.

In addition to the legislative gap resulting from the incompatibility of national laws with international principles that guarantee human rights and women’s rights in particular, as well as the inadequacy of some legal articles that are still in effect in old legislation that allow violations to occur. On the other hand, the dominance of tribal rulings and their supremacy over the law in large areas of Iraq, and the deterioration of the economic situation of women, which hinders them from obtaining a claim for their full rights or defending them; furthermore, the association has put forward some recommendations that contribute to addressing large parts and reducing these violations that women in Iraq are constantly exposed to.

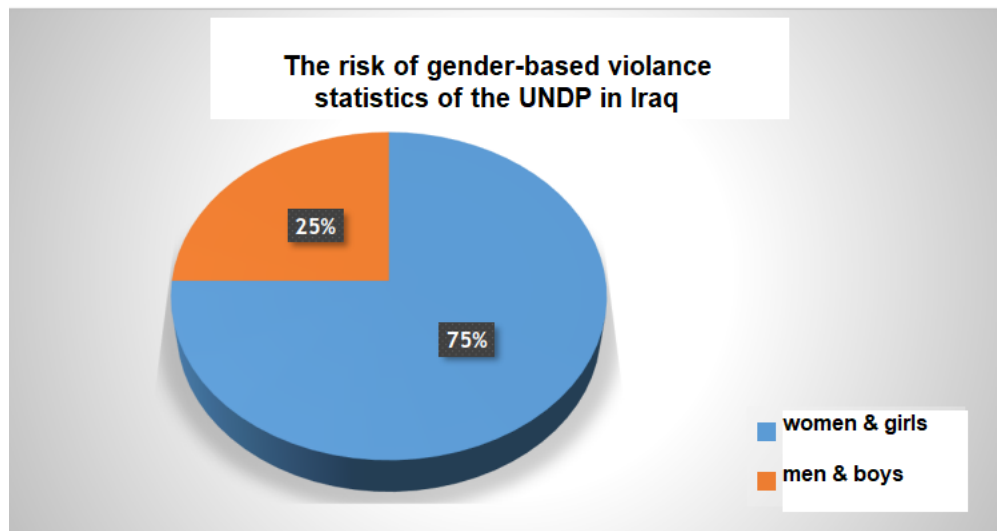
This is what prompted us to issue the report, dealing with the details and the most prominent events during the past three months, and confirming what was mentioned above through the statistics documented by the monitoring teams in the association with details, numbers, and stories of some survivors, the crimes and violations varied as follows: (Assault, harassment of all kinds at home and in the workplace, physical violence, electronic blackmail, denial of access to education, kidnapping, sexual assault, death threats, domestic violence, deprivation of economic resources, deprivation of inheritance, marriage of minors). When making a comparison based on gender in the context of complaints and communications received by the association, we found that the percentage of female survivors represented 85% of the total cases registered in the first chapter requesting support, as the association received 34 cases divided into (29 females and 5 males). The ages of women and girls who have been subjected to violations range from one year to 40 years old, and the average lifespan was 26.6, as our data indicates that all cases received the perpetrator were males, ranging in age from 26 to 44 years, and the average age was 38 years old; some of them were unidentified especially in cases of electronic extortion, and some of them were identified working in civilian jobs, earners and some were members of the security services.



Analyzes of the recorded data for most of the cases indicated that most of the survivors were female, and on the other hand, there were those who were indirectly affected by the violations, such as children and the elderly who belonged to survivors' families.

We also encountered great difficulty in many cases where it was difficult to reach them accurately in order to record their details and provide assistance more effectively; in addition to the fact that some of the cases were not reported directly by the female survivor because she could not obtain a method of reporting. Therefore, the registration methods for some reports were through relatives or acquaintances of the survivors; in addition, a number of cases in which the survivor did not receive appropriate support by virtue of what the case requires in terms of intervention from law enforcement agencies or a legal and procedural context that is inconsistent with the type of violation, in addition to the lack of easy access, Not to mention the need for high material costs, and that all these circumstances lead to depriving the survivor of obtaining a remedy from the judiciary and holding the perpetrators accountable.

