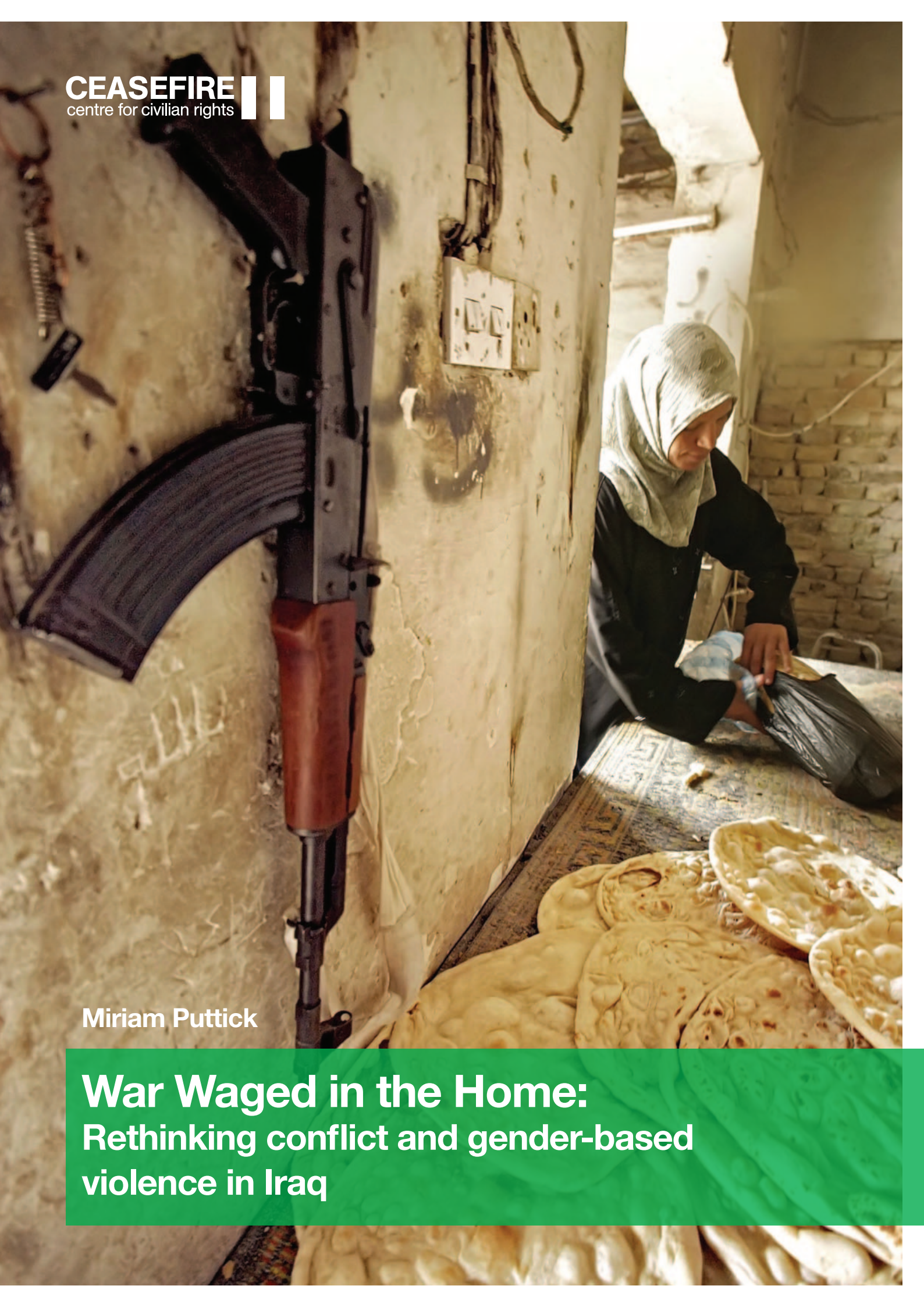


Miriam Puttick

War Waged in the Home: Rethinking conflict and gender-based violence in Iraq





Cover photo:

Baghdad, Iraq, April 2006.

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1

Introduction

It is increasingly recognized that gender-based violence is a central feature of conflict. The understanding that women and girls are vulnerable to particular forms of wartime violence has led to an upsurge in attention towards addressing conflict-related sexual violence in international programming. Yet the focus on conflict-related sexual violence obscures as much as it reveals.

The now widely used phrase ‘rape as a weapon of war’ captures the idea that violence against women is not just a side effect of conflict, but one of its central tactics, in which women’s bodies become contested territory. But while gender-based violence is most certainly a central feature of conflict, most of this violence does not take the form of combatant rape. A growing body of evidence shows that one of the most dangerous places for women and girls during conflict is inside their own homes. While violence within the household sphere is typically seen as secondary or separate from conflict-related violence, such a perspective overlooks the way household gender relations are directly and profoundly shaped by conflict. Ignoring this connection risks invisibilizing one of the most fundamental impacts of war on the lives of women and girls, the consequences of which tend to endure long after formal hostilities have ended.

This report examines the relationship between armed conflict and domestic violence in Iraq. As one of the countries in the world most heavily impacted by war, Iraq offers one of the clearest examples of the long-term effect of conflict on gendered violence. The report draws on the experiences of over 1,200 Iraqi women and girls who were exposed to

intimate partner violence between 2018 and 2023. The testimonies of survivors are contextualized within the wider backdrop of conflict in Iraq and connected and compared to the conflict experiences of women and girls around the world. The focus on intimate partner violence allows for a close examination of the way that household gender relations interact with wider social changes that take place as a result of conflict.

Chapter 1 introduces the report and sets out key definitions and concepts. Chapter 2 examines the current state of research on the relationship between domestic violence and conflict, and proposes a number of causal connections backed by evidence from conflicts around the world. Chapter 3 looks at conflict in Iraq in historical perspective, focusing on the impact of successive periods of conflict on gendered norms and violence. Chapter 4 details recent experiences of intimate partner violence as related by Iraqi women and girls and analyses them in relationship to the past and present experiences of conflict. Chapter 5 looks at interactions of survivors with the justice system in Iraq, evaluating the role of post-conflict state institutions in responding to domestic violence. Finally, Chapter 6 presents

conclusions and key recommendations for policymakers and practitioners.

What is intimate partner violence?

Intimate partner violence, as defined by the World Health Organization, refers to behaviour within an intimate relationship that causes physical, sexual or psychological harm, including acts of physical aggression, sexual coercion, psychological abuse and controlling behaviours. The definition covers violence by both current and former spouses and partners. Globally, nearly one third of ever-partnered women experience some form of intimate partner violence during their lifetime.¹ The term is often used synonymously with domestic violence, although the latter can also be understood to cover other forms of violence that occur within the household, such as child abuse and elder abuse.

one of the most dangerous places for women and girls during conflict is inside their own homes

Fundamentally, intimate partner violence is used by one partner in the relationship to gain or maintain power and control over the other. As women and girls are disproportionately victimized by this behaviour, intimate partner violence is a form of gender-based violence. As a result, it is closely linked to the dominant gender norms that exist in a society and operates as a manifestation of gender inequality. Some scholars prefer alternate terms that more fully capture the severity and gendered nature of this violence, such as 'intimate terrorism' or 'patriarchal terrorism'.²



2

Connecting armed conflict and intimate partner violence: Findings from comparative research

A rich body of literature from conflict and post-conflict societies around the world has established a connection between general levels of armed violence and the risk of exposure to violence within the household. Across world regions, the available evidence suggests that heightened levels of domestic violence are not only a feature of conflict, but tend to persist long after conflict has formally ended.

Studies of the relationship between conflict and domestic violence have differed in their methods and interpretations, but many have found clear and undeniable linkages between public and private sphere violence. For example, a study based on available statistical data from Liberia found that living in a conflict fatality-affected district was associated with a 50 per cent increase in risk of intimate partner violence. The risk increased the more conflict was prolonged, as women living in a district that experienced 4–5 cumulative years of conflict were almost 90 per cent more likely to experience intimate partner violence than those living in a district with no conflict.³ Similarly, another study focused on Nigeria found that women living in districts impacted by the Boko Haram insurgency were 14 per cent more likely to experience controlling behaviours from their husbands or partners – an important pre-cursor to other forms of intimate partner violence.⁴

These findings are reinforced by studies from other regions. A study of 3,510 married couples living in the Occupied Palestinian Territory found that when a husband had

been directly exposed to political violence outside the home, the likelihood of his wife reporting physical violence in their relationship increased by 89 per cent, while the likelihood of her reporting sexual violence increased by 123 per cent.⁵ Research conducted with refugee women on the Thailand-Myanmar (Burma) border found that women affected by the conflict in Burma reported rates of intimate partner violence six times higher than women who had not experienced conflict victimization.⁶ In the US, American combatants deployed as part of the Global War on Terrorism are significantly more likely to physically assault their intimate partners and children upon their return.⁷

Intimate partner violence tends to endure long past the end of conflict, and levels may even increase after hostilities have come to a close. In Liberia, residing in a conflict-affected district even five years after the end of hostilities was found to be associated with a higher risk of experiencing intimate partner violence.⁸ A study of the Rwandan genocide found that ‘women who married after the 1994 genocide experienced significantly increased domestic violence

and reduced decision-making power relative to women who married before, with a greater effect for women in localities with high genocide intensity'.⁹ In Guatemala, research published in 2006, ten years after the end of the conflict, found that only 17 per cent of women reported that they had *not* been the victim of mistreatment at home.¹⁰ Research from Peru found that women exposed to the civil conflict violence that occurred between 1980 and 2000 were more likely to become victims of domestic violence during the years 2005 to 2008, and were also more likely to believe that it is justified for men to beat women for various reasons.¹¹

Scholars have posited a number of causal explanations for the relationship between conflict and intimate partner violence, which are discussed in turn below.

