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Iraq:

Decades of suffering, Now women deser

1. Introduction

Women and girls in Iraq live in fear of violence as the conflict in insecurity spirals. Tens of thousands of civilians are reported to be killed or injured in military operations or attacks by armed groups since the invasion of Iraq in March 2003. The lawlessness and increased kidnappings and rapes that followed the overthrow of the government of Saddam Hussain have restricted women's freedom of movement and their access to school or to work. Women face discriminatory laws and practices that deny them equal justice or protection from violence in the family and community. The backlash from conservative social and political forces threatens to undo the attempts to gain new freedoms. The general lack of security has forced women out of public life, and constitutes a major obstacle to the realization of women's rights.

In recent decades, the people of Iraq have suffered brutal repression under the government of Saddam Hussain, and the terrible consequences of international sanctions. Many thousands of Iraqis were killed, tortured and imprisoned by security forces. The 1980-88 Iran-Iraq war cost the lives of half a million soldiers. Thousands more died in the 1990-91 Gulf war, the suppression of Kurdish uprisings in 1991, and the 2003 US-led war on Iraq. The impact of UN-imposed economic sanctions following the disruption arising from the outbreak of armed conflict contributed to the early deaths of hundreds of thousands of Iraqi people, most of them children.

Under the government of Saddam Hussain, women were subjected to specific abuses, including rape and other forms of sexual violence. Women activists, relatives of activists or members of certain ethnic or religious groups were targeted. War and economic sanctions had a particular effect on women. The impact on women and households headed by women, many of them war widows, and on the poorest sectors of the population. In the 1990s the mortality rate

women and mothers increased, and became one of the worst in the world. The number of children under the age of five.

Since the 2003 war, women's rights activists and political leaders have been threatened by armed groups and a number have been killed. Women subjected to sexual threats by members of the US-led forces(1), women detained by US forces have been sexually abused, possibly raped

Within their own communities, many women and girls remain at risk of injury from male relatives if they are accused of behaviour held to be a dishonour on the family. So called "honour crimes" are in effect criminalized by Iraqi legislation, which allows the courts to hand down lenient sentences to perpetrators. Gender discrimination in Iraqi laws contributes to the prevalence of violence against women.

Violence against women is a human rights abuse. The 1993 UN Convention **the Elimination of Violence against Women** defines it as any act of violence based on gender – that is, violence directed against a woman because she is a woman or that affects women disproportionately – that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.(2)

In the past year, women's rights activists have successfully campaigned against an attempt to amend the Personal Status Law to place certain family law issues under the control of religious authorities. Numerous non-governmental organizations (NGOs) and other bodies working for women's rights have been formed, including groups that focus on the protection of women from violence. Violence against women is closely bound up and interacts with other human rights issues. Relations between men and women and gender-based discrimination are not to be discriminated against on the grounds of race, sex, sexual orientation, gender expression and identity, age, birth or religion, is the basis of human rights – the inherent and equal dignity of every woman, man and child.

Women's rights NGOs in Iraq have called for measures to be taken to stop violence against women and to end discrimination against women. A conference in June 2004 in Baghdad, attended by 350 delegates from 100 organizations, participants demanded that armed groups were disarmed and members of the US-led forces responsible for human rights violations be held to justice.(3) They called for support for women survivors of violence, including through the establishment of shelters for women and legal reforms to tackle "honour killings". To address the legacy of the 1990s, the conference demanded support for those still suffering the consequences of human rights violations under Saddam Hussain's government, an end to the fate of the "disappeared". The participants also called for an end to discrimination against women in law, and equal representation of women in education, employment and political decision-making. Attention to women's gender-specific needs, including in the health

This report is part of Amnesty International's Stop Violence Against Women campaign. It focuses on the many ways in which women and girls have suffered from government repression and armed conflict in Iraq.

different ways from men, and also how they have been targeted and shows how discrimination is closely linked to violence against women in particular ways in which women have suffered from the breakdown of order in many parts of the country since the overthrow of the government of Saddam Hussain.

Among the recommendations made in this report, Amnesty International asks the Iraqi authorities and members of the National Assembly to ensure that the new constitution and all Iraqi legislation contain prohibitions on discrimination against women, and that effective measures to protect women from violence are introduced and supported.

States have an obligation under international human rights law to protect and fulfil human rights. They must ensure that human rights are not carried out by public officials or other agents of the state; they must protect people against human rights abuses by others, including individuals, groups, communities and families, and must adopt legislative, administrative and other measures to enable the fulfilment and realization of human rights. In particular, states should eliminate discriminatory legislation and practices that put women at risk of violence, and take steps to protect women against discrimination and violence.

2. Eroded rights, lost freedoms

From the 1960s to the early 1980s, women in Iraq achieved significant gains in gaining access to education, to employment outside the home, and to welfare services. Women's rights were newly enshrined in the constitution and women claimed a greater role in political and social activities.

After the Ba'ath Party came to power in 1968, independent civil society organizations, including women's organizations, were closed. The Federation of Iraqi Women (GFIW) was established in 1969, prior to the government and its policies. Nonetheless, it became an important force for women's social advancement and participation in public life. Literacy, social or educational programs for women, for example, were organized through GFIW branches across the country, including in rural areas.

By 1980 women could stand for election to Parliament and local councils. Laws were enacted making education mandatory for girls and boys from the ages of six and 10, and providing literacy programmes for adults. Employment laws introduced provision for equal opportunities in public service, equal pay for equal work for women, maternity benefits, and protection from harassment in the work place.

The 1980s and 1990s, however, saw the gradual erosion of many of the gains made by women under the onslaught of massive and systematic human rights violations committed under the government of Saddam Hussain (1979-2003). During the 1980-88 Iraq-Iran war, women's emancipation suffered primarily as a result of the overall deterioration in the human rights situation.

Following the 1990-91 Gulf war, the government consolidated its alliances with conservative religious leaders and powerful tribal clans. A process of Islamization in Iraqi society took place alongside a similar trend

at large. An obvious indication of this development was the growing number of women wearing the veil. The government appeared to foster this for example in its "campaign to enhance the [Islamic] faith" (*al-himaniyyah*).

The 13 years of UN-imposed economic sanctions jeopardized the lives of hundreds of thousands of people. The deprivation and hardship had a significant impact on women. In a climate of growing conservatism and social conservatism for women, the impact of two armed conflicts and over a decade of economic sanctions were devastating. Women who had been left in single-parent households when male breadwinners were killed in war or forced to work abroad were at the same time discouraged from working outside the home and were even less in control of their lives and choices.

Massive human rights violations

The war between Iraq and Iran imposed enormous suffering on women and children. Gross human rights violations, including mass killings and sexual violence, were inflicted on whole communities. Women were frequently targeted because of their family relationship with male opposition activists, and witnessed gender-specific human rights violations such as rape and trafficking for prostitution and exploitation.

At the beginning of the war the government deported thousands of women and children to Iran, solely on the basis of their actual or alleged political affiliations. They included Shi'a Muslims, Arab Muslims and Feyli Kurds. Entire families were stripped of their properties, possessions and Iraqi identity documents. They were guarded by an armed guard, forcibly transported in trucks or buses to border areas and then to cross into Iran. The majority of deportees lived for years in refugee camps inside Iran. Thousands of men and boys from such families, and thousands of women and girls, aged between about 16 and 40, were arrested and detained in Iraq. Although many were released in subsequent years, thousands were "disappeared", never to be seen again. Most were probably killed.

Tens of thousands of Kurds, including many women and children, were killed in an operation by government forces known as the "Anfal" campaign (1987-88). It was estimated that 4,000 villages were destroyed. A recently discovered mass grave near the village of Hadhra, south of Mosul, contained the remains of about 300 Kurdish women and children who had been killed. Forensic scientists uncovered evidence that they were believed to have been shot from the back of the head or in the face before their bodies were buried in mass graves.

The use of chemical weapons against the Kurds of Halabja in 1988 killed an estimated 5,000 people outright and injured thousands more. By 1990, reports that growing numbers of children were dying of leukaemia and lymphoma. Women and babies were particularly affected: medical reports showed increased rates of infertility, miscarriage and infant death; of babies born with disabilities; and of skin, head, neck, respiratory, gastrointestinal, and childhood cancers. (5)

There were also indications that senior Iraqi security officials had been involved in the trafficking of Kurdish women and girls for the purposes of sexual exploitation as part of the government's repression of the Kurds.

communications discovered after the overthrow of Saddam Huss: government included a document of 10 December 1989 from the Intelligence Directorate to the General Intelligence Directorate th names of 18 women and girls, aged between 14 and 29, who had the Anfal campaign and sent to nightclubs in Egypt.(6)

The gravity of the crime of trafficking is reflected in the fact that circumstances, it may constitute a crime against humanity or a w: Enslavement has been included among the most serious crimes o concern in the **Rome Statute of the International Criminal Co** defines it as the exercise of powers attached "to the right of owne person [including] the exercise of such power in the course of tra persons, in particular women and children."(7)

Throughout the 1980s and 1990s, women political activists in ba unauthorized opposition political groups such as al-Da'wa Party Communist Party, and women relatives of political and religious the government, were detained, sentenced to prison terms, torture

Amina al-Sadr, known as **Bint al-Huda**, was believed to have be her brother, Mohammad Baqer al-Sadr, in April 1980. Mohamma Sadr, who founded the Shi'a Islamist al-Da'wa Party in 1958, wa placed under house arrest in 1979 after publicly supporting the Is in Iran and Ayatollah Khomeini. Hundreds of party members we many later executed. Bint al-Huda made a speech in Najaf, callin demonstration in protest at her brother's house arrest and at the crackdown on his supporters. She and her brother were detained after al-Da'wa Party was accused of being behind an assassinatio life of Deputy Prime Minister Tariq 'Aziz. They were held at the the General Security Directorate in Baghdad. Three days later, th Muhammad Baqir al-Sadr was returned to his family. The where: al-Huda were never disclosed, but it was widely believed that she extrajudicially executed.

Women and their children were said to have been tortured in fron husbands and fathers. **Ahlam al-'Ayashi**, aged 20, was arrested i she was married to a senior member of al-Da'wa Party, Imad al-I was in prison. When her husband refused to give information to t services, she was reportedly tortured to death in front of him by t officers. Three of her five brothers and Imad al-Kirawee were ex

Some women were tortured and spent years in prison because of relatives' political activities. Two sisters, **Yusra Tayef Shafi'** an **Shafi'**, were arrested on 17 July 1986 in Basra and questioned ab with their brothers, who were wanted by the security services as members of al-Da'wa Party. The two sisters were held for 11 day Directorate in Basra, where they were blindfolded, beaten on the (*falaqa*), and threatened with execution. Yusra told Amnesty Inte May 2003: "During the period of interrogation it was very hard o second felt like months. We will never forget this period." After General Security Directorate in Baghdad, the sisters were tried on protecting a member of an unauthorized organization, and convic

sentenced to 20 and 15 years' imprisonment without right of appeal. They were alleged to have protected, known as "**Safia**", had been arrested on suspicion of being the contact to a man who was to help them leave the country. Sentenced to death, Safia spent nine months in confinement before she was executed. The sisters served their sentences in Rashad women's prison in Baghdad, for the first two years in confinement. They were released in a general amnesty at the end of 1991. Several brothers, including the six who had been in hiding, are still missing.

