

Human Rights Monitoring Project

Monitoring Report on the Implementation of Domestic Violence Law in Kurdistan Region

December 2013



Project Supervisory Team

Hiwa Ali: Democracy and Human Rights Development Organization

Rawa Ismail: Civil Development Organization

Salar Ahmed: Al-Mesalla Human Resources Development

Project Fieldwork Team

Sulaimani Governorate: Chra Osman Jabar Muhammad Darwesh
Sali

Erbil Governorate: Shaima Ahmed Kawshan Rashad

Survey Implementation Team

The Survey presented at the end of this report was carried out by a trained team in Democracy and Human Rights Development Organization.

Report Drafting and Design

Report Drafting: Shaima Ahmed Ata Khalid

Design: Mustafa Alshamari



Foreword

The following Report is a collaborative work between Al-Massala Organization for Human Development, Democracy and Human Rights Development Organization and the Norwegian People's Aid within the Human Rights Monitoring Project.

The six months monitoring process collected data through the following methods:

1. Focus Group
2. Interview and meeting
3. Receiving cases
4. Using data and information of Directorate of Combating Violence
5. Previous reports of organizations
6. Monitoring and direct visits
7. A field survey conducted by Democracy and Human Rights Development Organization

In addition to data analysis and presentation the Report presents findings and recommendations to the Parliament, Judiciary, the Government and organizations in order to insure effective implementation of the Law. We also thought it is useful to publish the Law in this Report to provide another opportunity for awareness raising and informing on the contents of the Law. Finally we wish to thank all the friends and colleagues for their assistant, consultation and facilitation in fulfilling this task.

The Project Team



Introduction

One of the social issues facing Kurdistan after the 1991 Uprising is the issue of domestic violence, particularly violence against women. At the end of 1990s the issue turned into an increasing phenomenon. To combat this issue the Kurdistan public, government, Parliament, civil society and even the international organization operating in the Region are all working to decrease and put an end to this issue.

One such initiative is drafting special law and amending other legislations related to combating domestic violence in general and violence against women in particular.

Thus the Law (8) of 2011 was passed by the Kurdistan Parliament on 21 June 2011. The President of the Region did not sign the Law within the legal timeline. This enabled the Parliament to publish the Law in issue 132 of the official gazette (Waiqiy Kurdistan) on 11 August 2011; on which date the Law became effective.

The Following is the Law:

Law number (8) of 2011

Law of Combating Domestic Violence in Kurdistan Region – Iraq

Article One:

The following terms carry the corresponding meanings:

One: (the) Region: Kurdistan Region – Iraq.



Two: Family: a group of natural persons having marital or blood relations up to the fourth degree and all the legally recognized family members.

Three: Domestic Violence: any act, statement, threat or omission committed on the basis of gender by one member of the family against another member up to the fourth degree that result in physical, psychological, sexual or economic harm or deprivation of rights.

Four: Court: Domestic Violence Court.

Article Two:

One: Anyone who has family relations is prohibited from committing violence within the family including: physical, sexual and psychological violence. The following acts constitute domestic violence:

1. Forced marriage
2. Exchange marriage (marital exchange) and child marriage
3. Marriage to settle feuds
4. Forced divorce
5. Cutting off social relation
6. Forced prostitution
7. Female genital circumcision
8. Forcing family member to leave employment
9. Forcing children to beg, work and leave school
10. Suicide as the result of domestic violence
11. Abortion as the result of domestic violence
12. Physical punishment of family member and children under any excuses
13. Humiliating, insulting, belittling, intimidating, harming, psychological pressure, violation of rights and forced sexual intercourse.

Two: victims of domestic violence have right to protection from domestic violence.

Three:

1. Victim of domestic violence or their legal representatives can file complaints in the Court or inform investigator, police station or the public prosecutor.



2. Employees of health, education and other public institutions must report to assist victims of domestic violence.

Four: Investigation and court proceedings in cases of domestic violence shall be confidential.

Article Three:

One: A specialized Court for domestic violence cases shall be established in accordance with Law (33) of 2007, Judiciary Powers Law.

Two: The Ministry of Labor and Social Affairs shall provide shelter for victims of domestic violence.

Three: Victims of domestic violence shall be covered by social security net.

Four: The Ministry of Health, in coordination with the Ministry of Labor and Social Affairs, shall provide health care and necessary rehabilitation for victims of domestic violence.

Five: The General Directorate of Combating Violence against Women in the Ministry of Interior shall follow-up cases of domestic violence.

Six: The Ministry of Interior shall establish specialized unit within the police force, staffed primarily by police women, to act on cases of domestic violence.

Seven: The Ministry of Interior and all the specialized departments shall contribute to awareness raising in relation to combating domestic violence.

Article Four:

One: The Specialized Court whenever necessary or upon the request of family members or their representative shall issue (protection order) as a temporary measure to protect from domestic violence; provided that protection order specify protection period and the Court shall renew the order if necessary.

Two: Under new favorable circumstances the complainant can willfully withdraw the case.

Three: The protection order includes the followings:

1. A pledge by the defendant not to attack the plaintiff or any of her family members.



2. Referral of the victim to the nearest hospital or health center for treatment if necessary or requested by the victim.
3. For the duration the Court deems it necessary for the protection of the victim or other family members; the defendant is prohibited from visiting the family home.

Four: In case of violation of protection order, the violator shall be arrested for a period no longer than (48) hours or a minimum fine of (300,000) three hundred thousand Iraqi Dinars.

Article Five:

The court shall refer the plaintiff to a specialized committee for reconciliation before referring the case to the Court specialized in such cases, provided that the reconciliation process will not affect the protection procedures outlined in this Law.

Article Six:

Without prejudice to any heavier punishments provided for in the effective laws of the Region:

One: Anyone promoting female genital circumcision shall be punished with a fine ranging from minimum (1,000,000) one million IQDs and maximum (5,000,000) five million IQDs.

Two: Anyone administering female genital circumcision or participating in the process shall be punished with a prison term ranging from minimum (6) months and maximum (2) years; and/or a fine ranging from minimum (2,000,000) two million IQDs and maximum (10,000,000) ten million IQDs.

Three: Anyone administering underage female genital circumcision or participating in the process shall be punished with minimum (1) year prison term and/or a fine ranging from minimum (5,000,000) five million IQDs and maximum (10,000,000) ten million IQDs.

Four: The punishment shall be severer if the perpetrator was a doctor, pharmacist, chemist or midwife or their assistants. The Court shall also order professional disqualification for maximum three years.

Article Seven:

Without prejudice to any heavier punishments provided for in the effective laws of the Region:



Anyone committing domestic violence shall be punished with a prison term ranging from minimum six months and maximum three years and/or a fine ranging from minimum one million IQDs and maximum five million IQDs.

Article Eight:

The Provision of Iraqi Penal Code (111) of 1969, the amended Criminal Court Procedures (23) of 1971, the amended Personal Status Law (15) of 2008 and other effective laws in the Region shall apply if no provision is made herein in this Law.

Article Nine:

The Council of Ministers and other relevant authorities shall implement the provisions of this Law.

Article Ten:

This Law enters into force from the date of its publication in the official gazette (Waqaiy Kurdistan).

Muhammad Qadir Abdulla
President of Kurdistan Parliament – Iraq

Compelling reasons

Because Domestic violence is against all the divine rules and human rights; to protect the unity of family, the foundation of society, and maintain stability and harmony, proper legal procedures needs to be followed to prohibit domestic violence and find after-event solutions; this Law was passed.