Conflict masculinities and femininities

One explanation relates to the role of war in normalizing the use of violence and promoting violent conceptions of masculinity or 'hypermasculinity'.¹² In societies undergoing war or conflict, the figure of the heroic male fighter is often glorified and elevated. Men are socialized into violence through the military and other male-dominated institutions, where physical strength is rewarded and violence becomes seen as part of being a man. This creates problems for men's reintegration into non-violent society after war and may lead to violence against women being excused or justified as a normal part of masculinity.¹³

The emphasis on violent masculinities in wartime is often paired with a regression towards more traditional conceptions of womanhood, which emphasize the importance of

mothering, caretaking and supporting male fighters. This is facilitated by the fact that the public sphere often becomes seen as an unsafe place for women and girls, leading to increased emphasis on women's role in the home. The privileging of patriarchal gender roles often finds root in existing conservative or religious values, and can manifest itself in the ascendance of norms such as the idea that marriage is the most important step in a woman's life, that motherhood is the essence of being a woman, that families should stay together no matter what, and that the man is the head of the household. Gender norms such as these create an enabling environment for violence, as evidence shows that conservative social attitudes concerning the role of women are a major predictor for intimate partner violence.¹⁴ The strong emphasis on family values also makes it considerably harder for women to leave abusive family situations.

Membership in armed groups and access to weapons

Societies at war have large numbers of men and boys who have served as combatants or fighters in the military or in armed groups. This is a population group known to commit higher rates of intimate partner violence. For example, in Rumbek, South Sudan, women whose partners were in the police or military were found to be twice as likely to experience intimate partner violence.¹⁵ The access to weapons enjoyed by men in these positions adds another dimension of risk for their partners, as the presence of a firearm in the home increases the risk that domestic violence will result in death or serious injury, and also increases the level of threat felt by the victim, even if the firearm is not used.¹⁶ Membership in armed groups may also be used in itself as a tool to instil fear. In a study of intimate partner violence during the conflict in Northern Ireland, a significant number of survivors reported that their partners used their

paramilitary connections, whether real or alleged, to threaten, control or abuse them.¹⁷ When a perpetrator of violence is a member of an armed group, that may also make it more difficult for their wives or partners to report them, especially if they are lauded as a hero by the community.¹⁸

Exposure to human rights abuses

It is not only men who participate in conflict as combatants who display an increased propensity towards intimate partner violence. Interestingly, similar dynamics have been observed in men who are the victims of conflict-related violence. Men who experience torture or other serious human rights abuses may resort to using violence against those in their household as a way to deal with feelings of anger, guilt and shame.¹⁹ The study from the Occupied Palestinian Territory, previously referenced, found that Palestinian men's interactions with occupation forces entailed 'continuous humiliation' and left them with a sense of powerlessness, leading them to compensate with violence against women and children.²⁰ Moreover, the feelings of emasculation that come from having failed to protect women from abuse are another important trigger for violence. Evidence from South Sudan shows that married women who experienced conflict-related rape or attempted rape were as much as ten times more likely to experience violence from their partners if they found out about the rape.²¹

Breakdown of institutions

While war leads to rising levels of violence, it simultaneously undermines the structures and institutions that ordinarily protect women and girls from violence. Lack of accountability is a causal factor in itself for violence, because a failure to deter violence creates a climate of impunity that enables further harm. Conflict-affected societies tend to have fragmented or ineffective state institutions, a judiciary in which independence is compromised, and weak rule of law. Where societies in conflict are fractured along ethnic, religious or

other lines, or where state institutions controlled by members of a particular community, this affects the ability of women and girls from other communities to seek help from institutions.²² Moreover, a state that is preoccupied with fighting a war is unlikely to devote resources to protecting women from domestic violence, or to consider such violence a policy priority. This tends to carry on into the post-conflict period, where domestic violence is rarely recognized as a priority in peace settlements or transitional justice plans.²³

Decline in development indicators

In general, conflict is also associated with a regression in basic development indicators, reflected in reduced educational attainment among women and girls, higher unemployment rates, and greater levels of poverty. These outcomes are the result of a myriad of factors, including the destruction of infrastructure, disruption of normal routines due to displacement, and general levels of insecurity, which lead to a withdrawal of women and girls from the public sphere. Lack of access to education and income-generating activities serves to increase women's and girls' financial dependence on men, and makes it more likely that they will rely on their intimate and familial relationships to meet their basic needs. This also means that women and girls have fewer exit options when they find themselves in violent relationships, and may tolerate abuse in order to ensure their continued survival.

Displacement and survival

Poor economic conditions also affect men's ability to provide for their families, which is in itself another factor known to exacerbate intimate partner violence. Particularly where there are strong social norms around the role of men as breadwinners, men who are unable to fulfil these social expectations may feel a sense of powerlessness and shame, or that their gender identity is under threat, leading them to use violence as a means of reasserting control. For example, one study from

the eastern Democratic Republic of the Congo found that work and income are crucial to men's identities, and that loss of either acts as a trigger for male violence.²⁴ In general, the transgression of gender norms and the inability to live up to culturally sanctioned ideals of good womanhood and manhood are recognized as one of the most important triggers for intimate partner violence.²⁵

In contexts of displacement, gender identities and roles are often thrown into flux. Men and boys may find themselves unable to fulfil their normal roles, while women and girls may take on new roles to support the family. For example, humanitarian actors working with displaced populations may offer activities or income-generating opportunities for women. If implemented without proper consultation, or without providing equivalent opportunities for men, women's participation in new forms of activity outside the home may be seen as a threat by their male partners and punished with violence at home.²⁶

caused by displacement contributes to violence by removing the mitigating factors that help to prevent abuse. For some women, the isolation of displacement allows their spouses to commit violence with impunity due to the absence of family members who would normally monitor such behaviour and intervene to diffuse conflict.²⁷ Displacement is also associated with a rise in forced and child marriages, which also leave women and girls vulnerable to abuse. A comparative study of three refugee camps in Kenya, South Sudan and Iraq found that families often rushed their daughters into marriage for economic reasons, as compared to the pre-displacement context, when marriages were conducted discerningly and in consultation with family, religious and community leaders.²⁸ Forced and child marriages are known to be characterized by higher levels of intimate partner violence.

Family and community support

There is some evidence, also, that the weakening of kinship and community support structures



3

Tracing the gendered impact of conflict in Iraq: A historical perspective

The long history of conflict in Iraq has created a congruence of factors that have exacerbated gender inequality and fuelled violence against women and girls. Successive periods of conflict have reversed political and social advancements for women, hollowed out state institutions, revived traditional gender norms, and increased women's dependence on male providers, all of which have contributed to a rise in intimate partner violence.

Iraq has been through almost constant war for decades, from the Iran-Iraq War, to the Gulf War, to the US-led invasion and, most recently, the war against ISIS. This chapter outlines the main periods of conflict since the establishment of the Republic of Iraq and analyses the impact of each period on gender equality and gender-based violence.

The birth of the republic and early Ba'ath period (1958–1979)

The early years following the 1958 toppling of the Hashemite monarchy and the founding of the Iraqi republic were years of major social changes and advancements for women. In 1959, following intensive activism by women's groups, the historic Personal Status Law was passed, granting extensive rights to Iraqi women as compared to their regional counterparts. The Ba'ath party, which assumed power in 1968, saw women's participation

in the labour force as a central part of its nation-building and modernizing project. The government made primary education mandatory for both sexes and introduced programmes to eradicate illiteracy, narrowing the literacy gap between women and men.²⁹ Women's entry into the paid workforce, particularly in sectors such as teaching, health-care and the civil service, was strongly encouraged.³⁰ The Unified Labour Code, passed in 1970, provided a series of important rights to working women, such as protection from workplace harassment and guarantees of equal pay.³¹ The government also introduced state-funded childcare facilities and paid maternity leave.³²

It should be noted, however, that the Ba'ath party's focus on women's empowerment was ultimately designed to further its own interests and power – by harnessing women's labour to fuel economic production, and by using new concepts of gender to break up the influence of the tribes and other traditional sources of authority. While the party supported women's mobilization, these activities were closely monitored and confined to the boundaries of acceptable political

activity. The General Federation of Iraqi Women, through which much women's rights activism was organized, essentially operated as an arm of the Ba'ath party. Meanwhile, women who advocated for deeper reform, or who opposed the government, were punished severely, including with sexual and gender-based violence.³³ Nevertheless, this was a time of considerable social mobility for women, who eventually made up 26.3 per cent of the workforce.³⁴

The Iran-Iraq War (1980–1988)

The place of women in national discourse changed significantly with the start of the Iran-Iraq War in 1980. While women continued to play an important role in the workforce due to the departure of men to serve as soldiers in war, the government began to backtrack on some of its equalizing rhetoric as militarized conceptions of masculinity gained prominence. National wartime propaganda glorified the male soldier, martyr and defender of the nation,³⁵ while celebrating the role of Iraqi mothers in raising future soldiers.³⁶ To offset the high death toll caused by the war, the government began to actively encourage childbirth. Contraception was outlawed, laws criminalizing abortion were passed, and financial incentives were introduced for families who gave birth to a fourth child.³⁷ Marital relationships also became a weapon deployed in service of war, as men were offered cash rewards for divorcing their Iranian wives, while Iraqi women were prohibited from marrying foreigners.³⁸

This was also a time of internal repression and civil violence, as the Iraqi military was simultaneously embroiled in fighting against Kurdish factions and carrying out Arabization campaigns in the north of the country, culminating in

the Anfal genocide. Militarized masculinity became a feature not only of the state's rhetoric but also of armed resistance movements. The heroic male Peshmerga fighter became a celebrated figure in Kurdish nationalist imagery, while the tragedy of Anfal was commemorated in terms conjuring weakness and femininity.³⁹ Sexual violence against Kurdish women was also a notable feature of the genocide.

