



seed foundation
Social Educational Economic Development

Detailed Recommendations on the Draft Law of Combating Violence Against Women and the Family

1. The law should protect against all forms of gender-based violence, within and outside the family.

SEED Foundation commends the expanded scope of the law to include violence against women in public and domestic spaces in its definitions under Article 1 and Article 2. While women are most affected by GBV, girls, boys, and men are also survivors of GBV, including sexual assault, child abuse, technology-facilitated GBV, etc. The law should clearly define provisions to prevent and respond to all forms of GBV, for all members of society, both within and outside the scope of the family.

2. We recommend a more survivor centered approach be integrated throughout the law.

Since the goal of the law is to protect the rights and interests of survivors, it is critical that the law is underpinned by a survivor centered approach, a global guiding principle for the protection of all survivors of GBV consisting of safety, confidentiality, respect and non-discrimination. This approach will ensure that the survivor's dignity, interests, and safety steer implementation of the law and decision making, thereby enabling their healing and recovery from violence.

- » This principle must be applied to the Family Counselling Centers and the process of mediation. A fundamental factor in intimate partner violence and other types of GBV is power imbalance between the survivor and the perpetrator, meaning that relationships are substantially unequal. The process of mediation presumes that both parties can speak and contribute freely, confidently, and safely; but this is often not so in GBV cases, where the survivor may feel/be threatened, intimidated, and scared. Therefore, requiring mediation often results in an abuse of the survivor's rights. Internationally, mediation in cases of GBV has been rejected though we recognize that counselling is contextually favored in the Kurdistan Region and difficult to remove. In the absence of removing these centers, to protect the rights of the survivor, we strongly urge that counselling and mediation is voluntary, not mandatory, referrals are only based on the wishes and informed consent of the survivor.
- » A survivor should be able to access shelter and other protective services even if she does not wish to file a criminal case against the perpetrator. Filing a criminal case against an abuser, often results in family rejection, potentially increasing her risk to violence from the perpetrator and other family members, stigma, and retaliation. This increased risk often prevents survivors from seeking and receiving life-saving support. Shelter entry and discharge can still be managed by judicial adjudication, but without requiring criminal charges, as a prerequisite to getting help.
- » All survivors of violence should be guaranteed confidentiality as part of their access to protection services. Essential to protecting the rights and safety of survivors is the need for privacy and confidentiality in all aspects of implementing this law, ranging from private interviews in the police station, to privacy in the court adjudication, to protection of survivors in the media and shelter services.
- » Increased access through jurisdictional changes will ensure survivors and those at risk can report abuse and get access to protective services, wherever they are, and with the highest consideration for their safety. Survivors should have access to specialized law enforcement services through the Directorate of Combating Violence Against Women (DCVAW) regardless of whether a unit is in their jurisdiction and local law enforcement can make referrals to DCVAW. Additionally, survivors should be able to be served in other jurisdictions to ensure their confidentiality, as some survivors may hesitate to contact the local protection authorities for safety and confidentiality reasons. This new law should establish effective mechanisms to aid survivors' access to the relevant institutions in all jurisdictions across Kurdistan Region in a way that guarantees the survivor's safety and security.

3. To achieve robust implementation in line with the spirit of the law, it must be supported by a budget and implementing regulations.

Access to justice for survivors of domestic violence has been strengthened since the enactment of the current Law of Combating Domestic Violence 2011 and the availability of specialized institutions responsible for the protection of individuals from domestic violence, notably, the General Directorate of Combating Violence Against Women and the shelters managed by the Ministry of Labor and Social Affairs. Criminal responsibility for perpetrators has been a critical deterrent to , and as a way to gain the trust of the public in the rule of law and thereby increase survivors' access to justice. To ensure that the positive intentions of this law can be fully implemented, we recommend:

- » Adequate budget, material and human resource allocations are made annually for government departments responsible for the implementation of this law, including the General Directorate of Combating Violence Against Women and the shelters.
- » Robust regulations which consist of an actionable implementation plan with clear roles and responsibilities for the application of the law, monitoring, evaluation and learning mechanisms, as well as data gathering and ethical reporting responsibilities.

We hope that these recommendations and suggestions are meaningful and supportive of the existing efforts to strengthen this law and overall protection to survivors and those at risk.



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