Our statistics in Al-Nidal Association for Human Rights and the ratios that resulted from the analysis of the data received came close to the statistics of the United Nations Development Program in Iraq, which indicate that there are more than 1.32 million people in Iraq who are at risk of gender-based violence, of whom more than 75% are women and girls, and about 77% of the risks associated with domestic violence; therefore, gender-based violence, in any form, is an obstacle to achieving equality, sustainable development and lasting peace.¹



¹ Source: (Addressing the causes of violence between spouses in Iraq / UNDP Iraq)

Case management:

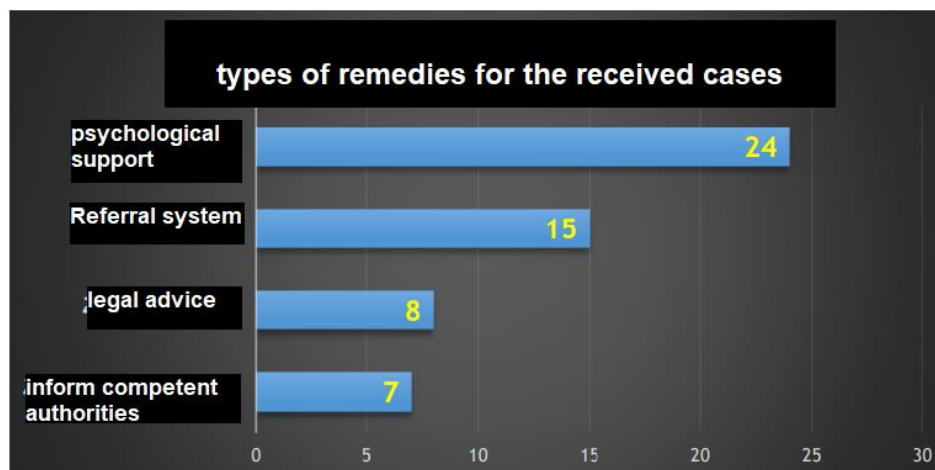
The association manages the file of violations related to gender-based violence, harassment, assaults and domestic violence, by receiving complaints and reports from the (male/ female) beneficiaries of the association's services through social networking sites, the hotline or the referral case; and cases are managed directly by the Women and Child Committee by specialized staff according to the type of case and according to gender, after verification, fact-finding, and recording the case data in the electronic system of the association.

It was found that most of the cases were suffering from psychological problems and in need of psychological support, whether through the diagnosis of our staff or through the survivors' request for psychological support, as 24 cases, and 15 cases were involved in the referral system to external bodies (official and unofficial), such as referral to the Directorate of family and child protection, and to the community police, and some of them to organizations working with a specific scope of competence needed by the cases.

In addition, 8 cases were addressed by the Legal Committee, either by providing legal advice to survivors or providing support through litigation and legal remedies. The association also recorded 7 cases that included the need to inform the competent authorities.

It is worth noting that the association provided its services 24/7 non-stop, and that some cases needed a few hours from the time the complaint was received until the time it was closed, and other cases continued for a period exceeding 6 months of follow-up, and the association provided, in addition to the voluntary efforts at work, some sums of money needed by some cases to provide appropriate legal cover for the case.