Towards the end of the war, the Ba'ath party also had to grapple with sinking popularity, caused by over eight years of fighting, a surging death toll, and mounting foreign debt. The government could no longer count on its bases of support among the middle class, and began to court the loyalty of tribal networks and religious groups.⁴⁰ This was another reason for the change from a modernist national rhetoric promoting women's education and entry to workforce, to more conservative notions of gender.⁴¹ As scores of young men came back from the war, women were called on to surrender their positions in the workforce and settle down into marriage with the returning soldiers.⁴²

The Gulf War and sanctions period (1990–2003)

Iraq's invasion of Kuwait in 1990, which launched the Gulf War, was another catastrophic setback for women. The invasion prompted the imposition of economic sanctions on Iraq under the auspices of UN Security Council Resolution 660, enforced by the United States and other Western countries. As a result of the sanctions, much of the economic and social progress achieved by Iraq in the previous decades was reversed.

In response to the sanctions, the Iraqi government imposed harsh austerity measures, including the slashing of

public sector employment. Women were particularly affected, as the state had been the main employer of women. The state also ended public services such as free childcare and transportation, which had played a major role in facilitating women's participation in the labour market.⁴³ The employment rate for women, which was more than 23 per cent prior to the Gulf War, fell to only 10 per cent in 1997.⁴⁴ Female enrolment in education dropped, as families with limited means had to choose between sending their sons or daughters to school. From a country with a renowned public education system, Iraq sank to being among the countries with the lowest literacy rates in the world. By 2002, 71 per cent of women and girls aged 15–24 were illiterate.⁴⁵

Weakening state structures and a shrinking welfare system put women and girls in a position of increased economic dependence. Families increasingly turned to marriage as way of securing their daughters' future, with economic stability becoming the most important factor in choosing a spouse.⁴⁶ Marriages to much older men, as well as polygamous marriages, soared as the need for protection became paramount. The nuclear family unit became the basis of social security and women increasingly relied on a single male provider.⁴⁷

The Gulf War period was also marked by uprisings against Ba'ath rule in the south of Iraq. Faced with waning support in the midst of an escalating political and economic crisis, the state turned to tribal and religious segments of society to bolster its legitimacy.⁴⁸ With the launch of al-Hamla al-Imaniya (the Faith Campaign), rolling back women's rights became a way to pander to conservative elements of society. This period saw the legitimization of gender-based violence against women accused of transgressing social norms. 'Honour' killings of women and girls suspected of engaging in improper sexual relationships were briefly legalized, and although this change was reversed, it set the stage for increased tolerance of the practice throughout the 1990s.⁴⁹ Meanwhile, the Feda'iyyin, a paramilitary group founded in 1994 and controlled by Saddam Hussein's son 'Uday, carried out public executions of women accused of prostitution. Fears of exposure to state-sanctioned gender-based violence led families to increasingly constrain the movements of women and girls in the public sphere.⁵⁰

The US-led invasion and occupation (2003–2011)

The Iraqi state, already weakened by years of war and sanctions, was brought to near-total collapse by the US-led invasion of Iraq in March 2003, which led to the overthrow of Saddam Hussein, the dissolution of the Ba'ath party, and the restructuring of Iraqi state institutions by occupation forces. As part of the de-Ba'athification process instituted by the Coalition Provisional Authority (CPA), the Iraqi army was disbanded, leaving approximately 300,000 former soldiers unemployed.⁵¹ Tens of thousands more people were dismissed from their public sector jobs for associations with the deposed Ba'ath party. The Iraqi economy was restructured along neoliberal lines and connected to the global market, a move that redirected profits from the oil sector to private companies while decimating public services.⁵²

The consequences for women and girls were bleak. The retreat of the welfare state and collapse of public services pushed women and girls increasingly into caretaking roles in the home, at the expense of pursuing education or employment.⁵³ Meanwhile, the dissolution of national institutions and weakening of central authority led to a strengthening of tribal and religious influence, as well as a sharpening of confessional identities.⁵⁴ The public sphere became increasingly unsafe for women and girls. Baghdad was transformed into a 'city of men', punctuated by checkpoints and blast walls, and packed with soldiers.⁵⁵

the public sphere became increasingly unsafe for women and girls. Baghdad was transformed into a 'city of men', punctuated by checkpoints and blast walls

The dissolution of the Iraqi army created a security vacuum, as many ex-soldiers joined militias which sprang up all over the country to resist the US occupation. These militias often espoused conservative gender ideologies, and displayed their dominance over their areas of influence through the violent policing of behaviour and attire. It became dangerous for women and girls to go out without covering, and there were systematic attacks against unveiled women and gender-nonconforming people.⁵⁶ The militias targeted female activists, political candidates and other outspoken figures with death threats and assassination attempts, and placed bombs under women's cars to discourage them from driving.⁵⁷

Ironically, women's rights were used to justify the invasion and ensuing occupation. The Bush and Blair administrations argued that Iraqi women needed to be liberated from the oppression of Saddam Hussein, drawing attention to the regime's use of systematic rape against political opponents, and to the Feda'iyyin's beheading of women accused of prostitution. These were crimes that had taken place a decade or more prior, with minimal international attention at the time.⁵⁸ Following the overthrow of Saddam Hussein, the US occupation increasingly turned to the language of women's empowerment as part of its democracy-building project. The Ministry of Women's Rights was formed by a CPA order in 2004, and the coalition promoted women's participation through the framework of UN Resolution 1325 on Women, Peace and Security. However, the coalition's approach to women's empowerment focused narrowly on representative politics, with little effort devoted to alleviating the economic and social conditions keeping women in a marginalized position – conditions directly exacerbated by the occupation.⁵⁹ The coalition's actions during this period also had the unfortunate effect of tying the women's rights agenda to the US occupation, establishing a basis upon which women's rights activists could be delegitimized and smeared as agents of Western imperialism.

At the same time, the coalition had imposed a political quota system that institutionalized and perpetuated confessional differences. This created a parliament and cabinet demarcated along ethno-sectarian lines, dominated by conservative parties that derived their legitimacy from patriarchal conceptions of religion and identity. These parties

would also come to derive legitimacy in the post-occupation period from resisting Western influence in Iraq – or at least appearing to resist it. Women's rights became increasingly instrumentalized in this political game, with the idea that the patriarchal family structure is part of an immutable Iraqi cultural and religious identity that must be protected from foreign, secularizing influence. Although a gender quota guaranteed 25 per cent women's participation in parliament, most female members of parliament would come to be elected through membership in the dominant parties, and upheld the parties' conservative positions on gender.

The war against ISIS (2014–2017)

Iraq was launched into a new phase of violence, sectarianism and upheaval with the ISIS takeover of Mosul on 10 June 2014, which set off three years of armed conflict and displaced over 3 million people. While the rise of the extremist ideology espoused by ISIS was disastrous for women and girls living in areas under their control, the upsurge of militaristic nationalism and the funnelling of state resources into the war effort led to even more setbacks for gender equality at the political level.

ISIS adopted an extreme gender ideology based on male domination and rigidly defined roles for women. The glorification of hypermasculinity and armed violence formed a central part of their recruitment drive and propaganda, allowing them to attract disillusioned young men with promises of glory, reclaimed manhood, and sexual gratification.⁶⁰ Women were expected to play a subservient role in this vision, supporting the establishment of the caliphate by marrying ISIS fighters and raising children. ISIS ideology also provided a religious cover for the most extreme forms of sexual and gender-based violence, culminating in the group's genocidal sexual enslavement of thousands of women and girls from the Yazidi community and other religious minorities.