Photo Caption

Yusra and Hadhin Tayef Shafi'at their house in Basra, May 2003

After the sisters were released, people were afraid to contact or support them. Even family members were fearful of helping them financially. They supported themselves by working at home as seamstresses. A year after their release a security officer told Yusra that, if there was any trouble in their neighbourhood, they would be the first arrested. The harsh conditions affected the sisters with poor eyesight. According to a relative, they were unable to work because of their years in prison. The sisters told Amnesty International they would like to see those responsible for their torture and imprisonment brought to justice and punished.(9)

During and after failed uprisings in 1991 by the Kurds and Shi'a in the south of Iraq respectively, thousands of people, including women and children, were killed by government forces. Women and children were also reported to have been used by government forces as "human shields" in military operations to quell both uprisings, and to have been killed in crossfire between the security forces and insurgents.

Government repression continued unabated throughout the 1990s against women suspected of association with banned opposition groups and suspected government opponents. **Su'ad Jihad Shams al-Din**, a medical doctor, was arrested at her clinic in Baghdad on 29 June 1999 and detained without charge or trial for a month on suspicion of contact with Islamist groups. Security agents tortured her frequently, including striking her on the soles of her feet with a cable, during interrogation at the B-1 Directorate, she told Amnesty International in November 1999 and returned to her country.

Ahlam Khadom Rammahi, a mother of six children who had left her husband in 1982, travelled back from London to Iraq to visit her mother on 28 July 1999, using her British passport. She had not seen her mother since leaving Iraq. On 5 August she was arrested in Baghdad at the home of her mother and detained for a month before being released without charge or trial. No reason was given for her arrest, and her terrified family were unable to find out where she had been taken for several days. During one interrogation she told Amnesty International after her release, a security agent asked her, "Do you know our torture methods don't you? We use electricity. You bet we will use it on your husband, your contacts with Iran, with al-Da'wa, with Saudi Arabia. Your husband has criticized Saddam Hussain and the regime hasn't he? We will talk we will pierce your hand with a drill." She said that security agents threatened to torture her daughter in front of her if she did not cooperate.

opposition activities in London.

Rape was used as a form of torture on women in custody because relatives of opposition activists or in an attempt to force Iraqi nationalists to cease political activities. In June 2000, a videotape showing the rape of a woman's relative was sent to Najib al-Salihi, a former army general who had defected and joined the opposition. Shortly afterwards he reportedly received a call from the Iraqi intelligence service, asking him whether he had seen the videotape and informing him that his relative was in their custody.

In 2000, women were publicly beheaded in a campaign against prostitutes suspected of procuring women for the purposes of prostitution who had already been beheaded. In October 2000, dozens of women were beheaded in Baghdad and other cities. They had been arrested on suspicion of prostitution and ill-treated in custody before their execution. Members of Fedaiyya militia created in 1994 by 'Uday Saddam Hussain, used swords to execute women in front of their homes. Several of the killings were reported in the presence of representatives of the Ba'ath Party and the General Union of Iraqi Women.

An accusation of prostitution was reportedly used as a pretext to arrest **Mohammad Haydar**, an obstetrician in Baghdad, in October 2000. He is alleged to have been detained for criticizing corruption in the health sector before the policy to behead prostitutes was introduced.

A woman known as "**Um Haydar**" was reportedly beheaded in 2000. She was 25 years old and married with three children. Her husband had fled the country, reportedly after being sought by the security authorities for involvement in Islamist armed activities against the state. Men belonging to Fedaiyya militia under Saddam reportedly took Um Haydar from her home in al-Karrada, Baghdad and beheaded her in the street, in front of other resident members of the Ba'ath Party. They took away her remains in a plastic bag and detained her mother-in-law and children, whose fates were unknown.

Armed conflict and sanctions

After half a million Iraqi soldiers died in the Iran-Iraq war, and thousands more had been executed or had "disappeared", the widows, mothers and children left behind frequently had to face alone the devastating impact on the fabric of Iraqi society. In many respects, women bore the brunt of economic hardship and shattered education and health systems the consequence of warfare and sanctions.

The number of female-headed households increased. Not only widows, but also women whose husbands had been imprisoned, executed or "disappeared" had left home to find work abroad, had to cope with day-to-day problems for the first time on their own. Men who were left with severe disabilities were cared for by their families – a task that generally fell on the women of the family. The large number of women unable to marry or left destitute led to an increase in polygamous marriages.(10)

Following the Iraqi invasion of Kuwait on 2 August 1990, the UN Security Council imposed comprehensive sanctions that allowed Iraq to ir

"supplies intended strictly for medical purposes, and, in humanitarian circumstances, foodstuffs" (Resolution 661).(11) However, though imposition of sanctions was intended as a temporary measure, the force for 13 years, contributing to a severe deterioration in living Iraq. In 1995, Security Council Resolution 986 established an oil programme, which allowed Iraq to sell oil to finance the purchase humanitarian goods. There were claims that the Iraqi government manipulated the sanctions regime and oil-for-food programme for purposes.(12) Both sanctions and the oil-for-food programme also drew criticisms because they lacked a monitoring mechanism to measure and effect on the Iraqi civilian population.

Sanctions jeopardized the rights to food, health, education and, in the life of hundreds of thousands of individuals, many of them children were often disproportionately affected, since they bore the main burden of maintaining the household. In female-headed households, it became difficult for women to find paid work.

A major impact of the sanctions was a further deterioration of the already severely damaged by two consecutive wars. (13) There was an increase in risks for pregnant women, mothers and babies in particular. According to a survey of the UN Population Fund (UNFPA) published in November 2003, the number of women who died in pregnancy almost tripled between 1989 and 2002. (14)

One of the most important indicators used to measure the health of a country is the mortality rate of vulnerable groups. In the years before the war, the mortality rate for children under five years of age was one in 100. From 1990 and under the sanctions regime, child mortality rates increased dramatically. In March 2003 the UN Children's Fund (UNICEF) reported that "one in eight children died before the age of five – one of the world's highest mortality rates".(15) A UNICEF study of 1999 on child and maternal mortality found that between 1990 and 1998, 500,000 more children would not survive beyond their fifth birthday if the Iraqi government had continued to neglect the social sector.(16)

Sanctions contributed to a sharp and unprecedented economic decline. The government was unable to continue funding social and welfare services and public employment opportunities and income shrink, their access to education and their household responsibilities increase. This led to a generation of women "between older women who were literate, educated and worked outside the home, and their daughters who were not in the work force, often illiterate, conservative, and had not received the same level of education as their mothers" (17)

Before 1991, women constituted 23 per cent of the labour force. (18) Before the Iraq-Iran war, increasingly women had been employed. According to the International Labour Organization (ILO), by 2000 the share of women workers in the public sector had increased further as wages fell and women sought better paid work in the private or informal sector.(19) In addition

low wages, many working women suffered from the collapse of support systems, including kindergartens and free transportation to women's work places.(20)

The rise in households headed by women, and growing economic increased household responsibilities for women. In the absence of sponsored social services, they had more care responsibilities for children. Faced with rising costs and shrinking income, they had to work to provide the essentials. Their increased responsibilities narrowed women's role in the public domain as they were "pulled" from their homes and into the traditional roles of being mothers and housewives.

3. Violence in the present armed conflict

Continuing insecurity constitutes a serious threat to the whole population, a major obstacle for the country's rebuilding and reconstruction program. Since the announcement by US President George Bush of the end of "major operations in Iraq" in May 2003, the violence has not ended. Since then, thousands of civilians – women, men and children – have been killed in military operations by the US-led forces and in attacks by armed groups.

Violence and threats have directly affected women and have been aimed at women. Armed opposition groups have targeted and killed women political leaders and women's right activists. Women detainees have in some cases been subjected to sexual abuse, possibly rape.

Because of the increased level of violence and threats, many women are leaving their homes as much as possible. The widespread fear of violence affecting all Iraqis has restricted the participation of women in civil society since the 2003 war, particularly in education, employment and political decision making.

Lawlessness and intimidation

In a climate of lawlessness during the first months after the overthrow of Saddam Hussain's government, there was an increase in reports of kidnapping and killings of women and girls by criminal gangs. Iraqi officers at a Baghdad newspaper reported in June 2003 "that the number of [rape] cases is substantially higher than before the war".(22)

In one reported case, "**Asma**", a young engineer, was abducted in Baghdad in May 2003. She was shopping with her mother, sister and a male friend. Five armed men forced her into a car and drove to a farmhouse outside Baghdad where she was repeatedly raped. A day later, she was driven to her neighborhood and pushed out of the car.

Since late 2003 reports of kidnappings resulting in rape or other sexual violence against women appear to have decreased. However, many cases of kidnapping and rape are not reported, because relatives fear for the woman's own safety, even after release, and because of the stigma associated with rape.

Women continue to be forced to wear headscarves by threats and intimidation from members of Islamist groups. These groups have targeted women

who have not covered their heads, including non-Muslims, in the schools and in universities. As a consequence, the number of women wearing a headscarf or veil has further increased. Choice of clothing is an important element of the right to freedom of expression. Intimidating girls to make them observe a strict dress code amounts to a restriction of their right. Such forms of social control often have a disproportionate impact on women, because their dress and appearance are subject to particular scrutiny. Underlying such controls is the threat of injury or worse. They not only restrict women's freedom of movement, their rights to education and work, but sometimes their freedom of religion, but also expose women to the threat of violence as a penalty for transgression.

Targeted by armed groups

Hundreds of women, men and children have died in attacks by armed groups. In some cases, civilian deaths have resulted from indiscriminate attacks on public targets, such as police stations. In others, civilians have themselves become objects of attack. In one instance, more than 100 civilians were killed in 2004 in nine coordinated attacks in Karbala and Baghdad as militants were marking 'Ashoura, the holiest day in the Shi'a Muslim calendar.

Women campaigning to protect women's rights have been threatened and killed by members of armed groups in Iraq. In several cases, women have identified themselves as members of Islamist groups, linking their activism to the women's rights movement. In other cases, their actions are thought to have contributed to the attack on them. A recent report on Iraq by Women International(24) is dedicated to "Iraqi women who have been targeted merely because of their leadership activities, the positions they hold, or their otherwise visible in public" and lists the names of several who have been kidnapped or killed over the past year.(25)

Members of the Organisation of Women's Freedom in Iraq (OWFI) have reported threats received because of their advocacy of women's rights. Chairperson **Yanar Mohammed** reported that in January and February she received several death threats by e-mail from an Islamist group known as the Army of Sahaba. She asked US officials for protection, but was refused as they had more urgent matters to address. Yanar Mohammed and the Baghdad office of OWFI were forced to avoid public appearances and wear bullet-proof vests.(26)

Several women's centres established by the US authorities to provide support for women, including literacy programs, IT training and political awareness, have had to reduce or review their activities following threats and attacks.

Amira Salih, the manager of a US-funded women's centre in Karbala, stepped down after she received repeated death threats.(27) Another women's rights activist from Karbala told Amnesty International that in April she was stopped by Iraqi police in front of a women's centre where she was to attend a meeting. A police officer advised her that this was an unauthorised gathering and that she should not enter.(28)

The killing of US lawyer **Fern Holland** and Iraqi assistant **Salwa** in an armed attack on 9 March 2004 added to the climate of threat and

experienced by many women working for women's rights. Fern I civilian employee of the Coalition Provisional Authority (CPA), body that governed Iraq until the handover of power to an interim administration in June 2004. She played a key role in supporting women's rights projects in the governorates of Babil, Karbala and including by setting up women's centres in Hilla and Karbala. All responsible for killing the two women have not been identified, it believed that both were targeted because of their promotion of w

The US authorities have frequently announced their support for v which has included the allocation of US\$10 million for the Wom Initiative for Iraq.(29) However, some women's rights activists h uneasiness about women's organizations receiving financial or ot from US government bodies. One Iraqi woman working for a wo receives US-funding explained: "Our society doesn't understand Americans, and that's why I and all of us are afraid. Anyone deal Americans – friendship, work – they're considered a spy".(30)

Although only states ratify international treaties, many of the inte principles contained in such treaties apply also to armed groups a members. Article 3 common to all four **Geneva Conventions** ap parties involved in an internal armed conflict, and reflects custom international law. Among the actions it prohibits, by armed group governments, are the targeting of civilians and others taking no a hostilities, who must be treated humanely; the taking of hostages and person, in particular murder, mutilation, cruel treatment and outrages upon personal dignity, in particular humiliating and deg treatment.(31)

Some armed groups have made explicit statements that they will international law. Nevertheless, irrespective of whether or not an has made a specific commitment, individual members of such gr commit such acts prohibited under international customary law c held criminally responsible and should be brought to justice.