President of Kurdistan Parliament – Iraq

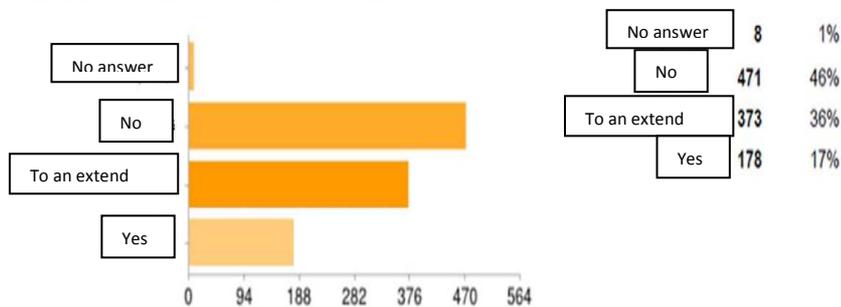


**Part One:
Combating Domestic Violence Law in the Kurdistan Region in the previous monitoring reports:**

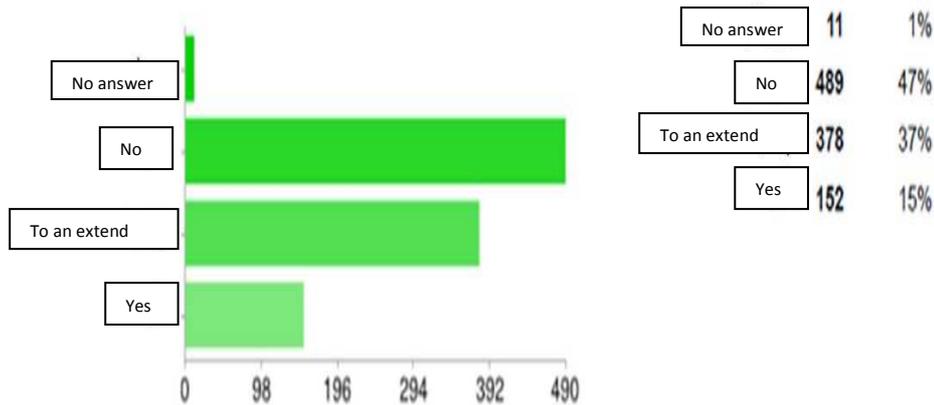
After its passage and because of the importance of the law and the increasing level of domestic violence in general and violence against women in particular; the Law has become the center of attention of many local and international civil society organizations, media outlets and other parties in the Kurdistan Region.

In this context a report of (People Development) in cooperation with the Norwegian People's Aid in 2012 titled (No to Honor Killing); taking participants opinions on the Law.

One of the questions in the questionnaire asks (do you think the law can punish those who commit violence against women?) The findings from the answers are as follow:



In the Same monitoring report in answer to the question whether combating domestic violence will result in decreasing domestic violence; the report presents the following findings:



On the other hand in the present year, 2013, Warvin Organization conducted a field survey on women issues in Kurdistan Region. 1000 women participated in the survey. Questions related to domestic violence included (Do you think combating domestic violence law can be implemented in our society?) the survey finds:

1. Yes %23
2. No %23
3. To an extent %42
4. No opinion %12

In relation to their awareness of Combating Violence against Women in the same survey the findings are as follows:

- * Fairly aware %11
- * Aware of some of the Articles %18
- * I only know that there is such Law %28
- * Not aware at all %43



In relation to whether women have benefited from the Law; the findings are as follows:

1. I have seen many women benefited from the Law %9
2. I have seen some women benefited from the Law %24
3. I rarely have seen women benefited from the Law %25
4. I have never seen any woman benefiting from the Law %42

Also at the end of 2012 Al-Masalla Organization for Human Resources Development in a joint work with UN Women conducted four focus groups on the Law in Erbil in which 48 women participated. These are the findings:

In relation to the question (Do you have information on Combating Domestic Violence Law?):

- Most of the participants had no information on the Law, except for two of them who heard little about it in the media. Even these thought that the Law is not compatible with society.

In relation to the question (Do you think this Law is in conformity with the Kurdish social customs and norms?) Although most of the participants did not hear about the Law apart from what they learnt from the facilitator; the answers were:

- No they are not in conformity and the Kurdish society is a tribal society where the law is weak and unable to intervene in family affairs. (One of the participants said the Law is as far from the reality as the sky from the earth).



- Some of the participants thought that if the punishments are severe and public awareness is raised the Law may decrease domestic violence.

Women Legal Aid Organization, so far had published 4 reports on the Law mentions the constraints up to June 2013. The initial reports highlight the problems of implementation and the final report warns that though there are special courts in the cities, in the districts and sub district lack of such courts present implementation problems. In relation to the reconciliation committee, provided for in the Law, the reports say that in Sulaimani the committee lacks the basic necessities to carry out its works. The reports also state that the shelters of the Ministry of Labor and Social Affairs obstruct monitoring works.

In addition to these reports, the German WADI Organization conducted a survey on (Female Genital Mutilation in Kurdistan Region). One of the questions asks about information on Combating Domestic Violence Law at different geographical locations and reached different findings. For example in Garmian and Halbaja women's knowledge of the law ranges from %39 and %58, but in Rania the rate drops to %8. This is so while the reports indicate that the level of violence against women in Garmian is very high.

In early 2012 Iraqi Amal Association conducted a joint work with American IREX on the Law. In relation to information on the Law from the sample of 150 participants as follows:

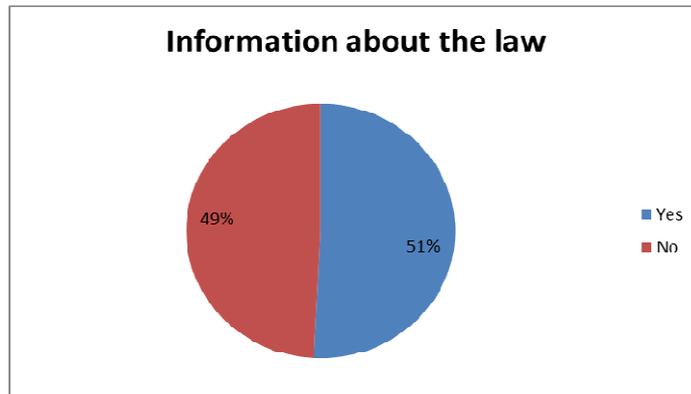
60 from the public

60 from the government

30 from civil society organizations



The 150 participants are mainly from Erbil; %51 stated they have information about the Law because large share of the sample was from government and civil society.





Part Two

The numbers speak for themselves:

Statistics of Violence against Women in Kurdistan Region 2008 – 2013

Although Combating Domestic Violence Law is not only related to violence against women in Kurdistan Region as the Law is to combat all forms violence against family, most of the forms of violence specified in the Law are relevant to women. This is due to the fact that in the last few years violence against women has become a serious issue for all aspects of social life.

Violence against women, constituting the largest share of domestic violence, is on the rise despite all KRG, The Parliament, the UN local and international civil society organizations' attempts to put an end to it. While women killing and suicide is on the rise the other forms of violence are also increasing. Below we present some comparison and analysis of some official figures from the General Directorate of Combating Violence against Women, Ministry of Interior.

Table (1) Statistics of violence in 2008

Location	Year	Death	Burning	Complaints	Torture	Sexual
Erbil	2008	52	163	1201	—	—
Duhok	2008	23	58	366	—	—



The above table, published by the General Directorate of Combating Violence against Women, includes only figures for Erbil and Duhok. The table reports 75 deaths without indicating whether they were murder or suicide. Similarly the table reports 221 burning incidents but there is no mention whether these were self-burning or accidental burning. The total number of complaints is 1567 in the two governorates and there were no reported cases of torture or sexual violence; not due to non-existence of such forms of violence but rather due to not taking these forms of violence into consideration.

Table (2) Statistics of violence in 2009

Location	Year	Death	Burning	Complaints	Torture	Sexual
Erbil	2009	37	151	1108	249	46
Duhok	2009	19	75	486	—	13
Sulaimani and Garmian	2009	29	188	1158	—	69

The above figures from the General Directorate of Combating Violence against Women include Sulaimani and Garmian governorate. The total number of death is 85 in three governorates and Garmina Administration. The death rate in Erbil and Duhok is decreased though the overall rate is increased. Number of burnings witnessed a rise in 2009 to reach 414 female burning cases. The number of complaints, 2752 registered complaints on violence



against women, also increased; some think that this reflects the positive effect of the Law!

The General Directorate also published the number of torture cases, 249 cases of torture against women only in Erbil. Again the figure for sexual violence is published for the first time, reaching 128 cases; Sulaimani registered the highest number and Duhok the lowest.

Table (3) Statistics of violence In 2010

Location	Murder	Suicide	Burning	Self-burning	Torture	Complaints	Sexual	Total
Erbil	26	12	102	64	234	1123	35	1596
Duhok	10	15	56	29	—	561	19	690
Sulaimani	8	25	104	49	834	519	78	1617
Garmian	5	4	37	-	—	282	2	330
Total	49	56	299	142	1068	2485	134	4233

The 2010 statistics are more detailed. According to the published table 49 women were killed and 56 committed suicide. Some experts think that these suicides are caused by violence and some others think that they are cover-up for murder as some families announce that the person in question committed suicide to avoid social embarrassment. Thus 105 deaths in 2010 indicate an increase in comparison with 75 deaths in 2008.