In the areas under their control, ISIS imposed strict gender rules on both men and women. Men were expected to grow beards and follow Islamic dress codes, partake in communal prayers, and re-

linquish alcohol and cigarettes, while women had to be fully covered and could not take on public roles. ISIS often punished men for the behaviour of their wives, sisters and daughters. Consequently, the experience of living under ISIS occupation significantly affected relationships at the household level. Men and women spent more time at home due to ISIS restrictions in the public sphere, which increased tension and stress in the home. Husbands sometimes used the threat of ISIS to control their female family members, for example, by threatening to report their wives to ISIS if they didn't listen to them. There was a rise in forced and child marriages, as families preferred to marry their daughters to relatives or acquaintances than risk their being exposed to sexual violence or forced marriage by an ISIS member.⁶¹

During the war with ISIS, the glorification of masculine violence also took place on a wider societal level. As ISIS's rapid territorial advance placed Iraq's national integrity under existential threat, the Iraqi government relied heavily on nationalist and militaristic propaganda to boost public morale and support for the war effort. Television channels broadcast video imagery and songs glorifying the heroism of male Iraqi soldiers fighting against ISIS forces.⁶² At the same time, Ayatollah Sistani's decree calling on his followers to help defend the country led to tens of thousands of men joining the Popular Mobilization Forces (al-Hashd al-Sha'bi, or Hashd) and taking up arms in the war against ISIS. Hashd members fought alongside Iraqi forces and were

lauded as heroes for their role in 'liberating' the country, despite the atrocities they committed. One study of Hashd socialization rituals documented the frequent use of misogynistic and sexualized language by Hashd members engaged in the torture and desecration of corpses of ISIS members.⁶³

The climate of war was also reflected in setbacks for women and girls at the political level. It was in 2015, at the height of the military confrontation with ISIS, that the Iraqi government abolished the Ministry of Women's Rights, as well as the Ministry of Human Rights, citing budgetary constraints. Since 2017, the only government institution dedicated to women's rights has been the Women's Empowerment Directorate, which is attached to the Council of Ministers and has no independent budget or decision-making power.

The decision to formally incorporate the Popular Mobilization Forces under the command of the Prime Minister's Office provided official sanction for militias which had long espoused violently conservative ideologies and perpetrated acts of gender-based violence. Political candidates linked to the various militias performed well in parliamentary elections following the war against ISIS, leading to a parliament dominated by religiously conservative parties with armed connections. These parties have fervently opposed draft laws to protect women from domestic violence that have been proposed in parliament, claiming that such laws go against the values of Iraqi society and threaten the integrity of the family. The influence of these ideologies has translated to the highest levels of government. In 2023, the Council of Ministers issued a directive replacing the term 'gender' with 'equality between the sexes' in official communications, on the basis that the latter term was more suited to the values and ideals of Iraqi society.⁶⁴

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4

Iraqi women's and girls' experiences of intimate partner violence

While intimate partner violence is a worldwide phenomenon, in Iraq the problem has been deeply aggravated by the country's repeated exposure to war and enabled by a post-conflict political climate that fails to condemn or prevent it. The experiences of Iraqi women and girls are a devastating testament to this new reality.

For the purposes of this report, Ceasefire recorded the testimonies of 1,277 women and girls who experienced intimate partner violence in the six years (2018–23) following the official end of the war against ISIS but in the context of ongoing low-level conflict.⁶⁵ This chapter details their experiences, tracing the ways in which trajectories of violence are shaped and influenced by the backdrop of conflict. Data collection was carried out by local researchers in the three governorates of Baghdad, Ninewa and Basra. Due to the high levels of displacement triggered by the conflict, many of the women and girls interviewed were originally from other governorates. In cases where the woman or girl was killed by her partner, the testimony of a witness (usually a close relative, social worker, or healthcare provider) was recorded instead. The names of all survivors have been changed to protect their identities.

Patterns of violence

The vast majority of women and girls interviewed were experiencing abuse within the context of their marital relationship, where the husband was the perpetrator of violence. However, in some cases the perpetrator of vio-

lence was an ex-husband, a fiancé, or someone with whom the woman or girl had an emotional relationship.

Khalida is married with three children. When she was younger, she was engaged to a young Kuwaiti man who had been her colleague at university. Their marriage was supposed to take place at the end of 1990, but after Iraq's invasion of Kuwait, the man's family called off the engagement. Khalida remained unmarried until 1998, when her current husband proposed to her. He was aware that she had previously been engaged to a Kuwaiti man. Throughout their marriage, he would always insult her and remind her of her previous relationship. When the Gulf Cup 25 took place in Basra, Khalida heard that her former fiancé had come to Iraq with a group of his friends. The news of the man's presence also reached her husband. Although Khalida did not communicate with her former fiancé, her husband was overcome with suspicion and jealousy. He began insulting her and beating her severely, and every day he started new conflicts between them to attack her further. Many people tried to intervene in the situation, but he could not get over his wife's emotional history. Khalida cannot convince him that her

*previous relationship is over, and she does not know what to do.*⁶⁶

The testimonies of women and girls revealed a diverse set of experiences spanning the full spectrum of types of violence, from physical and emotional to sexual and financial abuse. The intensity of the violence also ranged from mild to extremely severe.

*Nisreen's husband shouted at her and insulted her in front of other patients while they were visiting a hospital in Mosul. He behaved viciously without any regard for her feelings. He did the same thing before in other public spaces, such as the market and in front of their neighbours.*⁶⁷

Very few of the cases involved only one type of violence; it was more common for women and girls to experience multiple forms of abuse within the relationship, such as physical abuse coupled with emotional abuse or emotional abuse coupled with financial abuse.

*Eman's husband wanted to punish her for visiting her family without informing him. She had gone to their house because her mother was very sick. Her husband beat her severely in front of the children and tied her hands to the fan. He took the children to his family's house and left her for hours in that state. When he came back, he beat her while she was hanging from the fan and begging him for mercy.*⁶⁸

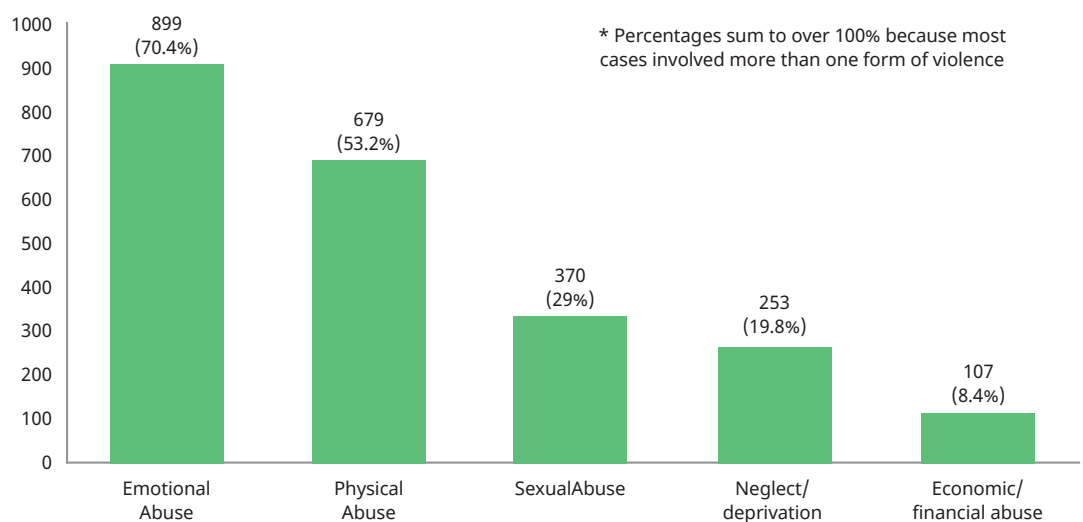
Many of the women and girls interviewed were experiencing all forms of abuse (physical, emotional, sexual, and financial) simultaneously in their relationships.

*Nuha gave birth to three daughters during her marriage. Her husband did not like girls and would force her to get pregnant in order to bear him a son. She was very afraid of him, because he would beat her and threaten to divorce her whenever he found out that they were having a girl. When she learned that her last pregnancy was a girl, she was afraid to inform him, so she told him that the baby's sex did not appear on the ultrasound. When she gave birth, and her husband found out that it was a girl, he became infuriated and beat her in the hospital. He then divorced her and left her with the newborn, telling her that he did not want the baby and would not provide for her.*⁶⁹

Controlling behaviour, sometimes reaching the threshold of coercive control, was a particularly common pattern of abuse reported by the women and girls. This took various forms, including extreme jealousy and possessiveness, control over a woman's movements, communications and decisions, and isolation from family and friends.

Sundus is married to a man who suffers from the disease of doubt. She must always be ready to answer the phone if he calls. Once, he called her while she was in the bathroom, and

Graph 1: Cases by form of violence*



because she did not answer, he rushed home and beat her violently. She was left with broken teeth and bruises all over her body.⁷⁰

Amina's husband prevents her from communicating with others and does not allow her to attend social events with relatives or friends. He also prohibits her from using mobile applications such as Facebook and WhatsApp. He bought her a regular, non-smart phone and does not load it with credit, so that only he can call her when he needs something.⁷¹

Sexual violence was also reported in many of the cases, usually in combination with other types of violence. Forms of sexual violence included rape, forced pregnancy, forced abortion, control over contraceptive choices, and forced prostitution.