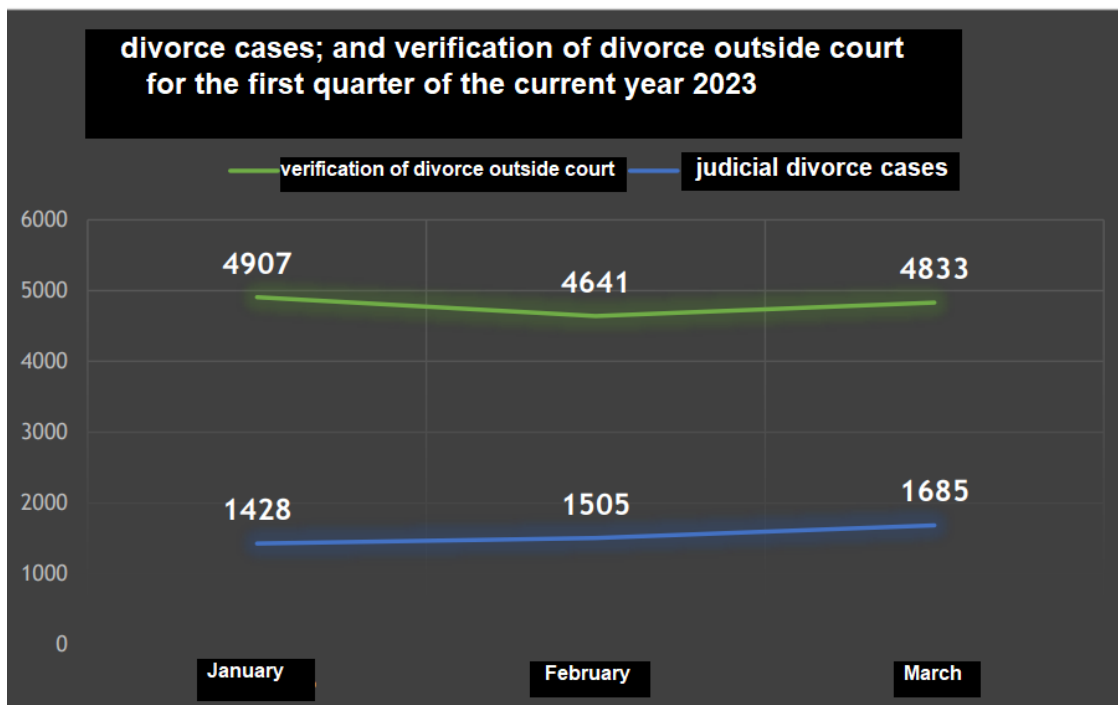
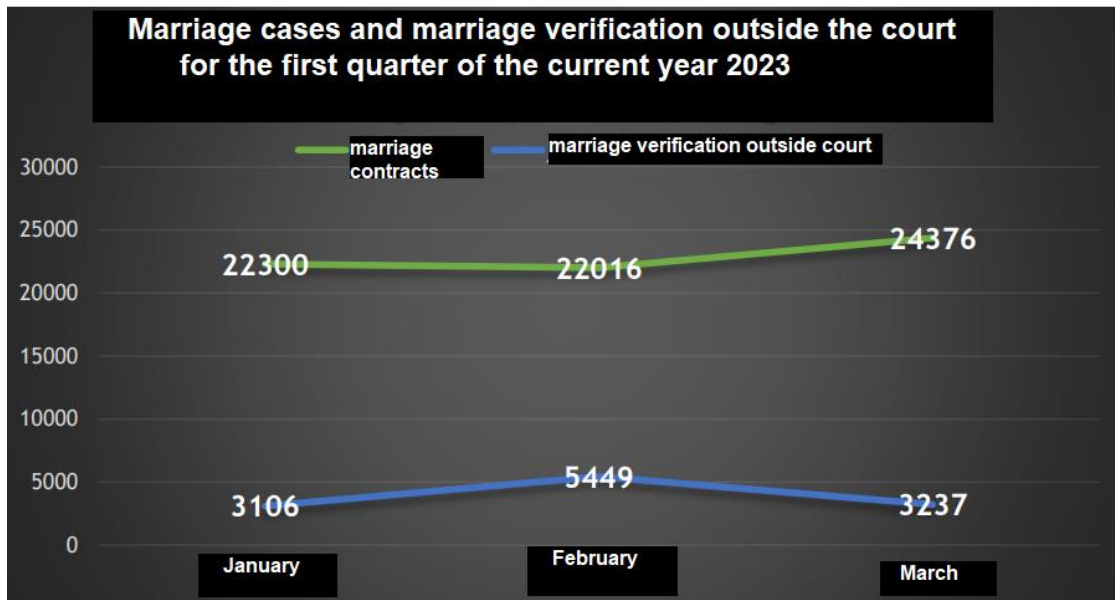
We point out the importance of ensuring the confidentiality of received case data through data encryption and careful handling of cases, as well as obtaining informed consent at every stage of case management.²