The same is right in relation to burning and self-burning, as the causes of burning and self-burning are similar, and the number of such incidents increased to 441.



It is noticeable that the number of torture incidents in 2010 has increased dramatically from 249 cases in 2009 to 1068 cases only in Erbil. Also the reported figure for Sulaimani is 843 cases. The number of complaints has decreased to 2485. In relation to sexual violence in comparison to 2009 the number has risen to 134 cases, mostly in Sulaimani.

Table (4) Statistics of violence in 2010

Location	Murder	Suicide	Burning	Self-burning	Torture	Complaints	Sexual	Total
Erbil	23	9	84	37	168	983	18	1322
Duhok	6	10	34	51	—	656	14	771
Sulaimani	9	19	87	37	720	725	76	1673
Garmian	5	6	23	7	102	174	1	318
Total	43	44	228	123	990	2538	109	4075

In 2011, the year of intensifying the governmental and non-governmental attempts to combat violence particularly after the Law of Combating Domestic Violence was passed, we see drop in the figures, though not substantial. For example, in 2011 women killing and suicide reached 88 women, though lower than 2010, it is higher than the figures of 2008 and 2009.

In relation to women burning and self-burning the rate also dropped in comparison to 2009 and 2010, yet it is higher than 2008. The figure for burning and self-burning is 351. The rate of torture and sexual violence dropped to 990 cases and 109 cases respectively.



In 2011 the number of complaints slightly increased from 2485 in 2010 to 2538 in 2011.

Table (5) Statistics of violence in 2012

Location	Murder	Suicide	Burning	Self-burning	Torture	Complaints	Sexual	Total
Erbil	22	9	114	45	112	1213	22	1506
Duhok	9	10	35	25	--	738	31	829
Sulaimani	10	15	76	30	444	1241	108	1899
Garmian	5	5	28	5	135	234	9	411
Total	46	39	253	105	691	3426	170	4645

The above table for 2012 shows that women killing and suicide is still high. The number of recorded deaths in general is 85, and the number of burning and self-burning increased by 7 cases in comparison to 2011. On the other hand recorded torture declined to 6901.

The number of complaints has increased dramatically reaching 3426 complaints and sexual violence cases increased to 170 cases for the first time since 2008.

Table (6) Statistics of violence for the first eight months of 2013

Location	Murder	Suicide	burning	Self-burning	Complaints	Sexual
Erbil	20	13	68	37	1130	4
Duhok	4	0	20	28	762	16



Sulaimani	4	5	36	13	844	48
Garmian	3	5	5	6	297	2
Raparin	2	0	27	6	398	30
Total	33	23	156	90	3431	100

There is no end of year statistics for 2013, but the General Directorate of Combating Violence against Women has published the statistics for the first eight months, up to August. The General Directorate informed us that the rest of the statistics is not available yet. In the eight months there were 56 cases of women killing and suicide, 246 women burning and self-burning, 100 cases of sexual violence and 3431 complaints. Thus the figures so far are much higher than the previous years.

Table (7) Overall Violence Statistics for 2008-2013

Year	Killing and Suicide	Burning and Self-burning	Complaints	Torture	Sexual
2008	75	221	1567	-	-
2009	85	414	2752	249	128
2010	105	441	2485	1068	134
2011	88	351	2538	990	109
2012	85	358	3426	691	170
First 8 Months of 2013	56	246	3431	-	100
Total	494	2031	16199	2998	641

The above table shows that from 2008 to August 2013 the total of women killing and suicide is 494, burning and self-burning is 2031,



and 16199 complaints, 2998 cases of torture and 641 cases of sexual violence.

Also the above table shows that the highest number of women killing is in Erbil and the highest number of sexual violence is in Sulaimani.

The grand total of death, burning, complaints, torture and sexual violence in Kurdistan Region between 2008 to August 2013 is (22363). This is a high rate. Some of the women activists in Kurdistan think that the real numbers is much higher than the published figures and that the figures are questionable as they do not reflect the reality of women.

Another indication of violence against women is that many women face violence from their husbands or relatives. According to the below table obtained by our teams in Sulaimani clarify the followings:

Violence against Women Statistics from the beginning to the end of July 2013 in Sulaimani Governorates

Crime	Number	Reason	Number	Relation	Number
Murder	2	Familial	1	Husband	1
Self-hanging	4	Familial	2	Husband, relative	1,1
Burning	24	Accident		Unknown	
Self-burning	9	Familial	4	Husband	4
Beating	144	Familial	178	Husband, family, relative	10, 30, 109
Taking Drugs	12	Familial	1	Husband	1
Suicide Attempt	4	Familial	3	Husband, family, relative	1,1,1
Suicide Attempt	1	Familial	1	Husband	1



Deception	2	Familial	1	Husband	1
Psychological violence	16	Familial	16	Husband, relative	1, 15
Fight	3	Familial	1	Husband	1
Threat	153	Familial	108	Husband, family, relative	10, 16, 27
Forced marriage	1	Familial	1	Family	1
Mobile	25	Familial	4	Husband, relative, unknown	3, 1, 1
Disrespect	52	Familial	35	Husband, family, relative	3, 7, 26
Insult	26	Familial	14	Husband, family, relative	1, 4, 10
Depriving from children	7	Familial	6	Husband	6
Not allowing marriage	4	Familial	3	Husband, relative	1, 2
Prostitution	30	Familial	5	Husband, family, relative	1, 3, 1
Marital Betrayal	8	Familial	8	Husband	8
Intimidation	12	Familial	9	Husband, relative	4, 5

This does not mean that violence against women is only committed within family but also within society, on the street, in the market, the workplace, on transportation means, in schools, etc... There are also legal and cultural violence.



Part Three:

The Delayed Implementation of Combating Domestic Violence Law and Early Calls for Amendments!

(Implementation Challenges and Constraints of the Law)

"Through our interviews to follow-up the Law we learnt that all the relevant parties – victims and complainants, defendants and their families, judges and lawyers, police and directorate of combating violence, women and civil society organization, religious men and intellectuals, the Parliament and Government, are dissatisfied with the implementation of the Law. Some think that there is no proper awareness on the Law, others go further and say that the Law is ahead of the society and some others think that the Law was passed to cover-up the increasing violence against women. What all agree on is that the Law needs amendments."

(One of the Project Teams)

The Delay in Implementation of Combating Domestic Violence Law

On 21 June 2011, in its 28th session, the Kurdistan Parliament passed Law number 8, Combating Domestic Violence Law. The Law was published in issue 132 of the official gazette (Waiqiy Kurdistan) thus became effective.



For various reasons, including lack of specialized domestic violence court as provided for in the Law, and lack of reconsolidation committee, the Law was not implemented at all for over a year.

While the civil society organizations, human rights and women activists in different parts of the Region started various activities and lobbying to put pressure on the government and the Judiciary to implement the Law.

Finally 13 months after the passage of the Law the Board of Monitoring Women's Rights, directly linked to the Prime Minister's office, held a meeting with the Judicial Council on 20th September 2012 and agreed on the implementation of the Law.

In light of this meeting, the Judicial Council issued an order on 07th September 2013 to establish investigative courts in each of the three governorates and Garmian Administration. According to the same order a full-time judge is designated for each court. The following is a copy of the order of the Judicial Council.

In addition to implementation delays and the establishment of the domestic violence investigate courts, there is provisions in the Law for the establishment of expert committee, later became known as reconciliation committee, is also delayed to 2013; for example in Sulaimani on 21st September 2013 the establishment order was issued.

There are issues in the contents of the Law!

The passage of Combating Domestic Violence Law was at the time when violence against women was very high, thus there were much pressure and lobbying for quick passage of such a law to address increasing violence against women. However, only later shortfalls and problems in the Law became apparent. The Law does not



address violence against women only but domestic violence in general, thus violence against women is somewhat sidelined. As General Sarkawt Omer, Director of Combating Violence against Women, told our teams that "the problems of women are not only limited to the family boundaries but its outer world also, thus it is necessary to amend the Law and make it more inclusive". He added that the Law is soft for example "according to the Iraqi Law mutilation of any part of human body is a crime, but the Law provides for a fine as a punishment for female circumcision".