Ibtihal suffers from her husband's mistreatment and rape. If she refuses to have sex with him, he beats her and forces her into it. She says, 'We suffer from poverty, and I have four children, but he prevents me from using contraceptives. If he finds out that I am taking any contraceptive, he beats me and makes accusations about my honour.'⁷²

Amal was engaged to her cousin, but he raped her before the wedding took place, and she became pregnant. He forced her to terminate the pregnancy in order to avoid a scandal. Two months later, they got married without anyone finding out what had happened.⁷³

Marriage as survival in conflict

Zahra's father died in the Iran-Iraq War when she was 10 years old. She left school to help her mother with baking and selling bread in the market to support her seven siblings. A year later, her mother passed away. Zahra continued to work, baking 150 loaves a day on her own. At the age of 17, she married her cousin without a mahr⁷⁴ because of his poor financial circumstances. She had four children with him. He asked her to perform domestic work in the house of a teacher to earn money for them. Eventually, Zahra found out from her neighbour

that her husband was married to this teacher and had rented and furnished the house for her, while claiming to have financial problems. When she confronted him, he made her choose between accepting the situation or divorce. Zahra was overcome with sadness and shock. One day, when she was not paying attention, her young son went to play in the river and drowned. She was blamed and reprimanded by everyone around her. People said, 'You deserve what your husband did to you because you are neglectful.'⁷⁵

The experience of successive waves of conflict in Iraq has created a context in which marriage is increasingly seen as the only guarantee of protection and financial stability for women and girls. According to the Iraq Woman Integrated Social and Health Survey (I-WISH), the average age of first marriage fell from 22.4 in 2011 to 20.5 after the conflict with ISIS, with 25.5 per cent of women married before the age of 18 by 2021.⁷⁶ A significant number of the women and girls interviewed for this report had been forced into their marriages, sometimes at a very early age, due to economic desperation caused by the conflict. In total, just over 25 per cent of cases involved forced marriage or child marriage.

Manal's father was killed during the operations to liberate Mosul, so she went to live with her uncle. When she completed her university studies, her uncle forced her to marry his son, who was five years younger than her. She did not want to marry before getting a job, but she was forced to because she did not have anywhere else to live, as their house was destroyed in the military operations.⁷⁷

In addition to economic incentives, fear of sexual violence was another important driver of forced marriage. This was particularly true for women and girls living in areas that fell under the control of ISIS.

Noor lived with her family in Mosul when it was occupied by ISIS. Her father forced her to marry one of her relatives when she was 17 years old, so that ISIS would not take her by force and marry her to one of their members.⁷⁸

Since forced and child marriages are formally prohibited in Iraq, most of these marriages are

concluded without state recognition. This same is true of polygamous marriages. Women and girls in unregistered marriages have no recourse to the law when their rights are violated, and are often left in a vulnerable position if their husbands die or leave them. Children born out of such unions are also denied legal personality until the marriage is registered.

Adiba's father married her off at the age of 14 after the death of her mother. Her husband was older than her, and already married to more than one wife. They were married religiously, outside of the courts, and her father took her mahr. Adiba says that the days of her marriage passed as if they were years, and that she lived through the ugliest types of violence. She was raped and beaten and neglected financially. When she became pregnant, her husband began to spend more time away from the house. By the time she gave birth to a daughter, he had totally abandoned them. The baby was not registered and did not have a birth certificate. When Adiba asked her husband to register their marriage so that their child's parentage could be documented, he divorced her orally. She could no longer pay the rent for their apartment, so she was forced to return to her father. Her daughter is now 6 years old and cannot be registered for school because she does not have any identity documents.⁷⁹

Economic dependence

The vast majority of women and girls interviewed were economically dependent on a sole male provider, which is another clear effect of the conflict experience. In contrast to the high rates of female labour force participation in pre-war Iraq, the percentage of women who are employed now stands at only 9.2 per cent. Only 9.4 per cent of women own property (residential land, homes and collectibles), while only 1.5 per cent own agricultural property.⁸⁰

Economic dependence facilitates intimate partner abuse in the form of financial neglect. Many of the women and girls interviewed reported that their partners refrained from spending on them, thereby depriving them (and often their children) of the ability to meet their basic needs. For example, being deprived of medical care was a frequently reported form of neglect.

Jawahir is suffering from cancer and is in very poor health. She has a tumour in the uterus and constant bleeding. Her doctor advised her the uterus should be removed for her safety and to begin chemotherapy, but her husband refuses to agree to the hysterectomy because he wants children and is threatening to remarry. Jawahir continues to endure the pain for fear of divorce.⁸¹

Siham was forced to abandon her studies and marry one of her relatives. She experienced ill-treatment, beating, and neglect at his hands. She was suffering from kidney inflammation, but because he neglected her and prevented her from going to the hospital, her condition deteriorated. When he saw how poor her health had become, he took her and the children to her mother's house saying, 'Here is your sick daughter, I don't want her.' She is now in the hospital suffering from kidney failure. The treatment is expensive and her mother is poor and cannot afford it.⁸²

Economic dependence creates further problems for women and girls when a marital relationship ends due to death, divorce or abandonment. Among the women and girls interviewed, those who had never completed their education or worked in paid employment were particularly vulnerable to destitution after the departure of their male provider, and often found themselves responsible for children that they struggled to provide for.

Najma was an employee in a government department. Her husband forced her to leave her job to devote herself to raising the children. Four years later, her husband died while he was unemployed, leaving her and her children without a monthly salary. Now, she is in a difficult living and psychological situation.⁸³

Combatants and victims

Several of the women and girls interviewed were married to men who were current or former combatants – either members of the security and armed forces, or members of an armed group.

Many of the women and girls married to combatants experienced extreme violence.

Basma was forced to marry one of her relatives because she came from a poor family with six daughters. Her husband was a member of the armed forces, and she faced severe violence from him and his family. He would only come home on his vacation, and would beat her and abuse her verbally, while refusing to support her financially. When she gave birth to a baby girl, her husband and his family were upset because they wanted a boy. One day, Basma's husband and his brother beat her severely, shut her in her room with her daughter, and set the room was on fire. The child perished, while Basma was taken to the hospital in critical condition.⁸⁴

Zaynab was subjected to violence, beatings, and abuse by her husband. In 2015, after the fall of Mosul, she discovered that her husband belonged to ISIS and had been involved in terrorist acts. Fearing for her children's safety, she reported her husband to the authorities after the liberation of Mosul, which led to his arrest. She fled with her children to Baghdad. No one knew that she was the one who reported him, and she did not tell his family for fear of being killed.⁸⁵

The perpetrator's combatant status was often associated with an ability to carry out abuse with impunity and to act without regard for the law.

Suhair is divorced with three children. She was living in an apartment that was registered in her ex-husband's name, but she was the one paying the instalments. After the divorce, her ex-husband tried to take possession of the apartment. Because he was a soldier and belonged to a party, he had many connections. He broke the lock, took over the apartment and threw his wife and children into the street. She filed a complaint against her ex-husband with the police, but it did not lead anywhere due to the weakness of the law and his rank.⁸⁶

In other cases, the perpetrators had themselves been victims of human rights abuses or conflict-related trauma, which their partners saw as contributing to their violent behaviour.

Ghada's husband survived a kidnapping several years ago, during which he was exposed to beatings and torture. This affected his mental state, so he started hitting and abusing her and the children. He would kick them out of the house, forcing them to stay with the neighbour until he calmed down.⁸⁷

After marriage, Reem discovered that her husband was suffering from psychological condition as a result of his exposure to trauma, and that he was taking medication for depression. Every few days he would get agitated, hit her, and throw her out of the house. Her children are afraid of their father and run away from him.⁸⁸

Gender norms and violence

Restrictive gender norms, themselves shaped by the conflict experience, were a major enabler of violence in many cases. For example, the idea that marriage is the only acceptable life trajectory for a woman, and the stigmatization of female independence, led to some adult women being forced into problematic marriages because their families could not accept the idea of them being unmarried any longer.

The idea of a male breadwinner was also a strongly held gender norm. Many men were threatened when women worked outside the home or had access to independent income. They often tried to assert control over it or stop the women from working.

Alyaa turned a room in their house into a beauty salon to make money to support herself and the children, but her husband takes everything she earns. If she doesn't let him take the money, he hits her.⁸⁹

Shurooq is married with four children, but her husband treats her harshly and prevents her from expressing herself. She is a creative writer who authored four books. She had the books printed and delivered them to a publishing house in Basra to be sold. Her husband came down to the publishing house from Maysan and

threatened the owner that if he did not hand over all of his wife's books and swear not to print or distribute them, he would be exposed to tribal violence. The owner was forced to hand over all the copies of the books. The husband threw them in an iron waste container near the publishing house and set them on fire.⁹⁰

The norm that a woman's proper place is in the home raising children sometimes led men to exert control over their partner's activities outside the home, even when they had promised before marriage to respect their partner's educational or professional goals.

Aseel got married while she was a second-year student at the University of Mosul. Even though she stipulated completing her education as one of the conditions of her marriage, her husband forced her to leave her studies when she gave birth to their first child.⁹¹

Intisar is a university graduate who had been working for two years with a local organization. She got engaged to a young man who was aware of the nature of her work and agreed to proceed with the marriage. As soon as they got married, he began to abuse her by talking negatively about women working in civil society. He began interfering in her work and preventing her from going. He went to her office, took away her phone and said that this type of work was only acceptable for men. Finally, she asked for a divorce to rid herself of these problems.⁹²

One of the strongest, and most damaging norms reported by the women and girls was the idea that divorce is a source of shame. This led many women and girls to be let down by their own families when they tried to seek their support after experiencing abuse. It was extremely common for families to refuse to accept the idea of divorce even in situations of severe violence.