Several women political leaders have been targets of politically n attacks. '**Aquila al-Hashimi**, one of only three female members : Governing Council (IGC), was killed in September 2003, reporte men opposed to the US-led occupation. (32) **Raja Khuzai**, anoth reported that she received death threats for opposing proposed an Personal Status Law: "There was a proposal, Resolution 137, wh women's rights... I succeeded in having this resolution cancelled 2004]. After that I received so many death threats, telephone call and my family".(33) On 29 March 2004, **Nisreen Mustafa al-Bu** then Minister of Public Works and the only woman in the cabinet attack on her convoy in Mosul in which two of her body guards v

On 20 November 2004, **Amal al-Ma'amalachi**, a women's right adviser at the Ministry of Municipalities and Public Affaires, was secretary, bodyguard and driver in Baghdad. She was on her way her car was riddled with gunshots and she received at least 10 bu was a co-founder of the Advisory Committee for Women's Affai

the Independent Iraqi Women's Assembly, which were established in connection with the overthrow of Saddam Hussain's government.

A number of women have been taken hostage by armed groups, in connection with political demands. Three relatives of Prime Minister Nuri al-Maliki, two of whom were women, were abducted from their homes on 10 November 2004 in one hostage-taking. An armed opposition group, al-Jihad, claimed responsibility and demanded that US and Iraqi military operations in Falluja be halted and political prisoners be released. The group threatened to kill the hostages unless their demands were met within 35 days. On 15 November 2004 the release of the two female relatives, aged 35 years and the other pregnant, was reported.(36)

Women of non-Iraqi origin have also been held as hostages, often to have foreign troops withdrawn from Iraq. Hostages have been threatened with execution, and at least one has reportedly been killed. Included among the hostages were Japanese, Polish and Italian nationals. Following their release in September 2004, **Simona Toretta** from Italy reported that she and **Simona Pari**, were treated with respect by their captors, but that "at some times when we feared we'd be killed".(37)

On 19 October 2004, **Margaret Hassan**, the Iraq country director of the international NGO, Care International, was taken hostage in Baghdad on her way to work. Margaret Hassan, who was married to an Iraqi and was herself a national of Ireland, the UK and Iraq, had lived in Iraq for several years. Several video messages that showed her in captivity and clearly identified her were broadcast. On 27 October 2004, *al-Jazeera TV* transmitted a video message appealing for the withdrawal of UK troops and the release of all British detainees. On 16 November 2004, her family said they believed she was still alive after a video tape appeared to show her being killed.(38) To date, no one has claimed responsibility for her abduction and killing.

Abuses by US-led forces

The numbers of civilian casualties in Iraq remain heavily disputed. Some sources suggest that among the civilian population women are less likely than men to be killed by the US-led forces. However, the absence of reliable data makes it difficult to draw conclusions from such findings. Between September 2003 and mid-January 2005, the Iraq Body Count had recorded between 17,500 "media-reported civilian deaths" resulting from US-led military intervention.(39) A much higher figure was given in a sample-based study published in October 2004 in the UK medical journal, the *Lancet*, which estimated that "about 100,000 excess deaths, or more have happened since the 2003 invasion of Iraq". (40) In response to the estimate in the *Lancet*, the Iraq Body Count pointed out that it counted only civilian deaths and civilian figures to be an "underestimate of the true position".(41)

Women have also been at risk of torture or ill-treatment as detainees in the custody of US-led forces. Reports about the torture and cruel, inhuman and degrading treatment of detainees in Abu Ghraib prison and other detention centres in Iraq have included allegations that women have been subjected to sexual abuse, possibly including rape.

Several women detainees have spoken to Amnesty International : release from detention, on condition of anonymity. They reported threats of rape, humiliating treatment and long periods of solitary. Some of the male detainees who alleged torture or ill-treatment in Iraq, the stigma frequently attached to the victims instead of the sexual crimes makes reporting such abuses especially daunting.

Huda Hafez Ahmad, a 39-year-old businesswoman, is one of the women detainees who have spoken out about their experiences. She was taken into US custody when she went to look for her sister, Nahla, who was also detained. The two women were reportedly not seen by a lawyer for a month. In December 2003 Huda Hafez Ahmad and several other members of her family, including her sister Nahla and her brother Ayad, were detained at a base in the al-A'dhamiya neighbourhood of Baghdad, because they were suspected of supporting an armed opposition group. In a communication to Amnesty International she made allegations that she had been tortured and ill-treated.

Huda Hafez Ahmad said that she was handcuffed and blindfolded and left overnight in a cold room containing only a wooden chair. She reported that she was hit in the face, made to stand for 12 hours with her back to a wall, and for the next three days subjected to excessively loud music and sensory deprivation..(42) She reported that her brother Ayad Hafez Ahmad was also in custody following torture and ill-treatment at this time.

In early January 2004, Huda Hafez Ahmad and her sister were transferred to Abu Ghraib prison, where she was reportedly held in a cell on her own for several months. The sisters were the last two women to be released from Abu Ghraib prison in July 2004, where – according to US official sources – 4 women had been detained since mid-2003.(43) After her release, she said she was sexually assaulted by US personnel while held at Abu Ghraib Prison. She was also aware of sexual abuse of other women in detention who were held at Abu Ghraib Prison.(44) However, US investigations into allegations of torture and ill-treatment at US-controlled detention centres in Iraq found that many women had been sexually abused and possibly raped.

Among the "intentional abuse of detainees by military police [MILITARY POLICE] found in an investigation by Major General Antonio Taguba were "sexual abuse by a guard having sex with a female detainee" and "videotaping and photographing of naked male and female detainees".(45) Military investigators found that female detainees were made to pose for soldiers taking pictures and on one occasion one female was instructed to expose her breasts for a photograph."(46)

According to a report on Abu Ghraib prison by Major General G. Michael Guinn, US military personnel received non-judicial punishment for their assault of a female detainee on 7 October 2003. According to the

"First the group took her out of her cell and escorted her to a cellblock to an empty cell. One unidentified soldier stayed behind her while another held her hands behind her back, and the other

kissed her. She was escorted downstairs to another cell where she was shown a naked male detainee and told the same would happen if she did not cooperate. She was then taken back to her cell, forced to raise her arms while one of the soldiers removed her shirt. She cried, and her shirt was given back as the soldier cursed at her and said he would be back each night."(47)

Amnesty International takes the view that the rape of a prisoner of war, a security or military official always constitutes torture. Other sexual abuse of prisoners by such officials always constitutes torture or ill-treatment by international tribunals and statements by UN human rights mechanisms support this view.(49) The state is accountable under international law for rape and sexual abuse carried out by, at the instigation of, or with the consent or acquiescence of any person acting in an official capacity. Such ill-treatment, rape and other sexual abuse, irrespective of whether the perpetrator is a state official or agent, are also proscribed under international law. Depending on the circumstances they may constitute war crimes or crimes against humanity for which the perpetrators can be held individually responsible under international criminal law. These acts are proscribed as war crimes against humanity under the **Rome Statute of the International Criminal Court**.(51) They are also proscribed under the statutes of the ad hoc International Criminal Tribunals for the former Yugoslavia (ICTY) and Rwanda, which have convicted a number of perpetrators.(52)

Women have also reported being subjected to sexual threats or inhumane encounters with US-led forces. **Huda Shaker Neimi**, a women's rights activist (53) and a political scientist, reported how she was treated by US forces at a checkpoint in Baghdad at the beginning of 2004. When she objected to a soldier taking her handbag, one of the soldiers pointed a gun at her. "Then he pointed the gun at me. He told me: Come here, bitch, I'm going to fuck you", she was reporting. (54)

House raids frequently conducted by the US-led forces at night have been terrifying experiences for many Iraqis. There have been particularly disturbing reports during such operations women were exposed to male soldiers who were not properly dressed.(55) A former woman detainee told Amnesty International that she was arrested in August 2003 at her home in Baghdad at about midnight by US soldiers and taken in her nightclothes to al-Karrade Security Centre. She was released in the evening of the same day, at around 9pm, and had to return home still only in her nightwear.(56)

4. Violence in the family

For decades, violence in the family in Iraq has been under-reported. Domestic violence in the home are carried out on women and girls by husbands, fathers or sons. The men are sometimes acting on the orders of family gatherings of family or clan elders who decide the punishment for those deemed to have infringed traditional codes of honour. Tradition also serves as a pretext for acts of brutality against women for daring to lead their lives. An underlying cause of the violence, and close to it, is the discrimination that denies women equality with men in life, including within the family.

In recent years, organizations in Iraq have started working to protect women who have experienced violence in the home. Women's rights activists have helped women to escape violent men and to hold their attackers accountable. They confront the prejudices that hold women's protests and complaints ill-treatment to be shameful to the family. They are often themselves the victims of threats and assaults from the families of the women they support.

The first shelter for women victims of violence in Iraq was established in the city of Sulaimaniya, in the Kurdish-controlled areas in northern Iraq. Shelters were opened in these areas in the following years. Since 2003, the activities of Kurdish women's rights organizations have raised awareness within their own society about the suffering caused by violence in particular by "honour crimes". Since early 2004, shelters for women have been established in Baghdad and Kirkuk by the Organization for Women's Freedom in Iraq. However, for the vast majority of women, such support as shelters or rehabilitation centres are not accessible.

The state's duty to protect women from violence is explicitly stated in the **Declaration on the Elimination of Violence against Women**: "States should pursue by all appropriate means and without delay a policy of eliminating violence against women" (Article 4). In so far as it may be claimed that honour are deeply rooted in tradition and culture, the UN **Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)**, to which Iraq is a party, places an obligation on states to change the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of sexes or on stereotyped roles for men and women" (Article 5).

Women's rights activists in Iraq have repeatedly emphasized that raising awareness is one of the most important tools to combat discrimination against women.⁽⁵⁷⁾ At a women's conference entitled "Voice of Women", in June 2004 in Baghdad, a number of recommendations for awareness-raising were discussed, including "intensive and comprehensive awareness [raising] on...gender equality throughout all social organizations, starting with the family, schools, religious, political and social institutions".

Women should not face these challenges unsupported. Under international human rights law, the state has an obligation not only to ensure that its officials do not commit violence against women, but also to protect women from violence committed by private individuals and bodies (sometimes referred to as "non-state actors"), including members of their own families and communities.

In order to comply with their obligations to protect women against violence, states should exercise "due diligence" to ensure that women's rights to equality, life, liberty and security, and to freedom from discrimination, torture and cruel, inhuman and degrading treatment are protected. States should have policies and plans to enable the fulfilment of these rights, to prevent and end abuses of these rights, and to provide redress and reparation where rights have been violated.

'Honour crimes'

Most victims of "honour crimes" are women and girls who are commonly

shamed the women's families by immoral behaviour. Often the accusations are flimsy and no more than rumour. "Honour crimes" are often perpetrated by male members of the women's families in these such crimes restore their and the family's honour.

