

Terms of reference: Report on family-based violence legislation in the Kurdistan Region of Iraq

Overview

Ceasefire is looking for an independent consultant or team of consultants to research and write a report on the implementation of family-based violence legislation in the Kurdistan Region of Iraq (KR-I).

Background

The Ceasefire Centre for Civilian Rights, in partnership with Asuda for Combating Violence against Women, is currently implementing a three-year project entitled “Supporting survivors of family-based violence in rural and refugee communities in the Kurdistan Region of Iraq,” funded by the UN Trust Fund to End Violence against Women. The project aims to enable women and girls in rural and refugee communities in the KR-I to overcome experiences of family-based violence by increasing their access to support services and improving the wider community and policy response to violence. The target locations include the governorates of Sulaimaniyah, Halabja, and Duhok and the two administrations of Garmian (Ranya City) and Raparin (Kalar City).

One of the specific goals of the project is to improve the implementation of legislation addressing family-based violence in the KR-I, especially as it relates to survivors in rural and refugee communities. By sensitizing duty bearers to the challenges faced by these communities in accessing support in cases of family-based violence, the project seeks to build momentum for amendments to the law and related policies to make them more responsive to the needs of the most marginalised survivors.

In pursuit of this goal, Ceasefire plans to publish a detailed report about the gaps and weaknesses in implementation of the Law on Combating Domestic Violence (Law No. 8 of 2011) in the KR-I to date.

Focus of the report

In 2011, the Kurdistan parliament passed Law No. 8 on Combating Domestic Violence, considered a significant advancement for women’s rights in the region and the first piece of legislation addressing domestic violence to enter into force in Iraq. The law adopted an expansive definition of domestic violence and criminalized many specific offenses for the first time, including physical assault, emotional abuse, marital rape, forced marriage, marriage of minors, and female genital mutilation. The law also established specialized courts to handle domestic violence cases, as well as a special division of the police force staffed principally by women. It also made the Ministry of Labour and Social Affairs in the region responsible for running shelter facilities for survivors of domestic violence.

However, twelve years after passage of the law, its implementation remains flawed and there are many gaps in protection for survivors of violence. Admission to government-run shelters is dependent on a judicial order, a process which is ill-suited to emergency situations and out of reach for many survivors. Legal proceedings in cases of domestic violence can only be initiated by the survivor, which prevents

reporting by witnesses or other concerned parties, and conviction rates of perpetrators remain relatively low. Moreover, government institutions continue to encourage family reconciliation as a solution to violence in the home, which results in pressure on many survivors to return to their abusers.

There are also additional obstacles faced by women and girls in rural areas, and by refugee and displaced communities, which prevent them from obtaining protection and support under the law. There are no shelters in rural areas, and few support services available. Refugee women and girls face the added difficulty of language and cultural barriers, and there has been little effort to spread awareness of the law in their communities. Government institutions and NGOs focus their programming for refugees in formal camp settings, leaving non-camp refugees isolated from support. Even the services provided in the camps are insufficient to meet the scale of need, and the camps are also situated far from urban areas, preventing survivors from seeking additional assistance.

In late 2021, a new amended draft law on domestic violence was introduced to the floor of the Kurdistan Region's parliament. The new draft law sought to increase the number of domestic violence courts in the rural areas and address other shortcomings observed in implementation of the existing law so far. However, the draft was silent on the delivery of psychological support or other services for survivors and did not address the lack of shelters outside of major cities. As of now, the draft law has not been passed. Nevertheless, this recent initiative provides an opportunity for further advocacy to make domestic violence legislation in the Kurdistan Region even more responsive to the needs of currently excluded groups.

The planned report will examine implementation of the domestic violence law to date, identifying the main gaps and loopholes that have emerged, particularly in extending support to survivors in rural areas and refugee communities. It should conclude with recommendations to improve the law and related policies, which should help to inform the strategies of actors working to combat domestic violence in the KR-I other contexts, including local civil society, international organizations, UN agencies, governments, service providers, researchers, and donors.

Scope of Work

The researcher(s) will be expected to:

- Review the relevant laws in force in the Kurdistan Region and their proposed amendments
- Gather comprehensive information, through primary and secondary research, about the implementation of the domestic violence law to date including gaps in the content of the law, weaknesses in its implementation, and barriers to protection
- Conduct interviews with key actors involved in combating domestic violence in the KR-I (such as local civil society organizations, international NGOs, UN agencies, government officials, service providers, women's rights activists, etc.)
- Conduct interviews and/or focus group discussions with beneficiaries of the legislation i.e. survivors of domestic violence, with a focus on women and girls in rural and refugee communities
- Produce a written report detailing the findings of the above research, concluding with concrete recommendations for amending the domestic violence law and related policies.

Deliverables, timeframe and remuneration

A draft of the report (15,000-17,000 words, in English) should be submitted by 15 November 2023. Ceasefire will review the draft and provide comments, which the consultant will be expected to incorporate in the final report to be delivered no later than 15 December 2023.

Remuneration for this research will be US \$11,500.

Applicant Criteria

The ideal researcher or research team will have the following qualifications:

- Very good knowledge of the local context in Iraq and the Kurdistan Region in particular (recent history, politics, governance, economic and social issues)
- Solid grounding in international human rights standards, especially in the area of women's rights
- Familiarity with the laws and judicial system of Iraq and the Kurdistan Region
- Knowledge of strategies and best practices in combating violence against women
- Proven track record of published work (for academia, NGOs, think tanks or media)
- Gender sensitivity and experience working with marginalised groups
- Excellent standard of written English; fluency in Kurdish and/or Arabic desirable
- Ability to maintain confidentiality, gain the trust of interviewees, and handle sensitive information in a professional manner

How to apply

To apply for this opportunity, please send a CV, a cover letter summarizing your suitability for the project and intended approach to the research, and two samples of previously published work, to miriam.puttick@ceasefire.org by **22 August 2023**.