Similarly an informed judge about domestic violence issues in Erbil told our teams that the Law is very simple and does not include any conclusive or complete provision, there is no details on the legal procedures; thus making the burden of proof very difficult on both sides of any case.

Judge Pajara Abdulla, designated judge in the domestic violence investigative court in Erbil, said that "the main problem is limited staff knowledge on the Law as we are at the beginning of the implementation process of the Law. We hope that in the future we gain more knowledge and awareness and learn about the gaps in the Law and where and when we need amendment".

In our discussion with a member of public attorney in the Region we learnt that they too have concerns over the implementation of the Law and think that the Law lack details and requires amendment to further define the type of domestic violence offences and provide more details for other aspects of the Law.

The domestic violence lawyers also state that they face problems when managing such cases, particularly when the courts mix up the Law with other effective laws.



A civil society activist, who participated in one of the focus groups in Sulaimani, thinks that "in Kurdistan Region there is a general problem of implementation of laws, thus we need to work towards better implementation of the Law rather than its amendment, because amendment of the Law may take 3 years in the Parliament".

"F" is a plaintiff interviewed by our teams, who made a complaint under the Law, claiming that she was beaten and thrown out by her husband. F was pregnant and gave birth to a child at her father's home. Her husband did not give any consideration to her but rather intimidated and threatened her. Her case is still pending in the court.

The Law is not implemented outside the Cities!

According to the Judicial Council's order investigative courts specialized in domestic violence is to be opened only in the three governorates and Garmian Administration; thus making the access to these courts, and even the reconciliation committees, limited for districts and sub-districts. This may make many people avoid resorting to the courts or even may result in social disaster.

In our interviews with the police stations outside the cities, there were calls for speedy implementation of the Law in those places where there are no specialized courts. Major General Aladeen and Major Muhammad told our teams that reconciliation committees should be set up in every police station to investigate domestic violence cases.

One of the problems is that it is not easy for women to make complaints against their husbands, brothers or fathers, particularly in police stations. Some say how we can go to make complaints against



our men before other men in the police station, as most of those who are working in the police station are men.

This is the opinion of one of the interviewees.

She said that "even if I was beaten every day I would not be able to make a complaint against my father. This will become an everlasting social shame and will negatively impact my father's and my own reputation.

A gender expert in Kurdistan Region stated that the biggest issue in Kurdistan in relation to violence against women within the family is that the victims need to go to the police stations. The question here is what is level of trust in the police? Is there any research on this? Because if the government wants to solve this issue the solution must be research based. Finally if the police officers inflict violence at home to whom the victims should resort?

Thus the establishment of courts outside the major cities is considered important and the establishment of reconciliation committees should be inside courts or other civilian institutions rather than in the police stations.

An activist said that though the public attorneys are informed to follow-up cases of domestic violence outside the major cities they are not able to give particular attention to such cases as they see every other kind of cases. Also since there is no reconciliation committee in every court outside the major cities it is better for the cases not to be investigated by the public attorney, because the reconciliation committees may solve the case without resort to court.



Most of the cases are abandoned or dropped

According to the General Directorate of Combating Violence against Women only in eight months of 2013, up to August, 3431 complaints were registered, most of which are domestic violence cases. In the major cities there are specialized courts and judges to hand domestic violence cases. But we learnt in our field visits that these judges devote little time to see these cases, as the rest of their time is devoted to review of the complaints. Thus the procedures and current capacities are not suitable for the great number of complaints. If we analyse the figures we see that in the first eight months of 2013, daily registration of complaints is more 14 domestic violence cases. According to a report by Civil Magazine, in Erbil Court of Appeal, only in the first six months of 2013 there were 1178 divorce cases. Only in 180 days this number of family disintegration means that 6 cases every day. We can say that only in the registered cases, for example in Erbil, 20 complaints were made every day. If we take murder, suicide, burning and self-burning and sexual violence into consideration, we can conclude that violence is committed against women once every hour. According to the opinion of a human rights activist, this reflects only the registered number otherwise the number is greater.

"S" is woman married to "A". They live with the husband's family. A's family dislike S and they interfere with her affair, intimidate, insult and beat her. She made a complaint a year ago, but her case is still pending.

"S" is a representative sample of tens of cases in the courts, there are even more serious cases pending in the courts. The delays are due to slow procedures in the police station and over-



bureaucratization and slow investigation procedures. As the result some keep on waiting while others abandon or drop their cases.

An investigator in combating violence center in Chamchamal told our teams that "domestic violence falls within private human rights law and there is a possibility of dropping charges or abandoning the case. Also because these violence cases take place within the family, the parties reconcile before the case reach court.

A participant of one of the focus groups in Erbil thought that provision in the Law for reconciliation committees is very important for family protection and solving problem on personal level can be more effective than court decisions. Thus it is important to give more attention to this and attempt to solve most cases outside the courts.

We are now dealing with two sorts of case droppings, one under duress or due to slow legal procedures in the police stations and courts. The number of cases burdens the courts in the major cities as there are no specialized courts in the districts and only one investigative judge in each court in the major cities. Sometimes the cases sent by the police to the courts very late. Previously there were specialized police officers to receive domestic violence cases, but the Ministry of Interior asked the Council of Ministers to order opening 10 police stations specializing in domestic violence in the cities of the Region. But this also was delayed, resulting in many unsatisfied plaintiffs to abandon their cases after waiting very long.

Second sort of case dropping is through the reconciliation committees, social figures and organizations, where both parties, after reaching understanding, agree to drop charges. This is a positive approach and should be encouraged. In one of our focus groups in Sulaimani a representative of Directorate of Combating Domestic Violence said that "dropping cases has positive aspects as



results in solving family problems while reuniting the family and the society."

Investigation and Court Procedures in Domestic Violence Cases are not confidential

Article Four of the Law states that investigation and court procedures must be confidential. However, as we have learnt in our focus groups and interviews, protection of confidentiality is very weak.

This is not resulted from intentional breach of confidentiality but from technical and logistic problems, for example there is no proper building of the courts to investigate domestic violence, they are located with other courts in the main courthouses. These constraints limit their capacity to protect confidentiality of the cases.

One of the female plaintiffs told our teams "when I was referred to the court by the police, I entered the investigation courtroom which was very crowded. There were other plaintiffs and investigators, it was very noisy. The room was small and could hear others complaints. I had much to say but I could not, I only talked about my case in general terms.

Even in relation to cases of violence against women investigated by the Directorate of Combating Violence against Women confidentiality can be protected as they lack appropriate building. In Erbil focus group there was mentions that 4 to 5 cases are seen in one day in the same place, where each plaintiff can hear the others.

Thus they ask for special budget to be allocated for the specialized courts to enable them to higher more judges and



investigators and secure appropriate buildings. Issuing orders is not enough without the provision of the institutional needs.

Reconciliation Committee, Big Name and Heavy Responsibility

According to Article Five of the Law "The court shall refer the plaintiff to a specialized committee for reconciliation before referring the case to the Court specialized in such cases, provided that the reconciliation process will not affect the protection procedures outlined in this Law." The Reconciliation Committee was established only in 2013.

The Committee is established only in major cities where there are specialized courts. The representative of the Committee in Sulaimani, who participated in the focus group, said that the Committee is made of 13 experts, each day three experts work in the Court.

The Committee has a heavy responsibility, including reaching reconciliation between the plaintiff and defendant. Thus the role is important before the case goes to the judge. At this stage, depending on the different areas, if the Committee works effectively the parties may reach an understanding and reconcile without the need to go before the judge. However, one police officer thought that the establishment of the Committee is just a waste of money, because the Committee was able to solve 2 cases from 100 cases. The officer thought that it is better to give this role to the police officers and the extra money to be spent there to make the police work more effective. However, most of the people who have knowledge on the operations of the Domestic Violence Courts think that the Committee has heavy responsibility and should be given time, facilitation and provisions like:

1. Special building where confidentiality could be protected.
2. All members of the Committee should work on daily basis.
3. Giving specialized training on reconciliation, conflict resolution and dealing with victims of violence.
4. Committees to be established outside the major cities.