In international human rights law, "honour crimes" are recognized as violence against women in the family or community. The rights that are violated include the right to life and security of the person; freedom from cruel, inhuman and degrading treatment; and the right to equality and to equal protection of the law. They also deprive women of rights under the **UN Women's Convention**, for example the rights to choose a partner, to enter into marriage freely, to freedom from discrimination, and to be treated as a human being with dignity and equal rights to men.(59)

In recent years, reports by Kurdish women's organizations on violence against women in northern Iraq have gained international attention and been cited in reports by international organizations. The Committee on the Elimination of Discrimination against Women, the UN expert body charged with implementation of the Convention on the Elimination of All Forms of Discrimination against Women, noted in 2000 that: "The Committee is concerned by the violence against women perpetrated throughout Iraq. The Committee urged the Iraqi government in particular "to condemn and eradicate honour killings and ensure that these crimes are prosecuted and punished in the same way as other homicides".(60) Furthermore, the Special Rapporteur on violence against women referred to the practice of "honour killings" in Iraq in her report of January 2002 to the Commission on Human Rights.(61)

The **UN Commission on Human Rights** has addressed "honour killings" in the context of the right to life and called on States to "investigate promptly and thoroughly all killings committed in the name of passion or in the name of honour...and to bring those responsible to justice before a competent, independent and impartial judiciary, and to ensure that such killings are not condoned or sanctioned by...private forces, are neither condoned nor sanctioned by government officials or personnel".(62)

The organization, Kurdish Women Against Honour Killings (KWAK), reported that between 1991 and 1998 hundreds of women had died in so-called "honour killings" in northern Iraq. The report listed more than 100 individual women killed during the 1990s by their husbands, brothers, cousins, or other family members in northern Iraq.(63) Among reasons given for these killings was that the women had committed adultery, refused to marry against their family's wishes, or refused to marry a man of her own choice.

Until legal reforms specifically to address "honour killings" were introduced, the Kurdish authorities in northern Iraq between 2000 and 2002, often failed to prosecute such killings were either never tried or received generally lenient sentences.(64) In one well-documented case, a court in Dohuk, northern Iraq, sentenced men who had killed a young woman to life imprisonment on the basis of "honourable motivation" of men who had killed a young woman. The court showed leniency in sentencing. (65) **Pela**, unmarried and living with her family in Sweden, was killed on 24 June 1999 on a visit to the family home in northern Iraq. Breen, Pela's younger sister, heard a shot upstairs. Her uncle, Reza,

came out of the room holding a gun, and claimed that Pela had shot Breen, initially made to leave the house, later managed to get back upstairs, she found her sister covered in blood but still alive. Pela's uncle had shot her. Her mother helped bring her downstairs to the kitchen. There she was shot in the head and killed by one of her uncles. In 1999 the Dohuk Criminal Court convicted Pela's father, Agid Atroshi, and her uncle Rezkar of the killing, but gave them each a suspended life sentence.(67)

The court referred to a report from the autopsy that "the hymen was intact" to the defendants' "honourable motivation" in support of its decision. The Court of Cassation reviewed the verdict and on 22 February 2000 ruled that the 15-year sentence be served. In January 2000, Pela's uncles Rezkar and Agid Atroshi were arrested in Sweden. On 12 January 2001 the Stockholm District Court convicted both men of the murder and sentenced them to life imprisonment. Their sentences were confirmed on appeal.

Mutilation is another form of "honour crime" used in northern Iraq as a punishment for people accused of a relationship considered to be dishonouring. In July 1996, **Kajal Khidr**, 24 years old and pregnant, was accused of adultery and tortured and mutilated by six members of her husband's family in Rania, Sulaimaniya governorate. They cut off part of her nose, ear, and she would be killed after the birth of her child. She received treatment at a hospital in Rania, and a further three months of hospital treatment in Sulaimaniya, where she was kept under police protection. She then fled to Syria in hiding before finding refuge with a women's organization in Saida. With the help of local human rights activists, she fled to Syria in 2000 and was recognized as a refugee by the UN High Commissioner for Refugees. In July 2000 she was resettled in a third country where she lives with her children. Two of the men who had tortured her were arrested by the Patriotic Union of Kurdistan (PUK) authorities, which controlled the area, but were released after 24 hours on the grounds that they had acted to safeguard the "honour" of the family. No charges were ever brought against them.

Dunya (not her real name) from the Rania region was forced to marry her uncle's will in 1999. Before her marriage she had been in love with Ahmed (not her real name), her husband's nephew. In March 2002 her husband accused her of adultery with Ahmed, and the families decided to cut off Dunya's ears and the ears of Ahmed's ears. In September 2002 one of Ahmed's relatives was sentenced to four years' imprisonment for carrying out the mutilations, two years for the offence.

Between 2000 and 2002 the Kurdish authorities amended the law so that the court could no longer find "honourable motivation" a mitigating circumstance in "honour crimes" against women.(68)

However, despite these reforms, Kurdish women's organizations report that efforts are made to conceal "honour killings", in order to avoid the legal consequences. The Women's Information and Cultural Centre (WICC) reports that the bodies of victims of "honour killings" have been hidden, and their identities concealed. The Centre has reported recent cases where women died in suspicious circumstances, and relatives have claimed that

accidental. One man who had killed his daughter-in-law, **Gulesta** in the Balisan area, told the Centre in August 2002:

"We killed this woman to end the problem. If we did not kill two families would have got into a fight and maybe 15 people died over this. We have tribal customs and we do not take to court... If I did not kill her I may have been told many times keep my honour... If I did not kill her, whenever I will have problem, the issue will be mentioned again."

He said that they had to act swiftly to prevent the authorities from Gulestan. Although he was aware of the legal amendments regarding "killings", he did not expect the case to be brought to trial. An agreement including the payment of compensation, had been reached with the family, and the local authorities appeared to be aware of the arrangement.

Women and girls living in hiding to escape "honour killings" have videotaped interviews about their experiences. One of them, **Niv** (name), ran away in 2002 at the age of 16 to marry the man she loved against the will of her family. Attempts to reconcile her family and her husband involving religious leaders and local authorities, were unsuccessful. She was allegedly behind an attempt to kill her and her husband, and was killed three months later in mid-2003. Initially detained on suspicion of involvement in the killing, she was released after two months, and has been living with her child in hiding. "I have no future. My family will look for me and I will never return to my family," she said.

In recent years several organizations have been established in northern Iraq to offer support for women at risk of violence, including survivors of "honour killings". One of these organizations is the Sulaimaniya-Centre for Combating Violence against Women (Asuda Centre), which in 2002 opened a shelter for women survivors of violence at a secret location. Asuda Centre's work to protect women who have experienced violence at risk includes negotiating with their families. Most organizations in northern Iraq and offering support for women who have escaped their homes consider a controlled return to the family to be the most likely solution. To ensure a woman's safe return to her family, the family is often required to sign an official undertaking to guarantee the woman's protection. However, an activist of the Sulaimaniya-based centre, Khanzad, told Amnesty International that there had been cases where families had killed a woman after her arranged return.(71)

Kurdish women's rights activists have reported that several women remained in a shelter for more than a year, because no settlement with their families could be reached, might only be able to find safety in the north of Iraq or even outside Iraq altogether.(72)

Violence associated with "honour crimes" has never been confined to Iraq. The Iraqi author, Fuad Tekerly, who worked as a judge in Baghdad, stood against such crimes when he published a short story in 1977, claiming that he killed his sister-in-law in order to protect his family. His story reveals that the woman was murdered because she had dis-

brother-in-law's adulterous relationship with a relative.(73)

More recently, lawyers have spoken of their involvement in cases of "honour killings" in the 1980s and 1990s in central and southern Iraq. A lawyer in Baghdad reported a case in which she was involved in the mid-1990s. She was representing **Azima** (not her real name), a teenage girl from a neighbourhood in Baghdad, who had been arrested after running away from her family with her lover. After several months of negotiations, she was released to her family, who promised to ensure her safety. However, a month later she was shot dead by her teenage brother. The brother was sentenced to six months imprisonment for the killing.(75)

Another lawyer reported details of more than a dozen cases of "honour killings" that have been tried at Basra Criminal Court over the past three decades. Amnesty International about the killing of a young single mother

"In the beginning of the 1980s I witnessed a case of 'honour killing' on my way to the Basra Criminal Court. About 10 metres away from the court I saw a young man talking to a woman holding a baby child. Suddenly he pulled out a pistol and fired at her. The woman fell to the ground. He lifted her up and pulled the child from beneath her. Then he took the child and walked into the court building".

The murdered woman had become pregnant as a result of a secret affair. She had turned to the police for protection and had been kept at a safe house until her child was about a year old, when she was told to leave. She was apparently on her way to court to seek further protection when she was shot. At his trial, he was given a suspended two-year prison sentence.

The same Basra-based lawyer also reported cases in which the perpetrators of "honour killings" received significantly higher sentences. She recalled a case from the early 1980s in Basra. A young woman was returned to her father for her wedding by her husband, who claimed that she was not a virgin. She was stabbed to death by a member of her family. Her autopsy report revealed that her hymen was intact, and the perpetrator was sentenced to at least 10 years' imprisonment.

The lawyer had experience of negotiations with the families of women seeking protection from threats of "honour crimes", and of the killing of a woman by a relative one year after a settlement ensuring her safety had been reached with the family.

"Honour killings" have continued during and after the Iraq-Iran war in 1990-91 and the 2003 US-led war on Iraq.

There is insufficient information available to establish whether the incidence of "honour killings" has increased over the past decades of armed conflict. However, during the months of lawlessness following the 2003 US-led war, the perpetrators of "honour killings" – like other criminals – were often not tried. The lack of a functioning judicial system during the months of war contributed to an increase in the part played by tribal bodies in settling conflicts, including in relation to "honour crimes". In one case at

2004 in al-‘Amara, there was a settlement between two tribes over "killing". A husband of two wives had killed his second and young wife when he discovered she had been involved in a love affair while he was away for several months. The tribal settlement did not provide any punishment for the killing of the woman, but required her family to compensate the first wife.

Female genital mutilation

There is no official data and only limited information available from various sources on female genital mutilation (FGM) in Iraq.(78) However, reports in northern Iraq have reported its continued use in some areas. In contrast to women's health in southern Iraq, FGM was not identified as a common practice.(79)

The practice of FGM involves removing all or part of a girl's external genital organs. It can have dire and lasting consequences for the physical and psychological health of girls and women. If carried out without anaesthetic, FGM is painful and terrifying. It can result in excessive bleeding, infection, transmission of diseases – including HIV – from use of non-sterile instruments and often leads to excessive pain and difficulties in intercourse and childbearing.

In some rural areas in northern Iraq, FGM appears to be widespread. Working in the district of Rania, the Sulaimaniya governorate, reports that a vast majority of women she had examined had undergone FGM, and in recent years had she seen women who had not.(80)

Areas where FGM seems to be common are within the region where a Kurdish dialect is spoken, including around Halabja, Germian and Sulaimaniya. Between September and November 2004 the NGO, WADI, conducted a survey on FGM in 40 villages in the Germian area. (81) Members of WADI interviewed 1,544 women and girls, of whom 907 said they had been subjected to FGM.

There are indications that the practice has been decreasing. A Norwegian journalist and a Kurdish writer from northern Iraq interviewed numerous people about FGM – including, doctors, women's rights activists and Muslim clerics in the course of research in late 2003.(83) Two chief physicians at Sulaimaniya University Hospital and at the Soresh Maternity Hospital reported that in recent years the number of girls brought into hospital with complications caused by FGM has decreased. The doctors saw this development as an indication that the practice of FGM had declined. Although FGM is still carried out on girls, the doctor at the Soresh Maternity Hospital reported that in the course of her 25-year career as a gynaecologist, she recalled a case in which she or a colleague had carried out FGM on a married adult woman at the request of the husband.