Maram was a primary school teacher who married one of her relatives after graduating from the teaching institute. She experienced being beaten by him in the first weeks of their marriage, which was a major shock to her, as she had never been beaten in her life. However, Maram said the biggest shock came from her

own family, who did not take a stand against his violence. They refused to allow her to separate from him, saying 'In our family, girls do not disobey their husbands' and 'Be patient, he will change.' Maram says that nothing has changed, and even after she gave birth, her husband did not change.⁹³

Ahad's husband would beat her every day, so she left him and went to her mother, who had remarried after the death of her father. Her mother ordered her to return to her husband, even though she knew about all the abuse and beating. She said, 'We don't have girls who get divorced.' Ahad returned to her husband humiliated. He beat her and threatened to kill her if she asked him for a divorce again.⁹⁴

When survivors did go ahead with divorce, their families often made their lives intolerable, by refusing to take them in or support them, rejecting their children, abusing them physically or verbally, placing restrictions on their daily activity, or pressuring them to remarry.

After Shatha got divorced and returned to her family's house, her brothers blamed her for her divorce. They refused to accept her children and forced her to return them to their father. They prevent her from going out anywhere unless she is accompanied by her mother or one of her brothers. She says that even though her husband is the one who divorced her and always used to beat her, she would prefer to go back to him and the children than endure the humiliation and cruelty of her family.⁹⁵

The stigma around divorce was often internalized by survivors themselves, some of whom had reconciled themselves to the fact that it would never be an acceptable or realistic solution for them.

Fatima got married at the age of 18. One night when she was newly married, her husband stayed out very late. When he came home, she asked him why he was late. This question was enough to make him beat her severely, leaving her in shock. She endured his daily abuse for more than twelve years, and did not have the courage to leave, because in her words, 'Society does not have mercy on a divorced woman.'⁹⁶

5

Access to justice for survivors of violence in Iraq: The role of state institutions

There is no unified legal framework to tackle domestic violence in Iraq. As a result, survivors of violence have to navigate a fragmented institutional landscape, experiencing a range of responses and treatment from various parts of the male-dominated law enforcement and judicial systems. The experiences of survivors highlight the weakness and corruption of public institutions in post-conflict Iraq, which often fail to offer real protection or justice to women and girls.

The strengthening of patriarchal, tribal and religious values over decades of conflict and instability in Iraq, coupled with the gradual disintegration of state institutions, have pushed women and girls squarely under the authority of the family. As a result, it is very stigmatizing for a woman or girl, even if she is experiencing severe abuse, to seek external support or pursue legal measures against a family member. Survey results have consistently shown that only a small minority of those experiencing domestic violence seek support from state institutions, such as the police or the courts.⁹⁷ The very act of reporting the violence is viewed as bringing shame on the family, contributing to social breakdown, and compromising the woman's reputation. This is not to mention that attempting to leave or seek help is often the most dangerous moment for a survivor of abuse, as it opens up a heightened risk of retaliation from the perpetrator.

Hadeel has been subjected to violence at the hands of her husband for a long time, but she has not filed any report at the police station. She says that because of

*tribal traditions and values, resorting to the authorities is difficult. She says, 'My husband always hits me and threatens me with divorce. I go upset to my family's house, but my father and brothers send me back to him. He tells me that my family doesn't want me and abuses me even more because I am vulnerable and have no support.'*⁹⁸

Despite these high barriers, many women and girls do in fact resort to state institutions to attempt to seek justice for domestic violence, but they are frequently let down. According to the Supreme Judicial Council, a total of 21,595 domestic violence cases were reviewed in 2022 across Iraq (excluding the Kurdistan Region). The majority were cases of violence against women (17,438).⁹⁹ In the Kurdistan Region of Iraq, data from the General Directorate of Combating Domestic Violence shows that a total of 15,897 cases of domestic violence were handled over the year 2022. In the same year, the domestic violence hotline (119) received 10,305 calls.¹⁰⁰

This chapter gives an overview of the current state of affairs in various government institutions when it comes to responding to survivors of domestic violence.

Reporting to the police

Very few survivors have trust in the police as an institution that can help them in cases of gender-based violence. Police stations are widely regarded in Iraq as places where sexual harassment occurs. This means that women and girls face not only the risk of being subjected to harassment or assault, but also the social stigma of having entered a police station. Some categories of women, particularly divorced and widowed women, are more vulnerable to sexual harassment.

Rola's husband divorced her and left her with three children. She is struggling to provide for them financially, and her ex-husband doesn't adhere to the monthly child support payments. This causes problems with Rola's parents and brothers, who want the children to live with their father. When Rola goes to the police department to file a claim against her ex-husband for the child support payments, she suffers from the behaviour and harassment of some of the officers because she is divorced.¹⁰¹

Corruption is another problem, as police officers are known to supplement their income by requesting bribes. This is a particularly strong deterrent for women from low-income backgrounds, who may not be able to afford the cost of a bribe and may face a slower or inadequate response from the police as a result.

Survivors seeking support from the police also face the very real prospect that officers might not take their complaints seriously or could even side with their male family members. As intimate partner violence is rooted in dominant gender norms, officers interacting with survivors are often influenced by their social environment, especially if they have not received specialist training in handling cases of gender-based violence. For example, survivors have reported being told by police to go back to their husbands after attempting to make a complaint about domestic violence.¹⁰² In some cases, police have failed to maintain confi-

dentiality and reported the survivor's complaint to her family members.¹⁰³ In rural areas especially, the police are often deferential to the authority of the tribes, who may intervene to stop police investigations and take responsibility for resolving disputes themselves according to tribal customs.¹⁰⁴

It should also be noted that due to the blurring of boundaries between policing and paramilitary activity in post-invasion Iraq, police officers may be associated with militias which espouse highly patriarchal gender norms. While many state ministries have been permeated by militias since 2003, this is particularly true of the Ministry of the Interior, under which the police are organized. Police who are tasked with receiving complaints may themselves be members of militias which have carried out acts of gender-based violence, such as assassinations of female public figures. Regardless of their degree of participation, police are known to refrain from prosecuting such acts and may implicitly condone them.

There have been government-led efforts to address some of these issues and make police stations more accommodating to receiving complaints from women. In 2009, the Ministry of the Interior established the Family and Child Protection Directorate, as part of which 16 specialized units were created and attached to police stations in all governorates of Iraq to receive complaints from women and children. However, the performance of these units has not been well regarded. In the early years, several of the units were run by male officers.¹⁰⁵ They

police who are tasked with receiving complaints may themselves be members of militias which have carried out acts of gender-based violence, such as assassinations of female public figures

would generally focus on achieving reconciliation between women and their spouses, rather than protecting survivors or supporting them to file criminal complaints.¹⁰⁶ Complaints of domestic violence that are submitted to other police stations are supposed to be referred to the Family Protection Units within 24 hours, but this directive is rarely adhered to, and many police stations handle the cases themselves.¹⁰⁷ While the female presence has reportedly increased, many of the staff lack training and experience in dealing with survivors of gender-based violence.¹⁰⁸ Also, there is no system to provide or refer survivors to necessary support services, such as medical, psychosocial or legal support.¹⁰⁹ As there is only one Family Protection Unit in most governorates, located in the major city, women in rural areas have to go to a regular police station.

Heba's husband would always beat her, so she had to report him to the police because of the violence she was exposed to at his hands. The police detained him for three days. When he was released, he threatened to kill her and throw her out of the house. She took her children and went to her parents' house out of fear.¹¹⁰

There is also a division called the community police, which falls under the Ministry of the Interior. This division is mandated to intervene in intracommunal conflicts, playing a mediatory rather than law enforcement role. The community police is often called upon to handle cases of domestic violence, which it claims to have a 90 per cent success rate in resolving.¹¹¹ However, the community police's definition of success is premised upon achieving reconciliation between the family members and securing an agreement allowing the victim to return home. Often this takes the shape of having the perpetrator of violence sign a pledge not to cause further harm. However, these pledges are often ineffective at deterring violence.