5. The work of the Committee should not affect the legal procedures or victims' rights. There are concerns expressed by women and human rights activists that the Committee may turn into the social committees established by political parties and used to adopt tribal and social approaches to reconciliation on the expenses of women rights.



Part Four

Special Survey on:

Combating Domestic Violence Law

Introduction:

Geographical distribution of the sample: Sulaimani Governorate, Central District, Rania and Chamchamal Districts.

- Sample size: 1210
- Complete sample: 1202
- Sample distribution according to the districts:
 - Sulaimani Central District: 721

(Data was collected from 36 neighborhoods; each neighborhood is divided into three parts).

- Rania: Centre of District: 280

Chwarqurna: 59

Hajiawa: 20

- Chamchamal: 221

- Training of survey teams started on 30/10/2013 and lasted for three days. On 15/11/2013 the Sulaimani sample (except for the shelters) was completed.



Notes:

- The survey was designed for a sample of 2500 participants, half of which will be in Sulaimani and the other half in Erbil. For each one of these governorates samples will be taken from the central district and two other districts.
- There are 50 remaining questionnaire forms in Sulaimani to be completed in the shelters.
- Due to bureaucracy and delay in granting permission to conduct the survey in Erbil we still have not done the Erbil survey.

Survey objective

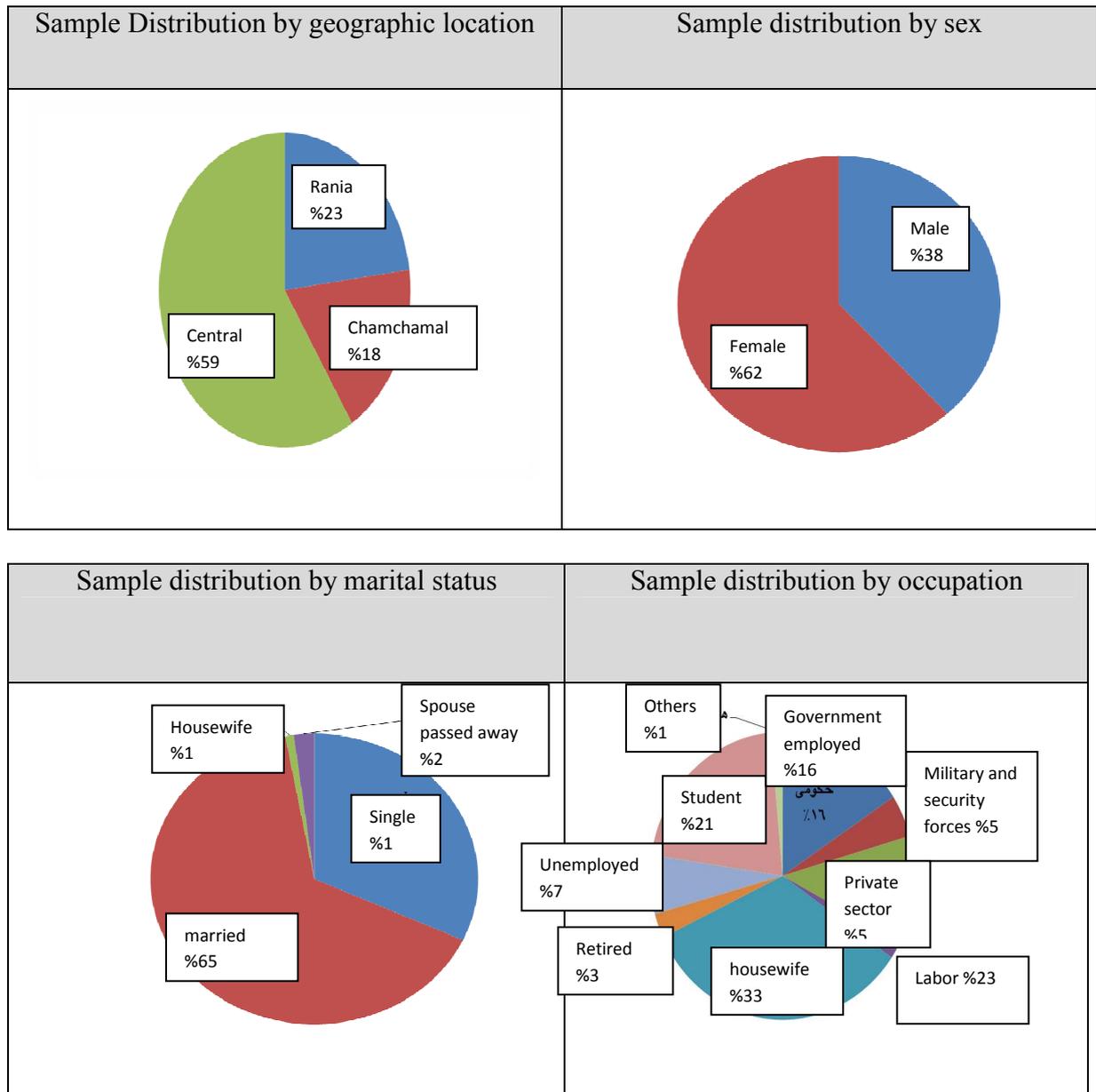
The main objective of the survey is to monitor Combating Domestic Violence Law, passed by Kurdistan Parliament on 21/06/2011.

To achieve this objective the questions are divided into the following topics:

- Citizens' level of knowledge of the Law.
- Citizens' opinion on the Law.
- The Law's contribution to decrease domestic violence.
- Challenges and Constraints.

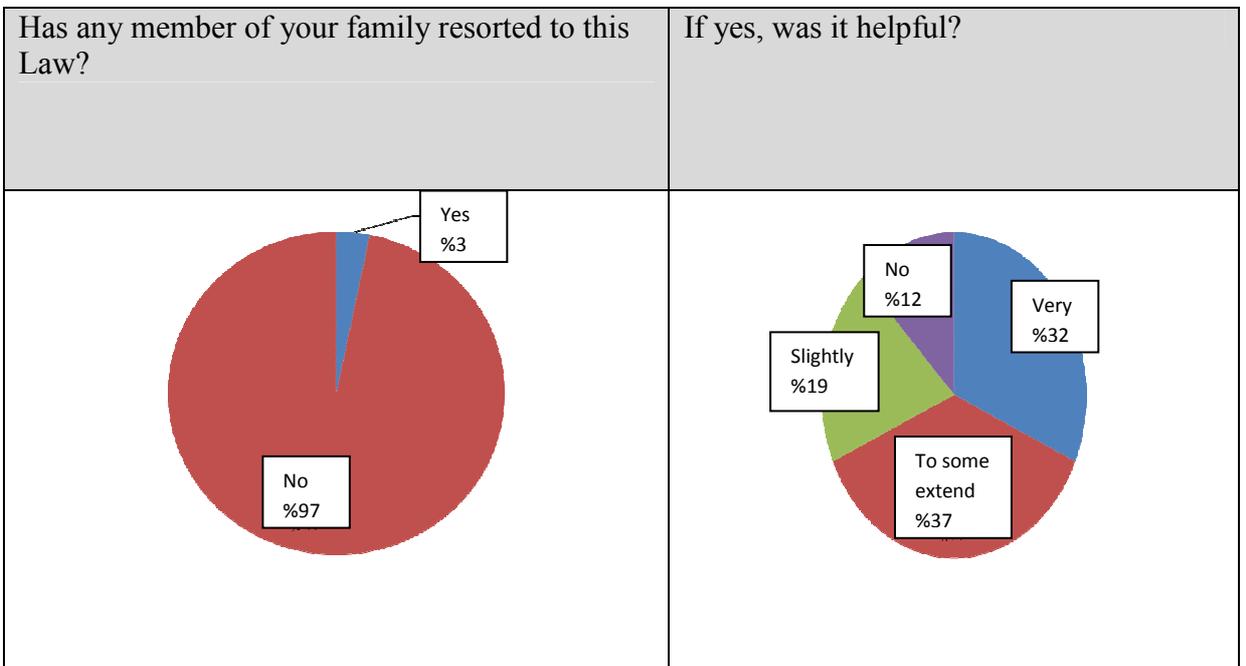
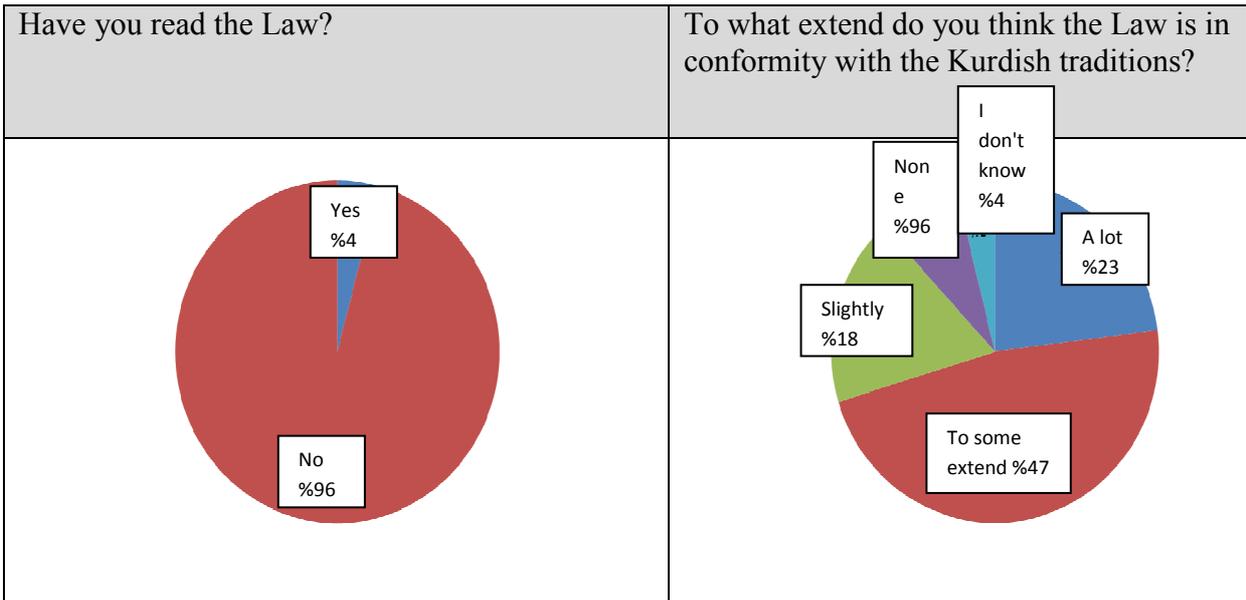