There have been a number of campaigning activities in northern Iraq against FGM, involving NGOs, local authorities and clerics, which appear to have contributed to a fall in the incidence of the practice. Kurdish women's rights activists have gained the support of Muslim clerics in their awareness-raising activities against FGM. On 8 May 2000, Muslim clerics in Sulaimaniya issued a fatwa stating that the practice of FGM was harmful to women. Following this fatwa, FGM was featured several times on the "Religion and Life" programme at Gali Kurdistan TV, and on Khak TV and KurdSat.

took his gun and shot her. Despite the number of eyewitnesses and seriousness of the crime, neither the family nor the hospital reported the police and the husband was not arrested. The family said it was solved within the tribe. Fatima returned to her father's house after hospital. Her husband expressed regret and offered her compensation. Reconciliation with her through the mediation of elders of her tribe refused to return to him, despite the pressures.

Violence in the family, including forced marriage and sexual abuse, is a contributory factor in suicides and attempted suicides. Kurdish women's organizations have investigated and documented suicides among women in Iraq. Kurdish Women Against Honour Killings (KWAHK) has recorded dozens of cases of women who reportedly committed suicide in connection with violence in the family.(91)

Based on research conducted by the Asuda Centre in October 2001, the newspaper Hawlati reported an alarming number of women who were injured by setting fire to themselves.(92) According to the Asuda Centre's findings, of 105 women from and around Sulaimaniya who were treated at Sulaimaniya Training Hospital in 2001 after apparently burning themselves intentionally, 63 died and 42 survived. The reasons given by those who survived included being forced into a marriage and family disputes. The Women's Information and Cultural Centre (WICC) recorded similar figures for the Sulaimaniya area in 2002, and noted that poverty appeared to be a contributing factor.

Forced marriages

The equal right of both men and women to enter into marriage of their own free and full consent is enshrined in the **Universal Declaration of Human Rights** and the **International Covenant on Civil and Political Rights**. The **UN Convention on the Elimination of All Forms of Discrimination Against Women (UN Women's Convention)** provides explicitly that states should ensure that women have the same right as men "freely to choose to enter into marriage only with their free and full consent" (Article 16).

Many women and young girls in Iraq are denied the right to choose their marriage partner freely, and those who oppose forced marriage are often subjected to violence or even of being killed. The Asuda Centre reported that a 16-year-old girl from the Rania region of northern Iraq was seeking refuge because she had repeatedly refused to be forcibly married.(95)

A forced marriage is a marriage conducted without the valid consent of both parties, where duress is a factor. It is a violation of internationally recognized human rights standards and cannot be justified on religious or cultural grounds. While both men and women experience forced marriages, it is primarily an issue of violence against women.(96) Forced marriage "may include physical abuse, emotional blackmail, and intense family or social pressure. In most extreme cases, it may also involve physical violence, abuse, imprisonment, detention, and murder of the individual concerned".(97)

Women and girls who have been forcibly married may be forced to live with violence from their partner. If they seek refuge with their families,

to return.

In northern Iraq, the practice of "*Jin be Jin*" contributes to the high rate of forced marriage.⁽⁹⁸⁾ It involves the exchange of girls – the girl from one family marrying the son of another (or from the same extended) family, and the girl is given in marriage in return – to avoid having to pay "bride price" for daughters. Similar marriage arrangements take place in other regions.

The reasons for forced marriages vary, and include giving women in marriage to another family in compensation for a killing. The practice of forced marriage for girls reinforces women's unequal status in society, reduces their economic independence and leaves them vulnerable to violence.

Under Iraq's Personal Status Law, forced marriage is prohibited and punishable by up to three years' imprisonment (Article 9). The legal age for marriage is 18 for men and 16 for women (Article 7). Anyone who wishes to marry under the age of 18 must meet the conditions prescribed by law: being at least 15 years old, having the consent of a parent or guardian, and having judicial permission (Article 8).⁽⁹⁹⁾

However, in practice forced marriages, including of underage girls, still take place. Girls under the age of 15 are particularly vulnerable to forced marriage, which are arranged by the family in the vast majority of cases. Early pregnancy, frequently a result of child marriage, is associated with negative health effects for both mother and child.

The UN **Committee on the Elimination of Discrimination against Women** considers that the minimum age for marriage should be 18 years for men and 16 for women. When men and women marry, they assume important responsibilities. Consequently, marriage should not be permitted until both parties have attained full maturity and capacity to act. The Committee reiterates that states parties should require the registration of all marriages whether civilly or according to custom or religious law, in order to ensure compliance with the UN Women's Convention.⁽¹⁰⁰⁾

Since the civil marriage of a girl under 15 is illegal, underage girls are often married in religious ceremonies that are not legally recognized. A human rights activist from Karbala told Amnesty International in August 2004 of a case in which a 13-year-old girl in her neighbourhood was forced into marriage. The wedding was conducted in a religious ceremony by a Shi'a cleric.⁽¹⁰¹⁾

5. Discrimination in national law

Discrimination against women is banned in Iraq's Constitution, but the law contains provisions that deny women rights and control of their lives, and does not protect them from violence.

The 1970 Constitution of Iraq says that "citizens are equal before the law without discrimination on the grounds of sex, race, language, social origin or religion" (Article 19). The Transitional Administrative Law (TAL) of 2004 – effectively an interim constitution – states: "All Iraqis are equal before the law without regard to gender, sect, opinion, belief, nationality, origin, and they are all equal before the law. Discrimination against women is prohibited."

citizen on the basis of his gender, nationality, religion, or origin is prohibited" (Article 12). However, the TAL contains no reference to the extensive legal reforms needed to remove discriminatory provisions in personal status and nationality laws.

Despite Iraq's obligations under international human rights treaties and its Constitution, women in Iraq continue to face various forms of discrimination in legislation and legal practice. Most discrimination relates to family law, including marriage, inheritance, and passing on citizenship to children. The punishment of men who have committed violent crimes, including rape, is lenient against women.

In 2003 and 2004 the Coalition Provisional Authority (CPA), the authority appointed by the US-led coalition, introduced amendments to the Personal Status Law, Law 111 of 1969. In response to the increased abduction of women in the months after the US-led invasion, the amendments increased penalties for kidnapping, rape and sexual assault, and suspended allowing perpetrators to escape punishment if they married the women concerned.⁽¹⁰²⁾ They were not, however, part of any comprehensive strategy towards abolishing discrimination or strengthening the protection of women from violence in law.

The prohibition of discrimination against women is a cornerstone of international human rights law and states cannot derogate from it: it applies even in times of emergency and war. The Charter of the United Nations, which is binding on all UN member states, explicitly refers to "human rights and fundamental freedoms for all without distinction as to race, sex, language or religion".⁽¹⁰³⁾ The right of women's rights to equality and freedom from discrimination is protected by the **Universal Declaration of Human Rights** (Article 2) as well as by several international human rights treaties to which Iraq is a state party: the **International Covenant on Civil and Political Rights** (Articles 2, 3) and the **International Covenant on Social, Economic and Cultural Rights** (Articles 2), 3) and the **UN Convention on the Rights of the Child** (Article 2).

At a training meeting on gender issues for Iraqi civil servants, organized by UNIFEM in October 2004 in Amman, Jordan, participants raised concerns about legislation that permits polygamy, abuse within marriage, and lenient sentences for perpetrators of "honour killings".⁽¹⁰⁴⁾

The Personal Status Law

Discrimination against women in the Personal Status Law, Law 111 of 1969, as amended, relates to marriage, divorce and inheritance.⁽¹⁰⁵⁾ Men are permitted to practise polygamy under certain conditions (Article 3(4)). They require judicial authorization and the judge should take into consideration whether the applicant has the financial means to support more than one wife.

The UN **Committee on the Elimination of Discrimination against Women** stated in its General Recommendation No. 21 on equality in marriage and family relations:

"Polygamous marriage contravenes a woman's right to equality with men. It can have such serious emotional and financial consequences for her and her dependants that such marriage ought to be discouraged.

"There are many countries where the law and practice concerning property result in serious discrimination against women. As a result of uneven treatment, women may receive a smaller share of the husband's property at his death than would widowers and sons. In some instances women are granted limited and controlled rights and receive income only from the deceased's property. Often inheritance rights for widows do not conform with the principles of equal ownership of property acquired during marriage. Such provisions contravene the Convention and should be abolished."

Provisions on inheritance in the Personal Status Law also discriminate against women, who are generally only awarded half of the entitlement of their male counterparts (Articles 86-94). The law provides that both husband and wife may seek to end the marriage under certain conditions to be assessed by the court (Articles 40-45). However, it also allows another form of divorce that may only be filed by the husband and does not require him to state a reason (Article 34-39).

Apart from these discriminatory provisions, the Personal Status Law is generally seen as having been an achievement for women's rights, which women often do not have equal legal status to men. In December 2000, the IGC attempted to amend the Personal Status Law to place certain provisions under the control of religious authorities. However, after protests by women's organizations, the IGC reconsidered and later withdrew the proposal (Resolution 137).

Impunity for violence in marriage

The Penal Code effectively encourages the persistence of violence against women by allowing husbands to use violence against their wives with impunity. The "exercise of a legal right" to exemption from criminal liability in certain cases of: "Disciplining a wife by her husband, the disciplining by teachers of children under their authority within certain limits prescribed by Islamic law (*Shari'a*), by law or by custom" (Article 41 (1)).

This broadly phrased provision prevents women from obtaining justice for violence against them by marriage partners. Complaints of violence are generally brought before a court only when women submit evidence by a husband in support of a divorce application.

The application of Article 41 in relation to the "disciplining" of wives was reportedly suspended in 2001 in the areas controlled by the Kurdistan Party (KDP).

Leniency for 'honour killings'

The Penal Code contains provisions that allow lenient punishment for "honour killings" on the grounds of provocation or if the accused had "honour motives" (Article 128). For decades the Iraqi judiciary has relied on these provisions to allow such attempts to justify the killings as mitigating circumstances, determining sentences for the perpetrators of "honour killings".

Penal Code

"Excuses either exempt an individual from being punished or have

punishment reduced. There are no excuses except for those cases law; other than in these cases, an extenuating excuse is the perpetrator for honourable motives or because of a serious, unjustified the victim of the crime." (Article 128)

According to Article 130, where there are mitigating circumstances penalty may be reduced to one year's imprisonment and a life sentence commuted to six months' imprisonment.

"Whoever surprises his wife or one of his unmarriageable relations in law (*mahrims*) in the act of adultery/fornication or finds her in the company of a man in his company and kills them both immediately or kills one of them or both or one of them leading to their death or to permanent disability is punished by imprisonment for a period not exceeding three years

A brother who had killed his sister for becoming pregnant when she was unmarried, even though she later married her lover, received a severe sentence for premeditated murder, a capital offence. This reduced sentence was confirmed by the Court of Cassation on 13 October 1979, which held that the perpetrator could claim mitigating circumstances under Article 128.

In another case, a man who killed his sister for running away from home was given a one-year prison sentence by the Babel Criminal Court on Articles 128 and 130. However, on 27 January 1980 the Court of Cassation held that the crime warranted a stronger punishment and ordered the sentence reviewed by the Criminal Court.