After her divorce, Najat and her 7-year-old son returned to live with her family. They suffered from abuse at the hands of her older brother, who considered her divorce a disgrace to the family. He placed restrictions on her activity and beat her son in order to pressure her to return the child to his father, which she refused to do. Najat filmed her brother physically abusing her

son and showed it to the community police. They arrested her brother and made him pledge not to attack them or harm them again, but after only a few days, he returned to assaulting and abusing them both.¹¹²

The court system

Women and girls are similarly distrustful of the court system as an institution that can provide justice to them. The low rate of resort to the courts is connected to social norms around shame, but there are additional barriers, including financial and access barriers. While official court registration fees are relatively low (averaging US\$50), it is much more costly to hire a lawyer. There are no fee waivers or pro-bono legal services for survivors of domestic violence. Although some non-governmental organizations provide legal assistance, this is not well publicized and lists of such services are not available in the courts. It can also be costly to pay for transportation to court. As a result, it is mainly relatively well-off and educated women who are able to pursue legal measures through the court system.¹¹³

There are currently only two domestic violence courts in federal Iraq, both located in Baghdad (one on the Rusafa side and the other on the Karkh side). These were only recently reinstated in February 2021, having previously been abolished in 2017 by the then-president of the Supreme Judicial Council.¹¹⁴ Nevertheless, the lack of any domestic violence law in Iraq means that the domestic violence courts have an unclear jurisdiction and mandate. Judges therefore have to apply their own interpretation of existing laws, some of which have contradictory provisions regarding the permissibility of domestic violence (see next section). The judges serving in this court are not specialized in domestic violence, but also deal with other types of cases.¹¹⁵ In the Kurdistan region, although both domestic violence courts and a domestic violence law exist, a similar problem exists with respect to the lack of specialized judges. In Erbil there is reportedly only one investigative judge assigned to domestic violence, and he also deals with other cases.¹¹⁶ This, combined with the general understaffing of the courts, leads to long delays in the resolution of domestic violence cases.¹¹⁷

Another problem faced by survivors is the male domination of the judicial system. Only 4 per cent of judges and 18 per cent of prosecutors in Iraq are women.¹¹⁸ The lack of female representation in the judiciary is connected to how dangerous the work is in the post-invasion context, where the judiciary is vulnerable to external pressure and influence. Judges, especially those dealing with politically or socially sensitive cases, often deal with harassment, bribery, death threats, and assassination attempts. The male domination of the judiciary has implications for gender justice, as judges often reflect the dominant patriarchal values of their environment. Survivors of domestic violence who have navigated the court system often report that male judges were dismissive of their concerns or partial to their husbands' perspective.

Safa was suffering from mistreatment by her husband. She asked him more than once to divorce her, but he refused, so she filed for divorce herself. She has attended three court sessions already, but the judge keeps postponing the case and siding with her husband. This is despite the fact that she testified that she was subjected to beatings, humiliation, and economic neglect, and brought witnesses to back up her testimony. The reason is that the husband went to the tribal council for support, and they threatened the judge.¹¹⁹

Application of the law

Since there is no domestic violence law in force in federal Iraq, these cases are dealt with under existing laws. For criminal matters, this means that offences are prosecuted according to the Penal Code No. 111 of 1969 and the Code of Criminal Procedures No. 23 of 1971, while family law matters such as divorce and child custody are regulated by the Personal Status Law No. 188 of 1959.

Criminal law

Incidents of domestic violence can theoretically be prosecuted according to the Penal Code's provisions on assault. However, this is complicated by the fact that the Penal Code itself excuses the use of violence within the context of marriage. Article 41 of the Penal Code considers 'the disciplining of

a wife by her husband' to be a 'legal right', provided this falls within the 'limits prescribed by law or by custom'. As these limits are not further defined, this gives judges wide scope for interpretation when determining what degree of violence falls within a husband's legal right. Beyond this, there are other barriers. Proving physical harm requires evidence, usually in the form of witness testimony and/or a medical report showing serious injury, both of which may be challenging requirements for survivors to meet. The testimony of children is usually not accepted in cases of violence against women.¹²⁰ Another procedural barrier is that complaints must be submitted within three months of the 'date when the aggrieved party became aware of the offence or from the disappearance of any compelling excuse that prevented the submission of the complaint' which may inhibit many survivors from initiating proceedings.¹²¹

When it comes to sexual violence, the Penal Code does not recognize marital rape, and in fact promotes marriage as a solution for rape.¹²² The definition of rape is also narrowly construed and fails to capture all possible dimensions of the offence, including the concept of coercion. There are no minimum penalties prescribed for crimes of rape and sexual assault, only maximum penalties. The procedural requirements are also complicated and ill-suited to crimes of a sexual nature. For example, when a case of rape is reported, the victim's testimony is not taken down if more than a day has passed since the time of the assault. Instead, the case is sent to the court, and the judge later issues a request to record the testimony. Moreover, in the absence of specialist expertise or procedural requirements specific to sexual assault, proving sexual assault often depends on the existence of witnesses or laboratory tests, which is often an impossible burden of proof to meet.¹²³

In the Kurdistan region, complaints under the domestic violence law fall under the category of private law, which means that only the direct victim can report the violation and initiate legal proceedings. If the victim later chooses to withdraw the complaint, the legal proceedings stop and the case is closed. As victims can be pressured to withdraw from legal proceedings through a variety of means, perpetrators can often evade accountability and escape justice. There have been efforts to bring domestic violence cases under the domain

of public law, which would enable the state to take measures against a perpetrator of violence even without the victim's initiative. A draft amendment to the domestic violence law, which was proposed by the women's committee in the Kurdistan parliament in 2021, sought to enable anyone with knowledge of an incident of domestic violence to report the violation. However, this initiative has been opposed by members of parliament and many other public figures in the Kurdistan region, on the pretext that allowing individuals outside the family to report cases of would lead to social and community breakdown.¹²⁴

Personal Status Law

The Personal Status Law No. 188 of 1959 was considered a significant advancement in women's rights at the time it was enacted. However, the law does not fully capture the concept of abuse in the context of a marital relationship. Article 40 of the law permits judicial separation 'if either spouse has caused harm to the other or their children, after which marital life cannot continue'.¹²⁵ The concept of 'harm' is not further defined or elaborated. In 2001, the Iraqi Court of Cassation ruled that claims of 'beating' and 'insulting' were not considered harms that permit a request for separation under Article 40 of the Personal Status Law.¹²⁶ As a result, judges have stopped using allegations of spousal violence as grounds for granting a separation or divorce. When faced with such claims, judges will often resolve the matter by taking a pledge from the husband not to assault his wife again – which rarely serves as an effective deterrent.¹²⁷

Article 41 of the Personal Status Law also allows for separation following a 'dispute' between the spouses. This process requires the appointment of two arbitrators – one from the husband's side and one from the wife's side – who must attempt to achieve reconciliation between the spouses before a separation can be granted by the judge. In practice, many cases involving domestic violence are likely adjudicated in this manner. International standards strongly disavow the use of reconciliation processes in cases of abuse, because such processes falsely presume equal bargaining power between the victim and abuser and undermine perpetrator accountability. According to the Personal Status Law, if reconciliation cannot be reached, the arbitrators must report to the judge who the 'negli-

gent' party is, which has financial implications for the settlement. For example, if the wife is considered the negligent party, she will be required to pay back all or part of her *mahr* to her husband.¹²⁸ In the Kurdistan region, the task of achieving reconciliation in divorce cases is performed by a court-appointed reconciliation committee, the members of which may include social workers, psychologists, lawyers, and religious figures.¹²⁹ The committee is tasked with assigning blame for the lack of reconciliation in a similar way.

If a couple has children, judges are required to make custody determinations according to the best interests of the child.¹³⁰ The law does contain a presumption of favour of the mother: 'the mother is more deserving of the custody and upbringing of the child'.¹³¹ However, it should be noted here that a decision to award custody to the mother is conditional upon her ability 'to raise and maintain the child'.¹³² Given that the majority of women in Iraq do not work outside the house or have access to independent income, an inability to provide for the child financially often prevents a mother from obtaining custody in practice. Although the father is required to pay child support if the mother has custody of the children, this income is not counted when assessing the mother's financial ability to provide for the child.¹³³ There is no legal requirement to pay spousal support (alimony) following divorce in federal Iraq.

Salwa was in an unhappy marriage where she was subjected to beatings and violence. She left him and waited in her family's home for a year, but her husband made no effort to bring her back. Knowing her rights under the law, she filed a request for child support for her son. In retaliation, her husband arranged for someone to send messages to her, saved the conversations, and accused her of adultery. He filed a lawsuit against her, claiming that she was an unfit wife. Salwa was forced to choose between giving up custody of her son or facing imprisonment, so she gave up her son to avoid prison and the stigma of being accused of adultery.¹³⁴

This partly explains why many women experiencing abuse within their marriages do not see divorce as a viable solution, as it brings with it a significant risk of losing their children, or being

unable to provide for them financially. As divorce proceedings can take years when there is a disagreement between the parties over the terms of the settlement, it is also very common for a woman to face pressure from her husband or family to concede some of her rights in order to expedite the divorce. Often, this results in a woman giving up her rights to child custody, financial support, or both.¹³⁵

*Hanan's divorce case has been pending for months. She says her husband is taking revenge on her because she asked for a divorce. Since she filed the case, he has failed to attend the court sessions. He has acquaintances among the judges, and his lawyer is always postponing the case, submitting the wrong papers, and claiming that his client is in debt in order to avoid paying child support. Hanan believes he is trying to exasperate her so that she gives up the divorce case and goes back to him.*¹³⁶

The Kurdistan region has its own Personal Status Law, Law No. 15 of 2008, which is an amended version of the Iraqi law. While the law technically allows women to initiate divorce on grounds of harm, in practice taking advantage of this provision is difficult for women, as it entails long procedures and strong evidence is required to prove the harm.¹³⁷ In contrast, men can usually initiate divorce easily and for any reason. As in federal Iraq, custody can be awarded to the mother if she can prove that she will be able to financially support the children.¹³⁸ The 2011 Domestic Violence Law allows divorced women to receive a small stipend from the government, but this is usually not enough to support children.¹³⁹

Women and girls who were forced into marriage (including victims of child marriage) face particular obstacles in obtaining their legal rights. Although the Personal Status Law forbids coerced marriage, as well as the marriage of minors,¹⁴⁰ such marriages can only be annulled if they have not been consum-

mated. If the marriage has been consummated, the legal procedures for requesting a separation must be followed. Given that child marriages are usually performed outside the court, victims of such marriages will face obstacles in proving the existence of their marriage should they attempt to pursue any legal action, such as to file for divorce or obtain their rights to financial support. The same applies to women and girls in polygamous marriages, which also tend to be unregistered. Without registration of the marriage, victims will also be unable to prove their children's lineage. This makes it impossible to obtain identity documentation for the children, which is needed to register for school and access other basic services.