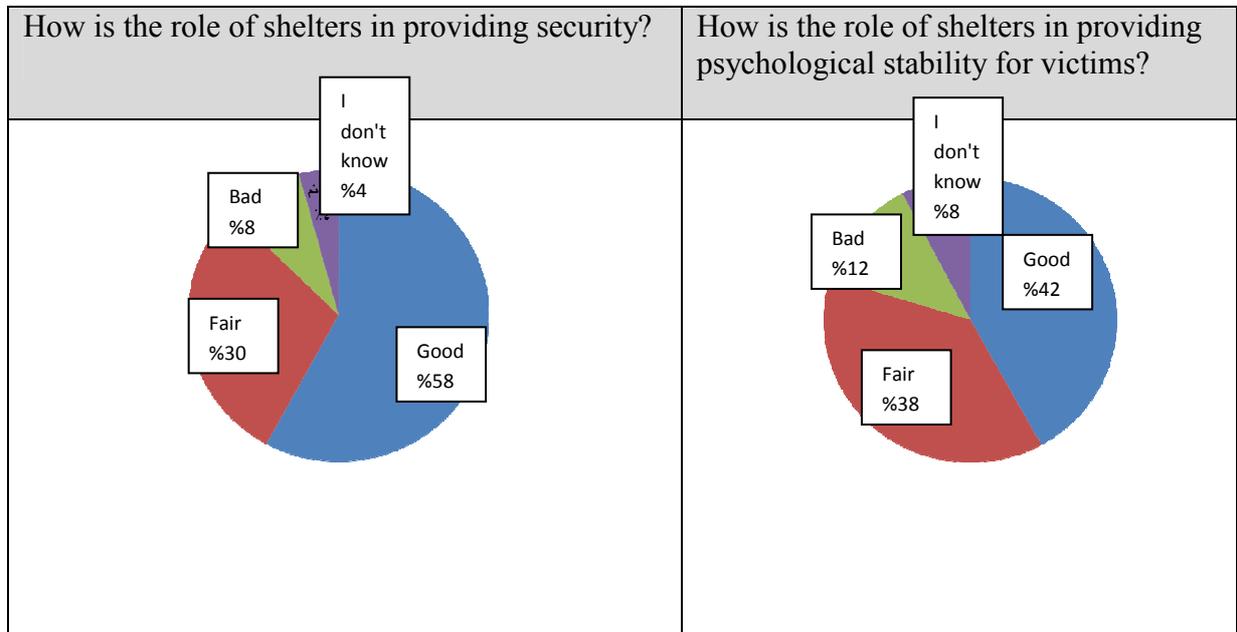
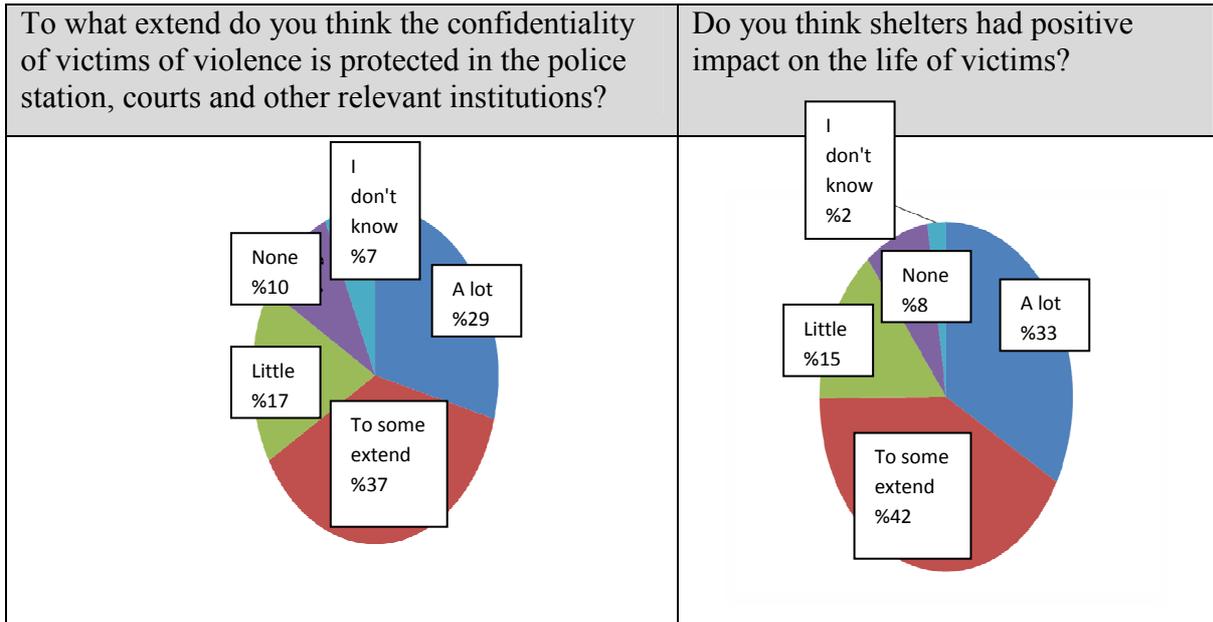
Data and Findings of the Survey