Articles 128 and 130 were also the legal basis for Dohuk Criminal Court to give a lenient sentence in its verdict of 9 October 1999 in the case of the killing of a woman. (107)

Under Presidential Decree 111 of February 1990, men who killed a woman or with premeditation, their "mother, daughter, sister, cousin or nephew" who "did not cleanse the shame" were exempted from criminal liability. The Decree was reportedly not implemented. However, Presidential Decree 6, issued in 2001, allowed anyone who killed a female relative to claim "honour" as a mitigating factor. It was not known how this Decree was applied in practice.

Penal Code provisions that effectively pressured women to marry if they were abducted, raped or sexually assaulted them were suspended by the 2001 Decree. The provisions included Article 427, which allowed a kidnapper to avoid prosecution by marrying the abducted woman. (108) Also suspended was Article 398, which stipulated that, in cases of rape or sexual assault, the marriage of the victim might be considered a mitigating factor.

Women win legal reforms in the north

Campaigning and lobbying by Kurdish women's organizations against "honor killings" have led to legislative reforms in northern Iraq. On 12 August 2001, the Sulaimaniya-based Kurdish authority controlled by the Patriotic Union of Kurdistan (PUK) decreed that:

"The killing or abuse of women with the pretext of cleansing

not considered to be a mitigating excuse. The court may not apply articles 130 and 132 of the Iraqi Penal Code number 111 of the year 1969, amended to reduce the penalty of the perpetrator." (Decree

The Arbil-based Kurdish authority controlled by the Kurdish Democratic Party (KDP) amended legislation on "honour crimes" in Law No. 14 of

"The perpetration of a crime with respect to women under honourable motives shall not be considered an extenuating circumstance for the purposes of applying the rules of articles 128, 130 and 132 of the Iraqi Penal Code, number 111, 1969, amended." (110)

6. Women claim their rights

Violence against women is a manifestation of inequality and discrimination that helps to maintain women in subordinate roles, and contributes to their lower level of political participation and to their lower level of education, skills and opportunities.(111) To eradicate violence against women, it is necessary to address the context of inequality and discrimination not only in the family but more broadly in public life, political decision-making, work, health and education. Human rights, with equality and non-discrimination as guiding principles, should be integrated into the changes in these areas that have taken place since the war on Iraq

UN Security Council resolution 1325, passed in 2000, which deals with women in conflict and post-conflict situations, specifically calls for the integration of gender perspectives into post-conflict processes.(112) The resolution emphasizes the importance of women's participation in peace building and conflict resolution, and, in that context, calls for measures that ensure the protection and promotion of human rights of women and girls, particularly as they relate to political participation, the electoral system, police and judiciary. Similarly, the Secretary General, in his 2002 report on women, peace and security, calls for the incorporation of gender perspectives in rehabilitation and reconstruction programs.(113)

In Iraq from 2003 to date, the record has been mixed. While some steps have been taken at the legislative level to increase women's political decision-making, an improvement in the security situation and essential prerequisite for the improvement of the overall human rights situation and for strengthening women's participation at all levels of society.

Women for Women International commissioned a survey on women's living conditions including on political, legal, social and economic matters, and on their living conditions. The survey was conducted in the governorates of Baghdad and Mosul in August 2004. Of the women surveyed:

- 93.7 per cent wanted to secure legal rights for women;
- 83.6 per cent wanted the right to vote in the referendum on the new constitution;
- 95.1 per cent felt there should be no restrictions on education.

On their living conditions, 57.1 per cent said that their families lack access to medical care, and 84 per cent of the women had no income from informal work.(114)

The International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), both of which Iraq is a state party, require states to undertake to ensure the right of men and women to the enjoyment of all the rights contained therein. However, there are several respects in which women's equal rights participation, education, work, and health are threatened or curtailed in the current situation in Iraq.

Participation in political decision-making

During the occupation that followed the 2003 US-led war on Iraq, Iraq was governed by the CPA, headed by a US Administrator for Iraq and a 25-member IGC appointed by the CPA in July 2003 from a variety of various religious and ethnic groups in Iraq. In March 2004 the IGC issued the interim constitution, the TAL. This came into effect in June 2004 and the IGC transferred power to an Interim Government of Iraq (IGI) whose members had been appointed by the IGC. The TAL provided for the formation of a Provisional National Assembly pending the election of a National Assembly no later than 31 January 2005. The legislative tasks of the elected National Assembly include drafting a permanent Constitution for approval in October 2005.

The **International Covenant on Civil and Political Rights (ICCPR)** and the **UN Women's Convention** provide that women and men shall have the right to take part in the conduct of public affairs, including the right to be elected at elections, to hold public office and perform public functions at all levels of government.⁽¹¹⁵⁾ The Women's Convention provides for the necessary, to adopt temporary special measures aimed at accelerating the implementation of *de facto* equality between men and women, to ensure that when the objectives of equality of opportunity and treatment have been achieved (Article 4.1). Similarly the **UN Human Rights Committee**, which monitors states' compliance with the ICCPR, has urged states to take effective measures to promote and ensure women's participation in the conduct of public affairs and in public office, including appropriate affirmative action.

The UN Committee on the Elimination of Discrimination against Women has drawn attention to specific measures that can be taken by states to ensure the participation of women in political decision-making, including the rule that neither men nor women should constitute less than 40 per cent of the members of a public body.⁽¹¹⁷⁾

Before and after the TAL was adopted, several Iraqi women's organizations lobbied for the introduction of a quota ensuring that women had adequate representation on political decision-making bodies. However, to date the percentage of women on such bodies has been set at 25 per cent.

In relation to the National Assembly, the TAL states: "The electoral law shall aim to achieve the goal of having women constitute no less than 25 per cent of the members of the National Assembly and of having fair representation for all communities in Iraq" (Article 30). The Electoral Law issued by the IGC in 2004 stipulates that "all seats in the National Assembly will be allocated to the Political Entities through a system of proportional representation."

Political parties must present lists of candidates in ranked order. The representation of women, the Electoral Law states: "No fewer than the first three candidates on the list must be women; no fewer than two of the first six candidates must be women; and so forth until the end of the list." These provisions require that about one third of the candidates on the lists of political parties are women, although parties may choose to nominate a smaller proportion of women candidates.

A 25 per cent representation of women was also reflected in the process of identifying the 100 members of the Provisional National Assembly. Of the 100, 25 women and 16 men had been appointed to this body as members of the National Conference of more than 1,000 delegates held in mid-September in Baghdad to nominate the remaining 81 members. The President of the National Conference rejected the initial list proposed because it did not contain the required number of women candidates.(120)

However, the representation of women in the IGI was lower, at approximately 15 per cent. It was composed of a president, two vice-presidents – all men – and 12 ministerial posts, of which six were held by women.

Several Iraqi women's rights organizations were active in mobilizing women in the months leading up to the elections in January 2005. However, there was controversy over participation in the elections, while many women's rights activists believed it to be in the interest of Iraqi women to participate in political decision-making, others chose not to become involved in the political process.

The right to work

"Many professional women have stopped working. They are being kept at home", said Manal Omar, the Iraq director of Women for Women International, describing the impact of the continuing violence or lack of access to employment in November 2004.(121) The failure to restore security has increased the risks for women of employment outside the home, hampered the creation of new employment opportunities for women.

Women have for many years had a strong presence in certain sectors of the labour force, and particularly in the public sector. According to national figures released at the beginning of 2004, out of 909,344 civil servants employed at Iraqi ministries (not including the Interior Ministry), 423,801 (46.6 per cent) were women.(122) The representation of women in middle-management positions was particularly high in the Ministry of Labour and Social Affairs. However, women were underrepresented in leading positions in industry and commerce.

There have never been many women working as judges in Iraq, despite the high levels of education among women and many qualified women. At the end of 2004 there were about 700 judges, and fewer than three hundred of them were women. The appointment of women judges continued to be a source of resentments.(123) In July 2003 the swearing in of **Nidal Nasser** as a judge in Najaf was indefinitely postponed after religious leaders insisted that the position being occupied by a woman.(124)

However, since the overthrow of Saddam Hussain's government,

opportunities for women have opened up in the security sector, in police force and army, which had been the domain of men.(125) The presence of women police officers should be an important step towards improved safeguards for women, in particular those held in police detention

The high level of unemployment has created severe hardship for women. In October 2004 the Minister of Labour and Social Affairs estimated that 10 per cent of the population to be out of work", and said that it provided social assistance to more than 100,000 poor families, including widows and divorcees (126)

However, many female-headed households have continued to live in poverty. According to findings of the UN and the World Bank published in 2004, almost 1 million women were heads of their households. Around 70 per cent of them were expected to earn not more than US\$2.5 per month.(127)

The right to education

Iraq's education system before 1990 was considered one of the best in the region. Education was free, and enrolment and literacy rates were high. Following the 1990-91 Gulf war and the subsequent economic sanctions led to a significant deterioration of the education sector. Iraq's literacy rate in 2003 was the lowest in the region, according to a survey of education in the Arab World by the UN Educational, Scientific and Cultural Organization (UNESCO). A sample survey conducted in 2000 showed that only 76.3 per cent of children aged six to 11 were reported to be attending primary school; 31.2 per cent of this age group were not in school, compared with 17.5 per cent of children in the same age group in other Arab states. The gender gap was more pronounced in rural than in urban areas.(128)

According to the 2003 Physicians for Human Rights study in three governorates of Iraq, 90 per cent of the people interviewed were in favour of equal opportunities for women in education. However, more than 50 per cent indicated that there were reasons to restrict education opportunities for women. This view seemed to reflect in particular concerns about security. Many children have reportedly been withdrawn from school due to concern for their safety.

The International Covenant on Economic, Social and Cultural Rights, which Iraq is a state party, requires states to ensure that girls and women have equal rights to education as boys and men. In particular, states should provide universal, free and compulsory primary education.(131)

Worrying reports have suggested increasing drop-out rates among children, with significantly higher rates among girls. In 2000, UNICEF reported that about 23 per cent of children of primary school age were not in school, and that only 49 per cent of girls in rural areas attended primary school.

In September 2004, UNICEF noted that, out of 4.3 million primary school children in Iraq, only 1.9 million were girls, and gave the following explanation: "The lower figure for girls in school is no doubt a reflection of the insecurity, inadequate access to school, over-crowding, and poor and inadequate sanitation facilities". (133)

Among girls who do go to school, they have been subjected to in to wear a headscarf or veil since the overthrow of Saddam Husa government. Women and girls at universities and schools have be threatened. In Basra for example, female students reported intimi members of Islamist groups at the University of Basra for not we 134) Women teachers and girl pupils at Basra schools have also l they did not cover their heads.(135) Similar intimidation has been campuses in other parts of the country. At Mosul University, leaf circulated in October 2004 warning women of "a terrible fate" if wear the veil.(136)

In response, many women students, including non-Muslims, have wear a headscarf or veil, and some girls and women have reporte their studies. At Mustansariya University in Baghdad, pamphlets women abandon Western clothing and cover their heads, and call separation of male and female students, were said to have been ci **Kiryakus**, a Christian student waiting in front of the university to her father, was reported as saying: "I have no choice but to wear terrorists keep watching and targeting the unveiled girl students". 2004 the Ministry of Higher Education and Scientific Research w know of about 3,000 women students in Baghdad requesting a pc their studies because of the security situation.(137)

The right to health

Health care and food supply systems already damaged by wars an were almost paralysed after the 2003 war on Iraq. There was dan per cent of the hospitals and seven per cent were looted; 30 per c institutions that provided family planning services were destroyed sanitation and shortages of safe water increased the risk of infecti

Many primary care centres were not equipped to provide antenat according to government sources in 2004. In addition, half of the medical institutions, where high risk pregnancies were referred, v basic resources and qualified staff. (139)

The 2003 Physicians for Human Rights survey in southern Iraq fi women questioned had restricted access to health care: 82 per cen had to obtain the permission of their husband or a male relative. 7 found that only 54 per cent of women received prenatal care for a pregnancies.(140) In addition, the lack of security prevented man leaving their homes to seek medical treatment.