² Source: Monitoring and follow-up of Al-Nidal Society for Human Rights

Marriage and divorce rate:

What raises concern about the situation of women in Iraq is also the continuing high cases of divorce, judicial separation, and marriage outside court, according to what was stated in the statistics of the Supreme Judicial Council. These indicators give clear indications of problems in society and the weakness of law enforcement or its failure to put a deterrent end and make the law the highest and supreme power to guarantee rights and obligations.³



³ Source: [مجلس القضاء الاعلى \(sjc.iq\)](http://sjc.iq) High Judicial Council Statistics.

Notable events:

- The death of the young woman, **Marwa Ali Fleih**, from Najaf Governorate, at the age of 19. She was found “exposed to various bruises on the neck, chest, and left hand, with a poorly built body. The cause of her death was suffocation by hanging on April 20, 2022, according to the forensic doctor’s report.

Marwa was a high school student completing her studies, and on the date of her death at eight o’clock in the morning, Thuraya, Marwa’s father-in-law, called her family to inform them that their daughter had committed suicide and that she had hanged herself in her bedroom, and they insisted on the narration that it was Marwa who committed suicide, but Marwa’s father was not convinced of the cause of the death because he noticed traces on the perpetrator's body, which prompted him to suspect that it came as a result of his daughter's resistance to the suffocation process or the assaults that were repeated against her. At first the case was ruled a suicide. However, due to her father's insistence and the pressure campaign exerted by civil society organizations, the judiciary ordered the reopening of the case, the exhumation of the victim's body, and referring it to Baghdad for re-examination, so that the judiciary would rule on her husband's responsibility for what happened, and issue a ruling on February 28, 2023, that sentenced Marwa's husband to life imprisonment.

- The killing of **Tiba al-Ali**, an Iraqi young woman from the Diwaniyah governorate, who left for Turkey for the harassment she was subjected to by her brother, which was something that the family did not care about. Her family told her that the situation is fine and that she can return safely, but she was killed on February 1, 2023. Immediately after the murder incident, her father turned himself in to the security authorities, awaiting the judicial procedures and the outcomes, depending on the legal articles called honor killings.

Later, a statement was issued by UNAMI in Iraq condemning the killing of Tiba al-Ali by, saying: (Her death, which could have been avoided, is an unfortunate reminder of the violence and injustice that still exists against women and girls in Iraq today).

The statement added: (The so-called “honor killings” and other forms of gender-based violence violate human rights and cannot be tolerated. Some efforts have been made by state institutions to combat acts of violence against women, still more efforts need to be done for prevention, protection and accountability; in addition, that UNAMI has urged the Council of Representatives to strengthen the institutional framework, including the repeal of Articles 41 and 409 of the Iraqi Penal Code, “we call for the enactment of a law that clearly criminalizes gender-based violence, in line with international human rights standards, as well as improving services for survivors and those at risk”. Despite this, this international appeal did not find a response from the Iraqi parliament, and despite multiple pressure campaigns calling for stopping this article, which is a flagrant violation of women's rights in general.⁴

Another survivor of domestic violence cases called (A. N.) which was reported as a case to the association on 10/1/2023. She is a martyr’s widow, married to an employee in the Ministry of

⁴ Source: Comments in the framework of the 16 Days of Activism campaign / United Nations

Interior, and a mother of four children, two of whom are from her first marriage. (A. N.) was subjected to violence from her second husband, and her 9-year-old daughter was subjected to sexual harassment from her step father who was revealed doing the act and the child admitted that it was not the first time, and she was receiving threats from him to kill her mother in front of her if she informed her of the act. She filed a complaint and a lawsuit to all the competent authorities, and according to her testimony to us, she stated that she endured severe suffering and violence for long and repeated periods, and that what prompted her to endure was to keep her marital life, but when she discovered that her husband had harassed and sexually assaulted her daughter, she decided not to be silent and to use any method to get her daughter out; and despite her long and difficult journey in waiting for the legal procedures, in addition to the material destitution that harmed her and her children, and her new obligations to support her children alone and to complete her many cases in the courts, actually, she started legal procedures by complaining against her husband. Our association is providing a psychological support to the harassed little girl and the mom, throughout our continuous follow-up with psychological support providers and some material aids and ongoing legal advice are being offered.