Sample distribution by level of education	Sample distribution by monthly income																																				
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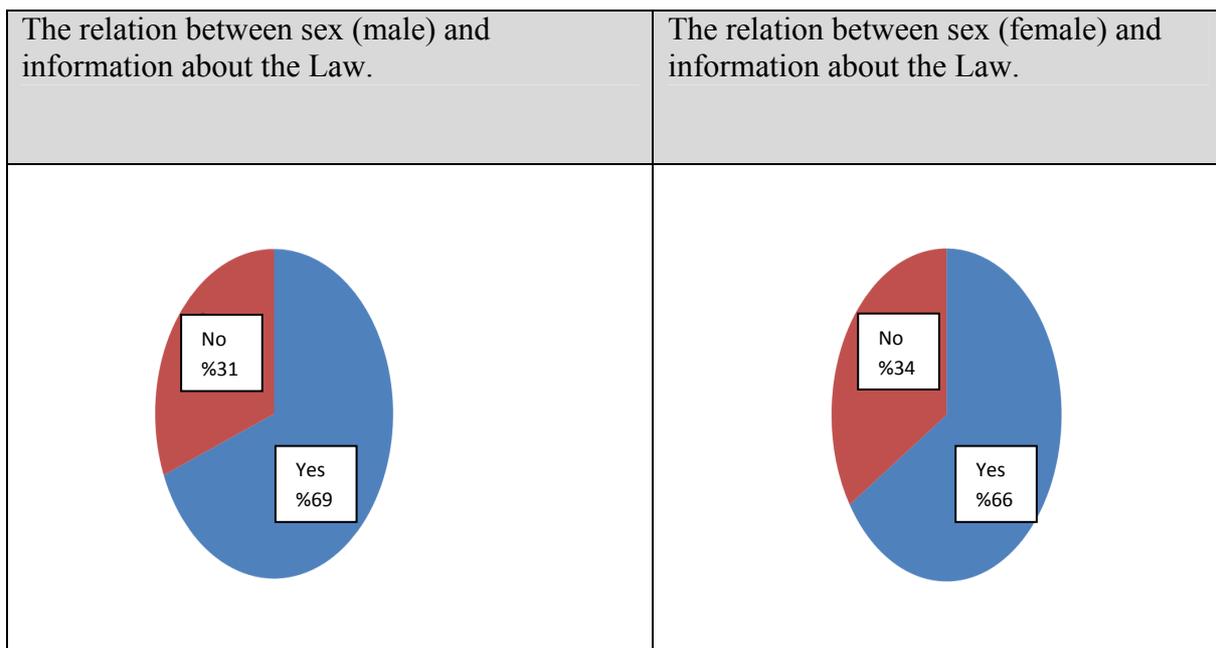
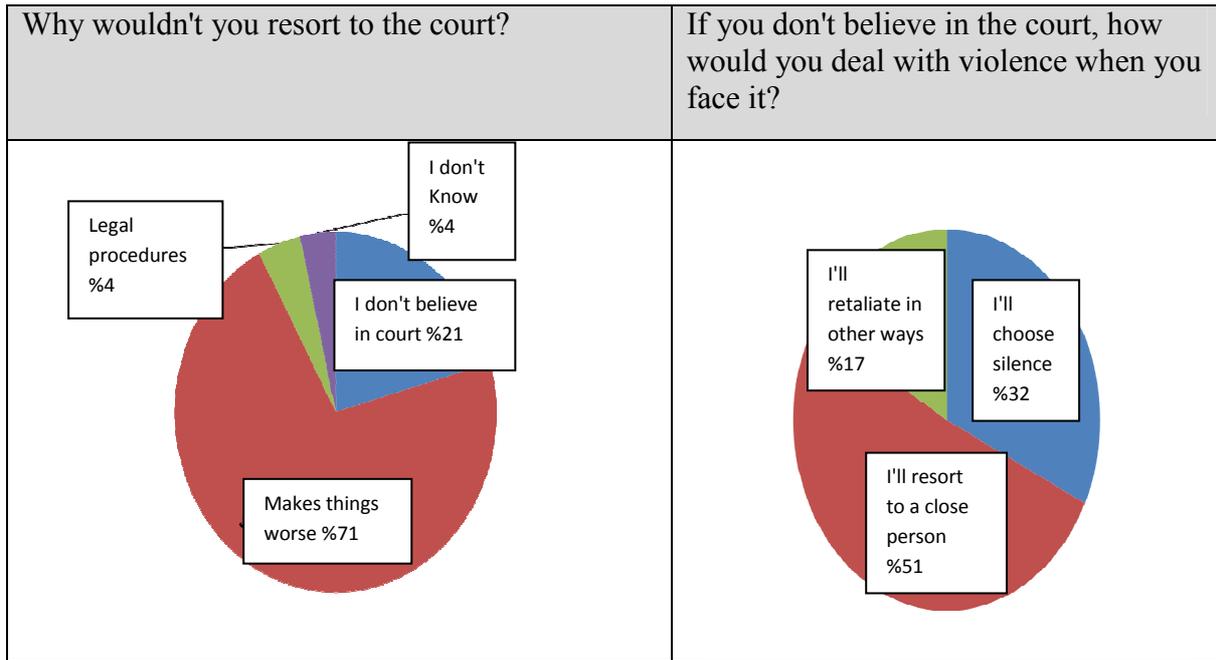


<p>How is the role of shelters in victims rehabilitation without social problems?</p>	<p>What role the religious clergymen play in communicating and implementing the Law?</p>																						
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<p>Do you think the penalties and the implementation of this Law resulted in decreasing violence in the society?</p>	<p>Do you think the pledge taken from perpetrators of violence in the court, will restrain them from repeating the same acts?</p>																		
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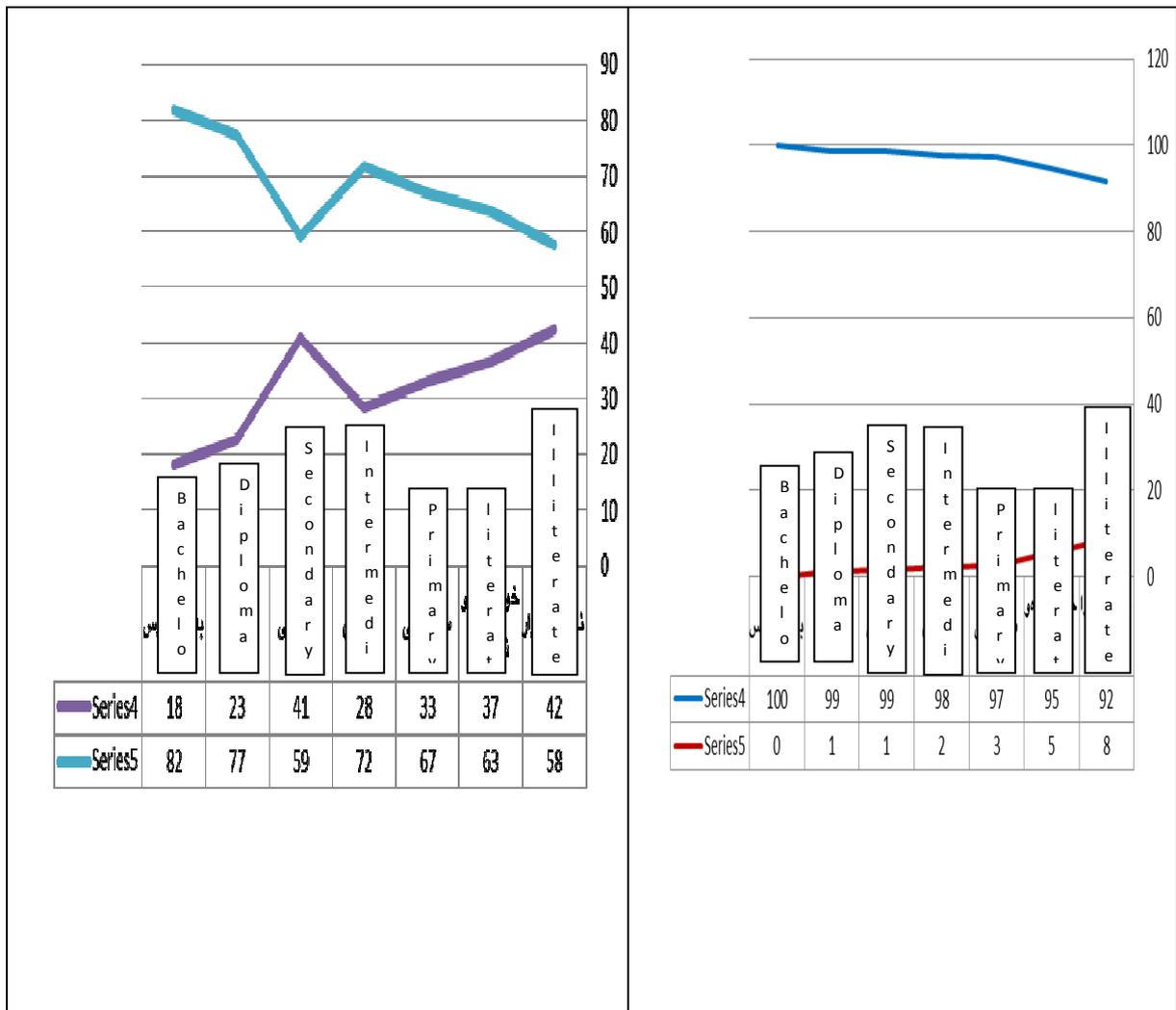
<p>What impact do you think the passage and implementation of this Law had on the families that have resorted to this Law?</p>	<p>If violence is committed against you by a member of your family, would you be prepared to resort to the court?</p>																
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<p>The relation between sex (male) and positive attitude towards the Law.</p>	<p>The relation between sex (female) and positive attitude towards the Law.</p>																
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<p>Relation between level of education and information about the Law. The blue line indicates having information about the Law. Purple line indicates lack of information. In general the higher the level of education the more knowledgeable they are about the Law. It is noticeable that secondary education level deviate for this pattern.</p>	<p>Relation between level of education and positive attitude towards the Law. The blue line indicates positive attitude. This comparison is done between those who have knowledge about the law. In general the higher the level of education the more positive they are.</p>
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Part Five: Conclusion and Recommendations