Iraq lacks appropriate health services for the survivors of abducti "honour crimes" and other forms of violence against women. The social stigma attached to these crimes increase the difficulties for reporting them or seeking help from the health authorities.

7. Recommendations

Amnesty International's Stop Violence Against Women campaign leaders, states, organizations, including the UN, the European Ur League and other international and regional organizations and inc * Publicly pledge to make the Universal Declaration of Human R

promised equal rights and equal protection for all – a reality for a

- * Develop action plans to end violence against women, and set up monitor their implementation;

- * Fully and speedily implement all international and regional treaties, declarations, resolutions and recommendations aimed at condemning and preventing all acts of violence against women, investigating violence and bringing perpetrators to justice in accordance with international standards of fair trial, as well as providing reparations for victims
- * Support and encourage initiatives to provide training and exchange information for judicial personnel and lawyers who act on behalf of women who have experienced violence;

- * Support and encourage initiatives for the prevention of violence and protection of women at both the governmental and the NGO level

To the Iraqi authorities

Amnesty International urges the Iraqi authorities to publicly and promptly have an opportunity declare their commitment to eradicating violence against women in Iraq and to exercise due diligence in preventing, investigating and prosecuting all forms of violence against women, and, in particular, to:

- Review all legislation discriminating against women, including citizenship status and nationality law, and abolish or amend any provision which discriminates against women;

- Ensure that "honour crimes" and violence in the family are treated as criminal offences. This requires immediate action to be taken in order to review or amend the following articles of the Penal Code: Article 41 (providing a husband to punish his wife), Article 128 (providing lenient punishment for a rapist if he marries the victim), Article 398 (providing lenient punishment for a husband who has killed his wife or her suspected rapist) and Article 409 (providing lenient punishment for a husband who has killed his wife or her suspected rapist). This requires the abolition of provisions in any other legislation, including decrees issued under previous governments, prohibiting lenient punishment and impunity for perpetrators of "honour killings";

- Involve women's rights organizations in the reform of the judiciary, in particular to strengthen women's rights and equality in law;

- Bring to justice those responsible for torture and other serious human rights violations, including violence against women under the government of Saddam Hussain, in proceedings which meet international standards of fair trial, with no possibility of the death penalty being imposed;

- Take all steps necessary to ensure that complaints by women of violence, whether by private individuals or by officials acting in a private capacity, or by officials serving in the multinational forces, be promptly and impartially and effectively investigated by a body independent of the perpetrators. When there is sufficient admissible evidence, suspects should be prosecuted. Complainants, witnesses and others at risk during such investigations and prosecutions should always be protected from intimidation and harassment;
- Provide training in gender issues to police officers, prosecutors, judges and other officials in the criminal justice system to ensure that women are encouraged to report violence in the family, and receive appropriate care, medical attention and support;

- Investigate promptly, impartially and thoroughly all murders, attempted murders and apparent suicides of women, with a view to bringing those responsible for acts of violence against women, including r

family councils that ordered the crimes where relevant;

- Ensure that all who, after a fair trial, are found to have committed crimes against women are given sentences commensurate with the gravity of the crimes;
- Ensure that all women who have been subjected to violence are given access to redress and reparation, including compensation;
- Ensure that all primary health care practitioners and lawyers are trained in responding to family violence, in all its forms, and that appropriate mechanisms exist;
- Encourage and support the establishment of shelters and other facilities for women survivors of violence, in consultation with women's rights organizations;
- Fund and support measures that will enable all women to live free from violence, such as programmes of civic education, training and skills development, and protect victims of violence and women's human rights defenders;
- Eradicate the practice of female genital mutilation (FGM) in all parts of the country, including by legal measures, health education and awareness campaigns;
- Collect comprehensive data across all regions of Iraq that systematically measure the nature and extent of violence against women;
- Improve safeguards for women detainees and prisoners, including ensuring that supervision is carried out by appropriately trained female staff in detention facilities. All detainees must be treated humanely and in accordance with the obligations set out in international human rights and humanitarian law;
- Ensure that no women are refused work on the basis of their gender and support the equal representation of women in public and political life in all branches of the judiciary;
- Take measures to promote the equality of women and counter women's impoverishment by ensuring equal access to economic and social services, including education, employment and health services, as well as to political movement and political participation;
- Withdraw all Iraq's reservations to the UN Convention on the Elimination of All Forms of Discrimination against Women (Women's Convention);
- Ratify the Optional Protocol to the UN Women's Convention, enabling individuals and groups to complain directly to the UN Committee on the Elimination of Discrimination against Women;
- Ratify the Rome Statute of the International Criminal Court and implement national legislation to end impunity for violence against women in all circumstances.

To governments with troops in Iraq

Amnesty International calls on the governments of all states that are serving in Iraq under the US-led multinational forces to:

- Fully respect and implement in all their military operations the principles of international humanitarian law;
- Investigate promptly all allegations of violations of international human rights law or international humanitarian law, in particular violence against women, including sexual attacks and other torture or ill-treatment, by their personnel and agents. Such investigations should not just cover the direct perpetrators but also include the higher chain of command responsibility;
- Ensure that those responsible for such abuses are brought to justice through judicial mechanisms able to apply international human rights law and international humanitarian law to the investigations of allegations of serious human rights violations by the military;
- Suspend from duties any officials involved pending the outcome of the investigations.

investigation and any subsequent legal or disciplinary proceeding

- Ensure, through appropriate policies, training and oversight, that violence against women will not be tolerated;
- Improve safeguards for women detainees and prisoners, including that supervision is carried out by appropriately trained female staff in detention facilities. All detainees must be treated humanely and in accordance with the obligations set out in international human rights and humanitarian law.
- Train the troops on gender issues in order to ensure that women are treated appropriately and not subjected to violence, threats of violence or sexual harassment.
- Ensure that survivors of violence against women receive full reparations, including compensation, as required under international law.

To armed groups

Amnesty International calls on armed groups to:

- Stop immediately the hostage-taking, torture and ill-treatment, and the killing of civilians, including hostages;
- Halt immediately all indiscriminate attacks;
- End immediately the harassment, death threats and violent attacks against those who exercise their rights to freedom of expression and to freedom of movement, including by deciding not to wear a headscarf or veil;
- Respect minimum standards of international humanitarian law, and uphold human dignity and humanity in all their actions.

Appendix: International standards on violence against women

Recent decades have seen significant advances in the commitment of the international community to scrutinize and combat violations of women's rights in general, and the right to freedom from violence in particular.

The **UN Charter**, the founding document of the UN, affirms the fundamental human rights as core UN principles and objectives, and the rights of men and women. Articles 55(c) and 56 commit UN member states to work towards the achievement of purposes including the promotion and respect for, and observance of, human rights and fundamental freedoms without distinction as to race, sex, language, or religion"

The **Universal Declaration of Human Rights**, proclaimed in 1948 by the General Assembly of the UN, and the founding document of international human rights law, states that "*Everyone has the right to life, liberty and security of person*" (Article 3), that "*No one shall be subjected to torture or to inhuman or degrading treatment or punishment*" (Article 5), and that everyone is entitled to all the rights and freedoms set out in the declaration without discrimination, including on the ground of sex (Article 2).⁽¹⁴²⁾

This fundamental founding commitment to equality between men and women is reflected in various human rights treaties adopted following the Universal Declaration of Human Rights, and which place legally binding obligations on states parties. Each of the main human rights treaties establishes a monitoring committee of independent experts who monitor implementation of the treaty. These treaty bodies examine periodic reports by states parties and elaborate on international human rights law by issuing general comments and recommendations on the implementation of the treaty provisions.

consider communications from individuals who complain that their rights have been violated or enforced their human rights, if such a procedure exists under a particular treaty. While Iraq is a party to the ICCPR and the UN Human Rights Convention, it is not a party to the Optional Protocols to each of which provide for individual complaints to be made under those provisions.

The content of rights is elaborated in declarations and resolutions adopted by treaty bodies. They draw on and clarify the definitions of rights in treaty provisions and the jurisprudence of treaty bodies. Although they are not legally binding on themselves, they are legally authoritative comments which illustrate the content of rights which are binding through treaty provisions.

The work of the UN Special Rapporteur on violence against women, as well as gender-related issues, including discrimination, has deepened the international community's understanding of the manifestations of violence against women. In addition, the mandates of the Special Rapporteurs have increasingly included an explicit component addressing the gender dimensions of the specific aspects of human rights which each of them deals with.

International criminal law has become particularly pertinent to violence against women in recent years. The development of definitions of crimes against women in the jurisprudence of the two *ad hoc* international criminal tribunals for former Yugoslavia, and the drafting and adoption of the Rome Statute of the International Criminal Court have defined violence against women thoroughly, and in a more gender-sensitive manner, than ever before. The methods of investigation and court procedures of these international tribunals are also sensitive to the needs and safety of witnesses and victims, particularly survivors of sexual violence.

International Human Rights Treaties

The 1966 **International Covenant on Civil and Political Rights**, which came into force in 1976, provides that "*The States Parties to the Covenant undertake to ensure the equal right of men and women to the full enjoyment of all civil and political rights set forth in the present Covenant*" (Article 3). These rights include the right to life (Article 6), the absolute prohibition on torture and other ill-treatment (Article 7), and the obligations in the ICCPR have been explicitly interpreted by the Human Rights Committee as including an obligation to exercise due diligence (to prevent and punish human rights abuses carried out by non-state actors/individuals), including those who commit violence against women and the community. (143)

In relation to "honour crimes" against women, the Human Rights Committee considers impunity for "honour crimes" a serious violation of the Covenant.

Freedom from torture and ill-treatment is guaranteed further in the **Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment**, which came into force in 1987. Elements of torture, as defined for the purpose of the Convention, as set forth in Article 1, include, as any act by which

pain or suffering, whether physical or mental, is intentionally inflicted with the purpose such as "punishment" or "for any reason based on discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status", can be found also in violence in the family. The Convention prohibits torture or ill-treatment by state officials, and private acts of torture or ill-treatment when carried out with the "consent or acquiescence of a public official or other person acting in an official capacity" (Article 1(1)). Accordingly, the international human rights framework is applied to address discriminatory laws or customs, like exception from rape or the defence of honour, which exempt perpetrators of domestic violence from sanctions and reflect the consent of the state.(145)

The 1979 **Convention on the Elimination of All Forms of Discrimination Against Women** (UN Women's Convention), which came into force in 1981, sets out in detail the obligations of states parties to secure equality between women and men and to prohibit discrimination against women. It expresses the commitment of states parties to "*take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise*" (Article 2). Under the Convention, the state is explicitly required to protect individuals from abuses by non-state actors (see below). As a part of the obligation to promote social relationships between men and women to combat discrimination, the UN Women's Convention requires states to use means: "*to modify or abolish social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of inferiority or the superiority of either sex or on stereotyped roles for men and women.*" If the state fails to combat such abuses, or to bring to justice those who commit such abuses and to ensure reparation for the survivors, it is in breach of its legal obligations.

