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Social Educational Economic Development

Gender Analysis

| Kurdistan Region of Iraq

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Introduction

While the Kurdistan Regional Government (KRG) has taken a number of steps toward greater gender equality in the Kurdistan Region of Iraq (KRI), the reality for the majority of KRI residents does not yet match the aims of these efforts. In line with the rest of Iraq, the KRI is a conservative, patriarchal society in which women and girls do not have access to the same rights, opportunities, and freedoms as men and boys. Additionally, the COVID-19 pandemic has disproportionately affected women and girls and has exacerbated pre-existing gender inequities. This analysis will provide a foundational understanding of the underlying gender dynamics and inequalities that existed prior to the occurrence of COVID-19 and which continue to persist and worsen throughout the COVID-19 pandemic.

The COVID-19 pandemic has disproportionately affected women and girls and has exacerbated pre-existing gender inequities

A history of ongoing conflict shapes gender dynamics in the Kurdistan Region of Iraq

A history of ongoing conflict shapes gender dynamics in the KRI, including the ways that women, men, boys and girls experience conflict differently, and how conflict itself affects movement toward or away from gender equality. Conflict-related disruption to law and social order has increased women and girls' vulnerability to gender-based violence (GBV) and reduced access to protection mechanisms. Conflicts affecting the KRI have capitalized on the norm of men as protectors to incite men to fight, leading to a disproportionate number of men

killed during conflicts as fighters or civilians. Women and girls, however, have more often been raped, enslaved, or displaced, leading to a high number of female-led households who are left responsible for children, many of whom often lack proper documentation and are often stuck in a cycle of poverty.

Laws, Policies, Regulations, and Institutional Practices

The Iraqi Constitution grants men and women equal access to education and work opportunities. The KRG has further enacted several laws and policies and created institutional bodies to increase gender equality in the KRI. For example, the KRI election law states that the "percentage of women's participation in all elected institutions, including the parliament, should not be less than 30%," higher than the Iraq country-wide 25% female participation quota.¹ Women in the KRI currently hold 27% of parliamentary seats, and the Speaker of the Kurdistan Parliament is a woman.

Only three women head government ministries, as opposed to 20 male ministers

Within political and legal systems, however, inequality marks the type of- and authority invested in seats held by women. For example, only three women head government ministries, as opposed to 20 male ministers. Additionally, there is a significant disparity in the number of female judges compared to male judges.² The female judges largely preside over juvenile courts or other judicial roles with limited decision-making authority. Yet, the lack of women judges is significant for gender equality since judges have the authority to ratify new laws and play a key role in interpreting and implementing current laws that affect women and girls' independence and access to resources.

1 KRG. "National Strategy to Confront Violence Against Women in Kurdistan," Kurdistan Regional Government Supreme Council for Women Affairs, approved September 19, 2012. http://www.ekrg.org/files/pdf/strategy_combat_violence_against_women_English.pdf.

2 Valeria Vilardo and Sara Bittar, "Gender Profile Iraq," UN Women and Oxfam, Oxfam GB, December 13, 2018, DOI: 10.21201/2018.3460.

Thus, many assert that women in political positions often fulfill a 'token' role, and to be successfully elected or nominated for a seat, they must remain highly loyal to their political party's agenda, many of which hold a conservative stance on gender equality issues. Furthermore, targeted harassment via social media and other means often dissuade women from participating in politics and the political process.

The KRG established the Directorate of Combatting Violence Against Women and Families (DCVAW), a specialized law enforcement unit focused on domestic violence, in 2007

Ministry of Women's Affairs

Additionally, women in the KRI continue to face widespread social and legal discrimination, particularly in the areas of civil status and family law. The KRG established the Directorate of Combatting Violence Against Women and Families (DCVAW), a specialized law enforcement unit focused on domestic violence, in 2007, and formed the High Council of Women's Affairs in 2010 to protect women's rights in the KRI and monitor the impact of KRG policies on women's political, social, and economic empowerment.³ In 2011, the KRG adopted the Law against Domestic Violence, a landmark piece of progressive legislation for both Iraq and the broader Middle East for criminalizing physical, sexual, and psychological abuse in the family unit.⁴ The legislation, however, requires more effective implementation and revisions to address shortcomings.