- **Electronic extortion:** also has a large share of the daily and repeated terror experienced by girls and women in Iraq, as one of our beneficiaries (R, A) was one of the survivors exposed to extortion, violence, and attempted murder, which was received by the association on 24 March 2023; where she was being blackmailed by a person called (Al-Hajji), who practiced fraud and deception to trap her through the Telegram application, and after he managed to control her accounts, he threatened her by publishing private pictures and videos of her and her colleagues, and messaging her acquaintances to put more pressure on her. The matter was not limited to the scandal that R.A was subjected to and the psychological pressure she's been through, but rather she was subjected to violence and part of her hair was shaved by her family when they learned of the extortion she was subjected to, in addition to an attempt to kill her that ended in failure through a quick notification by the referral officer to the community police at the request of the survivor's mother, so she was rescued, and offered psychological support and legal advice to overcome the crisis, and lawsuit was filed.

According to a televised statement by the Director of the Community Police, Brigadier General (Ghalib Al-Attiyah), saying: "The first quarter of 2023 witnessed the occurrence of 500 cases of extortion of girls from various Iraqi governorates."⁵

⁵ Source: [أرقام صادمة لمعدلات العنف الأسري والابتزاز في العراق | أهل المدينة - YouTube](#); statement of Brigadier General Mr. Ghalib Al-Attiyah, the Director of the Community Police

Governmental actions framework:

In this context, we list some of the governmental measures that we have monitored, directly or indirectly, their positive or negative impact on cases of domestic and societal violence based on gender.

1. The lack of accurate government statistics related to the status of women's and girls' rights in Iraq, and the matter is related to the bodies that have jurisdiction and a precise relationship to the extent of our research in the report, such as the Independent High Commission for Human Rights, the Central Bureau of Statistics, and the Ministry of Planning, as the latest published publications relate to the years 2020 or earlier periods and the other Relevant official authorities.
2. Directive of the Minister of the Interior on March 16, 2023, to examine drugs, which is carried out in a surprising way for the employees of the Ministry of Interior, which is aimed at combating drugs and limiting their negative consequences on the society and the family.
3. Work on the second national plan of the Security Council Resolution 1325 on women, security and peace, and the resolution is a binding document for the United Nations and all member states, including Iraq. The plan revolves around four pillars (participation, protection, prevention, and recovery). Family and child protection, but those who work in this field need training to work on managing cases in a better way.
4. The community police cooperate with non-governmental organizations and activists in the field of violations of the rights of children and women and work to receive referrals. Despite this, the intervention is not satisfying enough for the society, due to the absence of a special law regulating the work of this important formation and indicates their powers and supports their role or a law that combats cases of violence.⁶
5. Survivors find difficulty in accessing remedies, as most of the governmental procedures do not comply with international standards for the quality of obtaining services that improve and guarantee the protection of human rights (easy access with little effort, quickly, and at the lowest costs), as submitting complaints through hotlines did not meet the level of ambition and does not commensurate with the novelty of some crimes that are prevalent at the present time, such as electronic extortion.
6. The decision of the Iraqi government to establish a platform (Belligh "report") affiliated with the Ministry of Interior that monitors what it described as "low content" and punishes promoters, and this may negatively affect the income of some girls who work in the field of advertising and promotion.

⁶ Source: Iraq's report 2022/ Amnesty International.