Fist: Conclusion

As the result of our monitoring work of Law number 8 of 2011, Combating Domestic Violence Law, we conclude:

1. Domestic violence law was passed by majority voting in the Parliament and the Law became effective without the endorsement of the Region President.
2. The Law was implemented one year after it became effective.
3. There are still implementation challenges in the major cities and there are no specialized courts and reconciliation committees outside the major cities.
4. The Judicial Council designated 4 judges to work on domestic violence.
5. So far the courts lack special building but work within the courthouses, thus not able to protect victim confidentiality.
6. The complaint rate is very high. Only in the first 8 months of 2013 more than 3400 complaints were made. This is not related to the passage of the Law, but these figures existed in 2009-2010 when the Law did not exist. This in itself answers those who think that the Law had negatively impacted Kurdish family.
7. Although the Law is related to family, the figures show that violence against women in the Kurdish society is committed inside the family. The Law, however, has not decreased violence; the rate is still high as shown by the figures from the General Directorate of Combating Violence.
8. Although the Reconciliation Committees are limited to certain areas, their role is very important in solving domestic violence in accordance with the Law.
9. The level of case dropping is high.
10. The legal procedures and the implementation of the Law are very slow causing plaintiffs' dissatisfaction.
11. Low public awareness on the Law.
12. All parties call for amendment of the Law to make it stronger and more detailed.

Second: Recommendations



1. Establishing domestic violence courts and reconciliation committees outside the major cities.
2. Increasing the number of specialized domestic violence judges by the Judicial Council.
3. Facilitating the work of reconciliation committees and train their members on problem solving methods and international best practices.
4. Reiterating the importance of confidentiality during the legal procedures.
5. Amending the Law to make it stronger and clearer.
6. Data on violence against women not to be hidden under the pretext of domestic violence in order not to weaken the attempts to combat violence against women.
7. Strengthening the relations between the relevant parties (courts, Ministries of Health, Interior and Labor and Social Affairs) to avoid slow procedures and plaintiff dissatisfaction.
8. Continuing awareness raising on the Law and its importance.
9. Designating a special budget for the implementation of the Law and provision of all the necessities. In other words in the general budget of the Region consideration should be given to gender issues.
10. The attorney general should play active role in investigating violence against women. According to some reports of the General Directorate of Combating Violence against Women the level of complaints related to violence against women is very high, 14 daily complaints in addition to the other cases such as murder, violence, burning, etc...



Information about the contributing organization to the monitoring process:

Norwegian People's Aid

Norwegian People's Aid started working in Iraq in 1995 in the Kurdistan region. The area had been left in ruins as part of the genocidal campaign Al-Anfal directed against the Kurds in Iraq a few years earlier. After the first Gulf war in 1991, the Kurdish population revolted against Saddam Hussein. The uprising was brutally suppressed and two million fled to neighboring countries. A UN-led humanitarian intervention made it possible for refugees to return. This was the beginning of the autonomous Kurdistan region in northern Iraq. In the 1990s, the Norwegian People's Aid ran mine clearance and reconstruction operations in the destroyed Kurdish countryside.

Since 2001 the program has supported local organizations working for democratization and social change and participation. Saddam's fall in 2003 made it possible to expand the work to all of Iraq. Today Norwegian People's Aid cooperate with more than 20 local organizations throughout Iraq. Some of these organisations have succeeded in bringing human rights education into Iraqi schools, while others organize women and youth in struggle for their own rights. In a country where oil accounts for over 90 percent of the economy, we have also given priority to supporting organisations that work with the control and distribution of natural resources. Free media play an important role as watchdogs and to draw attention to issues of power and distribution. We therefore support training of journalists and cooperate with independent media institutions in the country.

The head office is in Sulaimaniya in the Kurdistan region. We have staff both in southern Iraq, Baghdad and Kerkuk.



Civil Development Organization – CDO

The Civil Development Organization (CDO) is a non-governmental, non-profit independent organization which was founded in 1999, in cooperation with the Swedish organization Diakonia. At the beginning, CDO has been working under the umbrella of Diakonia for 2 years. In April 2001 it got the registration from the Ministry of Humanitarian Aid and Cooperation of the Kurdistan Regional government.

The Civil Development Organization built close relationships with other Kurdish and Iraqi non-governmental organizations. It has been member of several local networks, heading some of them. CDO's activities and projects so far have been promoted by about 40 international organizations; there has been a long term corporation with ten of them.

CDO was awarded Golden Award by the Ministry of Human Rights in 2008 as recognition for its activities in the Kurdistan Region.

Aims of CDO are:

- Improving the Human Rights situation.
- Raising the capacity of Civil Society Organizations.
- Raising women capacity in the field of leadership and combat violence against women.
- Promoting democracy principles and building peace in the conflict areas.
- Providing legal assistance for marginalized groups in society.

The CDO Departments:

- Human Rights Department
- Women Affairs Department
- Democracy Training Center
- Protection and Assistance Center (PAC)
- Awareness Center for Internal Security Forces

Civil Development Organization (CDO)



Building 1, 11 Raparen Street,

Branch No. 102, Sulaymaniyah, Kurdistan Region, Iraq

Tel: 3206703

Mobil: +964770-1556364

+964750-1113118

Fax: 017202948297

E-mail: madaniatcdo@yahoo.com

Democracy and Human Rights Development Organization

Democracy and Human Rights Development Organization was established in 2006 by a number of volunteers as a non-for-profit and non-governmental organization.

This organization works towards peace and mutual understanding through individuals and groups participation in the development projects and cultural exchange.

The activities and projects are implemented in the Kurdistan, where social democracy is still weak.

Other aims include equality between men and women, sustainable economic development and social development.

It also works to raise human rights awareness at the lower level of society throughout the country.

The organization works in areas of training, human rights monitoring, reporting and making alliances.

Al-Mesalla Human Resources Development

Al-Mesalla is a non-governmental and non-profit organization established in 2004 and registered in Kurdistan Region and Iraq.



The main aims of Al-Masalla include building the capacity of youth and civil community organizations and strengthening their role in the society. Cultivating a human rights culture, supporting principles of human rights in general and women's rights in particular. Rejecting all sorts of violence and discrimination on the basis of gender, race, religion and sectarian differences. Cultivating a culture of non-violence and encouraging society to believe in non-violence as the only way to pursue political, economic, social, and educational changes. Supporting the neglected classes of the community that have faced violence or suffer from poverty so as to newly integrate them into the community.

To honor the continual activities of the organization - on both internal and external levels – the following prizes have been given to the Al-Mesalla Organization: First: Al-Mesalla was given the Spanish Peace Prize in Spain on September 1st, 2007 to honor its commitment to cultivating non-violent reforms in Iraq and Kurdistan. Second: Al-Mesalla was given The Civilization Prize by the Prime Minister of the Kurdish Regional Government on June 16, 2008. The prize was allocated by the Regional Ministry of Civil Community Affairs for 7 organizations and 3 personalities.

Al-Masalla has been awarded on many occasions: in 2008 the Prime Minister's Civil Award through the Ministry of Civil Society. In 2007 Peace Award in Spain. 20011 Serjio Dimilio Award in The Switzerland.

E-mail: almesalla@almesalla.net

Web: www.almesalla.net