In the KRI, while the propensity of child marriages has decreased, it remains pervasive, especially in rural areas and among internally displaced and refugee communities. Across Iraq, including the KRI, 24% of girls are married before they turn 18, even though the legal marriage age in the KRI is 18⁵, because the law allows those as young as 16 to marry with a judge's permission and parental consent to the union.⁶ While Iraqi law prohibits forced marriage they continue to occur for a variety of reasons, including settling family feuds. The law also does not void forced marriages that took place before the law went into effect because Iraqi social norms deem marriage to be a private right and discourages pressing charges.

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UNFPA

3 Ministry of Women's Affairs et al., "National Action Plan for the Implementation of United Nations Security Council 1325 Women, Peace and Security," Government of Iraq, February, 2014, https://www.peacewomen.org/sites/default/files/final_draft_Iraq-_nap_1325_eng.pdf.

4 KRG. "National Strategy to Confront Violence Against Women in Kurdistan," Kurdistan Regional Government Supreme Council for Women Affairs, approved September 19, 2012. http://www.ekrg.org/files/pdf/strategy_combat_violence_against_women_English.pdf.

5 UNFPA. "Iraq Scorecard on Gender-based Violence," UNFPA, Accessed on May 15, 2020, <https://arabstates.unfpa.org/sites/default/files/pub-pdf/UNFPA%20-%20Iraq%20WEB.pdf>.

6 Bureau of Democracy, Human Rights, and Labor. "2019 Country Reports on Human Rights Practices: Iraq," U.S. Department of State, March 11, 2020, <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/iraq/>.

Cultural Norms, Beliefs, and Gender Roles

Within Kurdish society, men and women generally have different roles which affect all areas of life. Men are expected to be protectors and providers for their families, work outside of the home, and conduct interactions on behalf of the family. While women are legally permitted to own land and access financial services, their husbands and other male relatives may prevent them from doing so. Men hold the power to key decisions at the family, community, and societal levels. They also control household finances, and, through their relational authority, can limit the activities and movement that women take part in.

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Conversely, women's role is to bear and care for children and other family members. Critically, women are viewed as vessels of family honor, expecting, and, often informally requiring, them to remain "sexually pure" and protected from potential breaches of the "honor code." As such, their movement, behavior, and relations outside of the home are limited and controlled by male family members to safeguard family "honor." The belief held by

many men in Iraq, that women should not work outside the home, further constrains women's rights and opportunities for economic advancement.⁷ Thus, most women do not work outside the home, and are expected to care for their family and home, involving cooking, cleaning, childcare, and caring for parents and other relatives. Women in Iraq typically give up an average of 10.5 weeks per year more than men in unpaid and unrecognized work responsibilities⁸ and this imbalance increases further under conflict and displacement.⁹ Women engaged in income-generating work are also expected to carry out these familial duties, imposing serious constraints on their roles at work and limiting their rise to management and leadership roles.

Access to Education

Inadequate access to education and high rates of illiteracy affect women, men, boys, and girls in Iraq, with women and girls' access to education most severely constrained: 14% of men and boys over 12 are illiterate while 26% of women and girls aged 12 and older are.¹⁰ It is more likely that girls will drop out of school or their families will stop sending them to school at earlier ages than their male counterparts.¹¹ Girls' access to

Disparity in literacy and educational access means women and girls often have less awareness of their rights and are less able to participate in social and political processes

7 Valeria Vilaro and Sara Bittar, "Gender Profile Iraq," UN Women and Oxfam, Oxfam GB, December 13, 2018, DOI: 10.21201/2018.3460.

8 Emma Samman, Elizabeth Presler-Marshall, and Nicola Jones, "Women's Work: Mothers, Children and the Global Childcare Crisis," Overseas Development Institute, March 2016, <https://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/10333.pdf>.

9 Luisa Dietrich and Simone E. Carter, "Gender and Conflict Analysis in ISIS Affected Communities of Iraq," Oxfam and UN Women, May 2017, <https://reliefweb.int/sites/reliefweb.int/files/resources/rr-gender-conflict-isis-affected-iraq-300517-en.pdf>.

10 UNFPA. "Iraq Scorecard on Gender-based Violence," UNFPA, Accessed on May 15, 2020, <https://arabstates.unfpa.org/sites/default/files/pub-pdf/UNFPA%20-%20Iraq%20WEB.pdf>.