Cultural and educational framework

By examining the number of females and males, it shows the big difference in the level of education in Iraq when comparison is based on gender. The number of male students in primary and secondary education is more than the number of female students, noting the increase in the number of female members of the educational staff in the primary and secondary education sector, which is a good indicator in terms of allowing females to obtain work jobs; while it may be a negative indicator that this sector is the only available opportunity or the prevailing social pattern that forces females to engage in this job; in addition to the fact that females serve this sector in a greater percentage but get less benefit when comparing the number of students on the one hand and the members of the educational staff on the other hand.

Also, the rate of male students is increasing compared to the rate of female students in undergraduate education in technical institutes and colleges and in private universities, while it is declining only in public/governmental universities. This is also an indication that private education, which is usually associated with the availability of economic capacity to secure expenses, is available to males more than females; because males have the chance to work and study at the same time which secure their expenses independently or with the help of their families as they have a better opportunity than females to obtain education expenses; in addition to other factors related to the disparity of sobriety in education and the social stigma of a certain part of education versus the other; noting that the previous data dates back to the period 2019-2020, which were provided by the statistics of the Central Statistical Organization.⁷

Economic and social framework:

The economic empowerment of women represents their ability to succeed and advance economically, and their ability to make their own decisions in all aspects, which is a basic human right. Most of the cases that have been dealt with and the solutions they need are related to the economic aspect, whether through legal procedures or independence after separation.

The economic empowerment of women is one of the main pillars of the United Nations Women's Organization, and the expansion of economic opportunities for women is important because it is a decisive factor in the empowerment of women. UN Women's efforts on economic empowerment are being implemented in the context of women's rights and employment, social justice, and comprehensive sustainable development, which includes social, economic, and environmental dimensions in line with Sustainable Development plan for the year 2030 and the Security Council Resolution 1325, the role of women in peace and security and their protection from gender-based violence and the achievement of equality and transitional justice.

⁷ Source: Statistical summary 2022/ Central Statistical Organization – Ministry of Planning [الموجز الاحصائي.pdf \(cosit.gov.iq\)](https://www.cosit.gov.iq/mojz-al-ahvany.pdf)

At the national level, the official statistics and testimonies that we obtained clearly indicate the weak economic ability of women and its relationship to other organizational and governmental procedural factors and social, religious and clan conditions that limit women's progress to a large extent and their economic empowerment, as the statistics of the Central Statistical Organization and the Statistics Authority in the Kurdistan region, through its first specialized national survey of the labor force in Iraq for the second half of 2021, indicates figures that raise concern about the economic and social reality of women and clarifies their status according to labor market indicators.

1. The participation percentage of women in the labor force is 10.6% compared to 68% for men.
2. The percentage of workers was 83.5% out of the total workforce, men 88.5% and women 11.5%.
3. According to the results, women tend to be more concentrated in services 73.1% and agriculture 14.4% compared to 62.2% and 7.7% for men.
4. The survey showed that 70.5% of the women prefer to work in government and public jobs, while 33.7% of the men work in the government and public sectors; and in the private sector men work at an average of 65.9% and women 29%.
5. Only 17.5% women hold managerial positions compared to 82.5% men.

The results of the survey also determined jobs according to who is most dominant in, as follows:

Men:

- Construction and relative professions.
- Protection services.
- Drivers of cars, trucks, and motorcyclists.
- Sales representatives.

Women:

- Primary and kindergarten education.
- Secondary education.
- Garment industry and related professions.

Legal and judicial framework:

The legal framework in all countries is the guarantee of rights and freedoms, and it ranges from international agreements and treaties to national laws, legislations, regulations, instructions, and methods of their implementation. Therefore, we clarify below some of the negative points that still need to be changed. We also mention that weakness or shortcomings in laws and their

application leads to the predominance of clan customs, which contribute relatively to high levels of physical and sexual violence and the emergence of harmful phenomena and practices based on discrimination and inequality, that promotes a social and cultural heritage that prevents reporting cases of violence and prosecuting its perpetrators, despite that the Iraqi constitution guarantees the prohibition of all forms of violence and abuse in the family and society.