Shelter, protection and support

Iraq lacks a nationwide shelter system for survivors of domestic violence. There is only one official shelter in federal Iraq, located in Baghdad, which can accommodate a maximum of 80 people.¹⁴¹ The shelter is operated by the Iraqi government with the support of the United Nations Population Fund (UNFPA). To be admitted to the shelter, survivors of domestic violence reportedly require a medical report from the Ministry of Health as well as a police report in order to request a judicial order granting access.¹⁴² The strict entry requirements, together with the small number of places, mean that the shelter is not a viable solution for the majority of domestic violence survivors.

Although there are additional shelters run by non-governmental groups, these operate in secret and are effectively criminalized by the authorities. This is because of a provision in the Law on Combating Human Trafficking, which mandates the Ministry of Labour and Social Affairs to open shelters for victims of human trafficking. Government authorities have interpreted this to mean that the ministry is the only authority permitted to operate shelters.¹⁴³ In 2020, the Iraqi government initiated legal proceedings against the Organization of Women's Freedom in Iraq (OWFI), one of the main non-governmental organizations running shelters. The lawsuit demanded the organization's dissolution on charges of 'dividing families, exploiting women and helping them to abscond'.¹⁴⁴

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Shelters are viewed negatively in the post-invasion political context. The issue of shelters was a major point of controversy in the discussions around a draft law on domestic violence that was previously proposed in the Iraqi parliament, which sought to create a system of government-managed shelters. Members of parliament from the dominant parties argued that shelters were a Western concept that would cause family breakdown in Iraqi society.¹⁴⁵ In their patriarchal vision of authority, the idea of a woman defying her family by leaving the home and spending the night in another location is unacceptable. At the community level, shelters are often viewed as places for deviant and immoral women, and have been attacked on the presumption that they are brothels.¹⁴⁶

In the Kurdistan region, the situation is marginally better due to the wider availability of shelter facilities. There are government-run shelters in each of the three larger cities (Erbil, Dohuk and Sulaymaniyah) accommodating 20–40 people each, and smaller shelters in Halabja and Garmiyān. In addition, there are a number of privately managed shelters. Nevertheless, shelter services are still inadequate compared to the need and are incapable of providing long-term protection for abused women and girls. Like in federal Iraq, shelter admission is generally dependent on a judicial order, which makes the process unsuitable in emergency situations, and inaccessible to

women who do not wish to initiate legal proceedings against their family members. A judicial order is also required to secure release, leaving survivors unable to exercise autonomy over deciding when to leave the shelter. The authorities may also bring the survivor's family members (including the perpetrator of violence) to the shelter to negotiate with the survivor without her consent.

Conditions inside the shelters have been described by survivors as prison-like, with limited activities and support services.¹⁴⁷ Women are permitted to bring children up to the age of 6 with them to the shelter, but face separation from their children aged over 6, who may instead be sent to live in an orphanage.¹⁴⁸ The lack of shelter space means that survivors of domestic violence are often housed alongside women in other circumstances – such as homeless women and sex workers – which exacerbates the negative perception of shelters as places for social outcasts. Due to the negative community outlook towards shelters, a woman who has been admitted to a shelter for any period of time will have limited social prospects after leaving and may have trouble reintegrating into normal life. At worst, she may be subjected to further violence or retribution by her family. Pledges from family members not to harm the survivor after leaving the shelter have not been effective in preventing such violence.¹⁴⁹

6

Conclusion and recommendations

This report has argued for a reconceptualization of the relationship between conflict and gender-based violence. By showing the connections between gendered violence in the public and private spheres throughout multiple phases of conflict in Iraq, the report has shown that intimate partner violence has been a central feature of the conflict experience for Iraqi women and girls. Research detailed in this report has demonstrated:

- The status of intimate partners as combatants/fighters, former combatants, and/or victims of violence are all linked to violence in the home;
- Conflict reinforces notions of masculinity tied to violence, and notions of femininity limiting women's role to the domestic sphere, which are often reflected at the political level;
- Phases of conflict in Iraq have strengthened conservative religious and tribal law and systems, often supplanting Iraq's personal status law and further legitimating violence against women;
- Conflict has degraded state structures and services that provided some protection to women and their rights;
- Displacement, compromised civil status and widespread economic hardship caused by conflict have led to a specific increase in forced marriage and child marriage, and a general increase in the vulnerability of women incapable of escaping abusive relationships.

Despite these findings, intimate partner violence is rarely seen as being connected to or caused by conflict. As a result, international and domestic programming to address conflict-related violence, by excluding violence in the household, currently fails to account for a major source of harm to women and girls.

intimate partner violence has been a central feature of the conflict experience for Iraqi women and girls

While conflicts can have deleterious impacts on gender equality, they can also be important turning points for social reform. Consequently, protecting women and girls from gender-based violence in all its manifestations should be a main priority in post-conflict policy reform, transitional justice processes, and humanitarian programming. This should include due focus on eliminating domestic violence, as the household is often a leading site where gender inequality is reproduced and maintained after conflict.

Recommendations

To the government of Iraq, non-governmental organizations, and international stakeholders:

- Prioritize the enactment of comprehensive national legislation against domestic violence and all other forms of gender-based violence;
- Undertake a review of the Iraqi Penal Code No. 111 of 1969 with a view to amending provisions enabling gender-based violence, including Articles 41, 128, 377, 378, 398 and 409;
- Reinstate the Ministry of Women's Affairs and provide it with an independent budget and clear mandate;
- Devote adequate resources to the effective implementation of national policies, strategies and initiatives to combat gender-based violence;

- Promote the collection of comprehensive, reliable and disaggregated data on the prevalence of domestic violence at the national level;
- Open shelters for survivors of domestic violence in all major population centres in Iraq;
- Increase the availability and quality of medical and psychosocial support services for survivors of gender-based violence;
- Operate a nationwide, 24-hour domestic violence hotline operated by specialized and trained staff;
- Provide funding and support to women's civil society organizations implementing programming for survivors of gender-based violence;
- Increase the recruitment of women in the police force, especially in units dealing with gender-based violence, and provide all police units with gender-sensitivity training;
- Establish a Domestic Violence Court in every governorate of Iraq;
- Promote women's access to justice, such as by introducing free legal aid and fee waivers for vulnerable survivors;
- Introduce fast-track court processes to deal with urgent cases of domestic violence;
- Undertake measures to increase the number of women in the judicial system;
- Separate mediation and reconciliation processes from legal and protection services for survivors of gender-based violence;
- Provide economic empowerment programmes for women in combination with social interventions designed to challenge norms of men as sole income providers;
- Implement educational and awareness-raising programmes to promote gender equality and combat violence at all levels of society.



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War Waged in the Home: Rethinking conflict and gender-based violence in Iraq

In brief

A growing body of evidence shows that one of the most dangerous places for women and girls during conflict is inside their own homes. Across world regions, heightened levels of domestic violence are not only a feature of conflict, but tend to persist long after conflict has formally ended.

Iraq has been through almost constant war for decades, from the Iran-Iraq War, to the Gulf War, to the US-led invasion and, most recently, the war against ISIS. Successive periods of conflict have reversed political and social advancements for women, hollowed out state institutions, revived traditional gender norms, and increased women's dependence on male providers, all of which have contributed to a rise in intimate partner violence.

Drawing on the experiences of over 1,200 Iraqi women and girls who were exposed to intimate partner violence between 2018 and 2023, this report finds that the status of intimate partners as combatants/fighters, former combatants and/or victims of violence are all linked to violence in the home. Conflict further reinforces notions of masculinity tied to violence, and notions of femininity limiting women's role to the domestic sphere, which are often reflected at the political level, including in policies and practices which limit protection for women and even legitimate violence against them.

Despite these findings, intimate partner violence is rarely seen as being connected to or caused by conflict. As a result, international and domestic programming to address conflict-related violence, by excluding violence in the household, currently fails to account for a major source of harm to women and girls.

This report recommends:

- protecting women and girls from gender-based violence in all its manifestations, including domestic violence, should be a main priority in post-conflict policy reform, transitional justice processes, and humanitarian programming;
- comprehensive national legislation against domestic violence and all other forms of gender-based violence should be enacted as a priority by the Iraq government, together with adequate resources devoted to its implementation;
- shelters for survivors of domestic violence should be opened in all major population centres, domestic violence courts established in every governorate and other measures taken to improve women's access to justice including increasing recruitment of women in the police forces and the judicial system.

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