11 Valeria Vilaro and Sara Bittar, "Gender Profile Iraq," UN Women and Oxfam, Oxfam GB, December 13, 2018, DOI: 10.21201/2018.3460.

education has also been negatively affected by online schooling during COVID-19 due to less access to technology and increased caregiving responsibilities, strikes in the public sector, and school shutdowns. The prevalence of early marriage causes some girls to drop out and in other cases, families are concerned for their daughter's safety, so they prefer to keep the girl from attending at all. In other cases, families need their daughters to help out at home with caregiving or household responsibilities, so they end their education. Overall, because many girls are not esteemed or valued in the same way as boys, education is not seen as a necessary or worthwhile investment. This disparity in literacy and educational access means women and girls often have less awareness of their rights and are less able to participate in social and political processes. Conversely, many boys are also denied access to education because they are forced to engage in child labor by their family as a result of their gender. While engaging in child labor, they are often targets of physical and sexual abuse which has a detrimental effect on their overall wellbeing. However, overall men in the KRI often possess more social and intellectual capital than women due to their higher levels of literacy, employment, and political participation, which they are able to use to obtain more resources and access, thus retaining their power.

Prevalence of GBV

Gender inequality remains rampant across Iraq and enables violence against women and girls to occur including physical, sexual, and psychological violence, denial of access to services, opportunities and resources, and harmful traditional practices. It is reported that almost 50% of women in Iraq experience physical violence in their homes, with many additional cases likely unreported.¹² The consequences are severe; during 2020, DCVAW received 125 reports of sexual assault, 67 of self-immolation, 80 burn victims, 25 women killed, and overall 10,370 other complaints.¹³ Women and girls who attempted suicide and self-immolation stated they

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were often triggered by the pressure they felt from their families or ongoing abuse they suffered from their family members or husbands. Pertaining to "honor"-based murder, the Penal Code was revised by the Kurdistan Parliament in 2002 to remove "honor" as a mitigating circumstance that carries with it a reduced sentence.¹⁴ While this change in the law was a step in the right direction, legal impunity for perpetrators of "honor" killing remains pervasive, and women's rights activists and organizations advocate on a case-by-case basis to hold perpetrators accountable. In the KRI, there have been 50 to 60 "honor" killing cases annually over the past several years.¹⁵ It should be noted that this number only accounts for cases that were reported to the police or hospitals, and thus is likely an underestimation.

12 Georgetown Institute for Women, Peace and Security and Peace Research Institute, "Women, Peace and Security Index 2019/20," 2019, <https://giwps.georgetown.edu/wp-content/uploads/2019/12/WPS-Index-2019-20-Report.pdf>.

13 DCVAW. "The Statistics of GBV cases received by DCVAW over KRI," DCVAW, Accessed on 2 February, 2021, <https://www.bgtakrg.org/>.

14 KRG. "National Strategy to Confront Violence Against Women in Kurdistan," Kurdistan Regional Government Supreme Council for Women Affairs, approved September 19, 2012. http://www.ekrg.org/files/pdf/strategy_combatviolence_against_women_English.pdf.

15 Valeria Vilardo and Sara Bittar, "Gender Profile Iraq," UN Women and Oxfam, Oxfam GB, December 13, 2018, DOI: 10.21201/2018.3460.

Men and boys in Iraq, including the KRI, also experience GBV, yet this is rarely reported or addressed by government or civil society.¹⁶ Men and boys have endured abuse and violence at the hands of family members, security forces, within detention centers, and with militias and gangs. Men may also have significant traumatic physical or neurological injuries from military service, forced conscription, or torture, which can further affect their sense of deficiency as men and lead to additional mental distress. When men experience psychological symptoms as a result of their experiences, they face greater stigma to receive help, and there are far fewer services available for men and boys.

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There is also significant marginalization of people who are LGBTQI+ and incidents of violence and discrimination against this community are pervasive, including “honor”-based violence. Fleeing from threats or violence perpetrated within the home or disowned, LGBTQI+ individuals often lack safe shelter making and are at heightened risk of further violence.