1. The Iraqi Penal Code No. 111 of 1969 and its amendments, which includes some articles where the application of its provisions results in a violation of women's rights and even contributes to some extent in committing crimes against them and impunity for the perpetrators of those crimes, including Article 409, which provides mitigating factors for so-called "honor crimes".
2. The prevailing custom of referring domestic violence cases for "reconciliation," which comes within the context of the right to discipline permitted by Article 41 of the Iraqi Penal Code No. 111 of 1969 and its amendments, which provide for the legal right of husbands "to discipline" their wives.
3. The absence of legislations that explicitly criminalizes these violations and crimes to protect the rights of women and the family, such as (Anti-domestic violence law and the child protection law) or what is related to the protection of gender and the protection of survivors of violations and those at risk, in accordance with international standards. A draft law on domestic violence has been put forward for discussion in the Iraqi parliament in the years 2019 and 2020.
4. Article 8/1 of the Personal Status Law No. 188 of 1959, which allows guardians to marry off their minor daughter at the age of fifteen.
5. Non-application of Article 10 of the Personal Status Law No. 188 of 1959, which criminalizes the marriage contract outside the framework of the court, since suspended sentence is currently in force, and this opens the way for the practice of this crime in a wider manner than before, other than what the law came for.
6. Establishing a marriage contract outside the court is a spreading phenomenon; and the law, specifically regarding the marriage of minor girls and even boys under the age of puberty, causes a big problem to the society; in addition to the failure to apply the penalties that must be applied against the violators of the spouses and even from the authorities that supervise the establishment of this complicated bond.
7. The legal loophole in Article 408 of the Penal Code No. 111 of 1969, which punishes with imprisonment from 5-7 years for anyone who incites or helps another to commit suicide; so the application of the article requires the death of the person committing suicide in order for the instigator or assistant to be considered a criminal, which contributed to pushing some of the families of the victims or survivors to kill women in these ways to escape from punishment.

Recommendations

1. Speeding the enact of a law that reduces domestic and gender violence and supports government institutions to implement the law.
2. Repeal of Articles 41 and 409 of the amended Iraqi Penal Code of 1969 regarding the right to discipline the wife and honor crimes, as they violate the principles of human rights.⁸
3. Repeal Article 8/1 of the Personal Status Law 188 of 1959 to stop the marriage of female minors and include in the Penal Code to hold accountable wife's father or the clergyman who performs the marriage contract outside court.
4. Implementation of the provisions of Article 10 (Paragraph 5 of the Personal Status Law, which stipulates that (the husband shall be punished if he concludes a contract for a minor, which is imprisonment for a period of six months or a financial fine, and which is not at the required level for reducing these phenomena).⁹
5. Realistic and real implementation of the second national plan for the Security Council resolution No. 1325 on women, peace, and security.
6. Include a simplified curriculum for digital protection for intermediate and high schools to reduce the phenomenon of electronic extortion.
7. Establish accurate working mechanisms and an effective actor to work industriously on extortion issues to reach the extortionists through networking with the responsible companies on communication sites in the Middle East as well as communication companies to speed up work procedures.
8. Develop clear policies for the security authorities to deter the phenomenon of harassment in public places and transportation to create a safe environment for women.
9. An investigation must be conducted on Tiba Ali murder; the perpetrator must be brought to justice; and the sentence must be commensurate with the seriousness of this horrific crime without recourse to the death penalty.
10. We recommend increasing the number of Family Protection Units of the Ministry of Interior, shelters, and domestic violence courts, as well as an adequate number of staff (including women) well-trained on women's rights, which "would contribute to better protection for survivors of domestic violence and those at risk."
11. Amend the Legal Article 408 of the Penal Code No. 111 of 1969 to ensure the safety of victims from suicide or incitement to commit suicide.

⁸ Source: [قاعدة التشريعات العراقية \(e-sjc-services.iq\)](http://e-sjc-services.iq) the previous amendment Penal Code No. 111 of 1969.

⁹ Source: [قاعدة التشريعات العراقية \(e-sjc-services.iq\)](http://e-sjc-services.iq) the Personal Status Law No. 1888 of 1959.

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