Additionally, Iraqi men and boys are under extreme social pressure to protect and provide for their families, but in the context of conflict and economic instability which has prevailed for several decades in Iraq, this has often not been possible. This has a considerable psychological impact and when men cannot meet these societal pressures and expectations, it has been documented that they may use violence within the home to exert a sense of masculinity.¹⁷ There is a high correlation between increased rates of domestic violence and war and ongoing conflict.¹⁸ Thus, due to ongoing conflict, violence has reached a level of normalcy, and social and cultural norms also posit the acceptability of violence against women.¹⁹

Access to Protection Services and Justice

While there are laws supporting survivors’ rights and some services exist to help survivors such as DCVAW and women’s shelters, these services are often very difficult to access, under-resourced, and typically not survivor-centered. For example, in order to access a government-run shelter, a woman needs a court order both to enter and to leave the shelter.²⁰ The risks which brought the woman to the shelter are usually not addressed comprehensively, and a lack of options for women to live independently from their families usually force women to return back to their family. As such, they may be at increased risk of violence or harm, including due to the social stigma attached to reporting GBV.

A woman needs a court order both to enter and to leave a government-run shelter

UN Women and Oxfam

16 Joshua Stacey and Sogand Afkari, “Also Survivors: The Need for More Gender Inclusive Humanitarian Service Provision for Men, Boys, and SSOGI Survivors of SGBV,” *Social Inquiry*, April 6, 2020, <https://www.social-inquiry.org/reports-1/2020/4/6/also-survivors>.

17 Valeria Vilardo and Sara Bittar, “Gender Profile Iraq,” UN Women and Oxfam, Oxfam GB, December 13, 2018, DOI: 10.21201/2018.3460.

18 Oxfam Iraq, “Iraq Gender Analysis: ‘In the Perfect World Men Would Consult and Respect Us,’” Oxfam, 2016.

19 Luisa Dietrich and Simone E. Carter, “Gender and Conflict Analysis in ISIS Affected Communities of Iraq,” Oxfam and UN Women, May 2017, <https://reliefweb.int/sites/reliefweb.int/files/resources/rr-gender-conflict-isis-affected-iraq-300517-en.pdf>.

20 Valeria Vilardo and Sara Bittar, “Gender Profile Iraq,” UN Women and Oxfam, Oxfam GB, December 13, 2018, DOI: 10.21201/2018.3460.

Cases are typically not properly investigated, and the reporting process can be traumatizing to survivors due to the lack of sensitivity by many police, government, or judicial personnel. Stigma and shame often prevent quality investigations from taking place since discussions about GBV are taboo. This may also prevent survivors from reporting incidents of GBV in the first place, since drawing light to what happened may put them at higher risk of “honor”-based violence. If aware of the incident, families may try to use local, tribal, or traditional practices to resolve their own disputes which at worst ends in the survivor being killed to rid the family of the shame from the incident.²¹ In all of these scenarios, women and girls’ voices are not heard and their desire for safety and justice not realized.

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While the law supports women’s rights and protection, Kurdish and Iraqi society are made up of several different systems which control what is considered acceptable, legal, or permissible including: state legal codes, regional legal codes, Islamic religious law, and local customs, including traditional tribal practices.²² Thus, judges and law enforcement may rely on their own personal knowledge and preferences of legal interpretation (underpinned by personal beliefs and attitudes), rather than use a systemic, unified interpretation and application.²³ In other cases, due to the perpetrator’s affiliation with or protection from powerful political connections, the case may not be investigated or tried in court, or even if it is tried, the perpetrator is able to evade punishment.

Conclusion

While the KRG, civil society actors, activists, and women’s organizations have made many positive changes for women and girls in KRI, there is still a lot of work to be done. Gender inequality persists in nearly every area of life, and the COVID-19 pandemic has brought many new inequalities to light. Existing laws and policies are not adequately implemented and are in need of reform, women have far less access to power and resources, and cultural norms and beliefs exist which allow GBV to continue.

21 Danish Immigration Service, “Kurdistan Region of Iraq (KRI): Women and Men in Honour-related Conflicts,” Ministry of Immigration and Integration, November 9, 2018, <https://www.refworld.org/docid/5beacadd4.html>.

22 Valeria Vilaro and Sara Bittar, “Gender Profile Iraq,” UN Women and Oxfam, Oxfam GB, December 13, 2018, DOI: 10.21201/2018.3460.

23 Valeria Vilaro and Sara Bittar, “Gender Profile Iraq,” UN Women and Oxfam, Oxfam GB, December 13, 2018, DOI: 10.21201/2018.3460.



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