However, Iraq has made reservations to substantial articles of UN Women's Convention, namely Article 2 (f) and (g), which requires states to modify or abolish laws, regulations, customs and practices and provisions which constitute discrimination against women, and Article 16 which respectively require states to grant women equal rights in marriage and nationality (including passing their nationality to their children) and to ensure equality in matters of marriage and family relations.(146)

In June 2000 the Committee on the Elimination of Discrimination Against Women considered Iraq's second and third periodic reports. In its recommendations the Committee urged the Iraqi authorities to "initiate awareness-raising campaigns to change stereotypical and discriminatory attitudes concerning roles of women and girls, in addition to providing a non-discriminatory legal basis". It further called on the authorities to "take steps towards the elimination of the practice of polygamy." The Committee urged the authorities to withdraw its reservations to UN Women's Convention. A majority of these recommendations still apply, as is reflected in a report by the UN High Commissioner for Human Rights who noted that the Transitional Administrative Law does not offer adequate protection against discrimination in marriage (no equal rights to marry, within the family, or divorce), inheritance and ability to pass citizenship on to their children. On forced marriages, the Committee on the Elimination of Discrimination Against Women has found that, in practice, "custom, tradition and religious beliefs enforce...laws in reality contravene the Convention" in many countries.

Women's right to choose a spouse and enter freely into marriage strongly upon their lives, dignity and equality as human beings. It draws attention to human rights violations engendered by forced remarriages. It notes that some "countries allow a woman's marriage arranged for payment or preferment and in others women's poverty to marry foreign nationals for financial security".(149)

The Committee has addressed "honour crimes" as a form of family violence. It has included among the measures to overcome such violence "legislation to remove the defence of honour in regard to the assault or murder of a family member".(150)

The 1989 **Convention on the Rights of the Child**, which came into force in 1990, defines all those under the age of 18 as children. It requires all effective and appropriate measures with a view to "*protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse by any person who has the care of the child*" (Article 19(1)), and to abolish traditional practices prejudicial to the rights of children (Article 24). It further places an obligation on states to protect children from all acts of sexual exploitation and abuse (Article 34) and torture and other ill-treatment (Article 37(1)). Article 2 requires states to ensure the rights set out in the Convention without discrimination of any kind, irrespective of the child's sex. The Committee on the Rights of the Child has determined that child and forced marriage is both a harmful traditional practice and a form of gender discrimination contrary to the obligations set out in the Convention.(151) Like the UN Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child has recommended the use of marriage registers to combat child marriage.(152)

The Committee has stated that "States parties should take all effective measures to eliminate all acts and activities which threaten the right to life, including honour killings. The Committee strongly urges States parties to develop and implement awareness-raising campaigns, education, and legislation aimed at changing prevailing attitudes, and address gender stereotypes that contribute to harmful traditional practices."(153)

Declarations

In 1993, participants at the UN-sponsored World Conference on Human Rights in Vienna declared violence against women to be a human rights issue requiring urgent and immediate attention.(154) Later that year, the **Declaration on the Elimination of Violence against Women**(1993) was adopted by the UN General Assembly.

The **Beijing Declaration and Platform for Action**,(156) agreed at the World Conference on Women in 1995, and reiterated in its five-year review in 2000, underlined these concerns, which have been further augmented by declarations of other UN world conferences.

International Criminal Law

The 1998 **Rome Statute of the International Criminal Court**, which came into force on 1 July 2002, defines several forms of violence against women.

the handover of power in June 2004).

(2) UN Declaration on the Elimination of Violence against Women
Committee on the Elimination of Discrimination against Women
Recommendation No. 19, 1992, UN Doc. A/47/38, para. 6.

(3) The outcome of the conference has been documented in: Iraqi
Association, The National Conference for Empowering Women in
Baghdad 16-17 June, August 2004.

(4) Thanassis Cambanis: "Grisly evidence in Iraqi desert", The B
October 2004. See also: Human Rights Watch, Iraq: The State of
November 2004, <http://www.hrw.org/reports/2004/iraq1104/4.htm>
[86054845](http://www.hrw.org/reports/2004/iraq1104/4.htm)

(5) Christine Gosden, "Why I went, What I saw", The Washington
March 1998.

(6) KurdishMedia, Top secret Iraqi document reveals Kurdish girls
harems and nightclubs in Egypt, 2 July 2003,
<http://www.kurdmediacom/news.asp?id=4057>.

(7) In the Rome Statute, enslavement is defined as a crime against
when committed as part of a widespread or systematic attack against
population, pursuant to or in furtherance of a state or organization
commit the attack (Article 7 (1) (c) and (2) (c)); the related crime
slavery is defined as a war crime when committed during an international
armed conflict (Article 8 (2) (b) (xxii) and (e) (vi)).

(8) Robert Fisk, "Revealed: The women who suffered Saddam's
Independent, 23 January 2004.

(9) Amnesty International interview, 7 May 2003, Basra.

(10) Nadjé Al Ali, Society and Culture: Sanctions and Women in
84. In: Campaign against Sanctions in Iraq, Sanctions on Iraq: Background
Consequences and Strategies, Proceedings of the Conference on
Campaign against Sanctions on Iraq; Conference hosted by the C
Sanctions on Iraq, 13-14 November 1999, 2000, Cambridge,
<http://www.casi.org.uk/conf99/proceedings.pdf>.

(11) UN Security Council Resolution 661, 6 August 1990, UN Doc. S/RES/661
(1990).

(12) Recently there have been claims about corruption within the
administration of the oil-for-food programme, which are currently

(13) Campaign against Sanctions on Iraq, Sanctions on Iraq: background
information, January 1999, <http://www.casi.org.uk/halliday/back>

(14) Agence France Presse, "Death rate of Iraq mothers triples, UN
4 November 2003. According to the study the number rose from

maternal death per 100,000 live births in 1989 to 310 in 2002.

(15) http://www.unicef.org/media/media_9779.html

(16) http://www.unicef.org/media/media_9779.html

(17) Women for Women International, Windows of Opportunity, Gender Equality in Post-War Iraq, January 2005.

(18) ILO Regional Office for the Arab States: ILO Multidisciplinary
28 April-5 May 2000,
<http://www.ilo.org/public/english/region/arpro/beirut/infoservice>

(19) ILO Regional Office for the Arab States: ILO Multidisciplinary
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(20) Nadjé Al Ali, Society and Culture: Sanctions and Women in Iraq
In: Campaign against Sanctions in Iraq, Sanctions on Iraq: Background
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against Sanctions on Iraq; Conference hosted by the Campaign against
Iraq, 13-14 November 1999, 2000, Cambridge, <http://www.casi.org.uk/proceedings.pdf>.

(21) Nadjé Al Ali, *ibid.*

(22) Human Rights Watch, Climate of fear: Sexual Violence and
Women and Girls in Baghdad, July 2003, p. 3.

(23) Amnesty International, Amnesty International strongly condemns
bombings (AI Index: MDE 14/003/2004), 2 March 2004.

(24) Women for Women International is an international NGO operating
in Iraq. For more information see <http://www.womenforwomen.org>

(25) Women for Women International, Windows of Opportunity,
Gender Equality in Post-War Iraq, January 2005.

(26) IRINnews, "Women's groups under threat in new Iraq", 24 March 2004.

(27) Annia Ciezadlo, "After an Advocate's Killing, Iraqi Women
Course", Christian Science Monitor, 1 April 2004.

(28) Amnesty International interview, 30 August 2004, Amman.

(29) Agence France Presse, 8 March 2004.

(30) Elizabeth Rubin, "Fern Holland's War", New York Times, 1 April 2004.

(31) Article 3 common to all four Geneva Conventions:

"In the case of armed conflict not of an international character..."

conflict shall be bound to apply, as a minimum, the following pro

1. Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria. The following acts are and shall remain prohibited at any time and in any circumstances whatsoever with respect to the above-mentioned persons: (a) Violence against the life, health and physical integrity of persons, in particular murder of all kinds, mutilation, cruel treatment and torture; (b) Taking of hostages; (c) Outrages upon personal dignity, in particular humiliating and degrading treatment."

(32) Appointed by the Coalition Provisional Authority, the Iraqi National Council was established in July 2003 and operated until June 2004.

(33) Anthony Paul, "Grandmother lends voice to Iraq's women", *Al-Mashriq*, 25 August 2004. See also: *Al-Mashriq*, 15 March 2004, Baghdad.

(34) In November 2004, US and Iraqi troops launched a major offensive to gain control of the city of Falluja.

(35) BBC, "Relatives of Iraqi PM kidnapped", 10 November 2004, http://news.bbc.co.uk/1/hi/world/middle_east/3998681.stm

(36) CBC News, "Iraq PM's relatives released by kidnappers", 11 November 2004, <http://www.cbc.ca/story/world/national/2004/11/15/allawi-041115.html>

(37) BBC, "Italy celebrates hostages' return", 29 September 2004, <http://news.bbc.co.uk/1/hi/world/europe/3699350.stm>.

(38) BBC, "Leaders condemn 'Hassan murder' ", 17 November 2004, <http://news.bbc.co.uk/1/hi/uk/4018335.stm> and <http://news.bbc.co.uk/1/hi/3946455.stm> .

(39) Iraq Body Count (www.iraqbodycount.net) is a not-for-profit organization aiming to provide independent data on civilian deaths in Iraq since the start of the war. In September 2004, it named and identified about 3,000 individuals. In total, about 2,800 cases, where the gender was known, under a quarter of a million deaths.

(40) Les Roberts et al, "Mortality before and after the 2003 invasion: a cluster sample survey", *Lancet*, 29 October 2004. According to the study, of those whose deaths were attributed to the US-led forces, 46 per cent were children under 15 years and seven per cent were women. The study found that the "excess" death was arrived at by comparing mortality in the sample before and during the months before and after the US-led invasion in 2003.

(41) Iraq Body Count, "IBC response to the Lancet study estimates Iraqi deaths", 7 November 2004, see <http://www.iraqbodycount.net>

(42) Luke Harding, "After Abu Ghraib", *Guardian*, 20 September 2004.

Hafez Ahmad is referred to under a different name in the article.

(43) Statement of the US Department of Defense referred to in: T Unusual Suspects, What happened at Abu Ghraib? The governm talking. But some of the women are, American Prospect, 4 Febru

(44) Luke Harding, "After Abu Ghraib", Guardian, 20 September

(45) Article 15-6 Investigation of the 800th Military Police Briga <http://news.findlaw.com/hdocs/docs/iraq/tagubarpt.html>.

(46) Criminal Investigation Division report, 28 January 2004. <http://www.publicintegrity.org/docs/AbuGhraib/Abu11.pdf>. See International: United States of America: Human dignity denied – accountability in the ‘war on terror’ (AI Index: AMR 51/145/200 2004).

(47) AR 15-6 Investigations of Intelligence Activities at Abu Ghu by Major General R. Fay and Lieutenant General Anthony R. Jor <http://www.defenselink.mil/news/Aug2004/d20040825fay.pdf>, p

(48) For more detail on definitions of torture and ill-treatment see International, Combating torture: a manual for action (AI Index: . 40/001/2003), 2003, section 3.3. and on rape specifically see 3.3.

(49) See, for example, European Court of Human Rights, case of Turkey (57/1996/676/866), Judgment of 25 September 1997, par. Peru, 1 March 1996, Annual Report of the Inter-American Comm Human Rights 1995, page 187; Report of the Special Rapporteur the Commission on Human Rights, U.N. Doc. E/CN.4/1992/SR.2

(50) The state’s obligations under international human rights law ensuring that all acts of torture (including complicity or participa acts) are offences under criminal law punishable by penalties app grave nature, and bringing to justice those involved in committin, and other ill-treatment.

(51) Rome Statute of the International Criminal Court, Article 7 (humanity) and Article 8 (war crimes).

(52) In the cases of Akayesu (Ruwanda Tribunal Case No. ICTR. Judgment of 2 September 1998) and Delalic and others ("Celebic Case No. IT-96-21, Judgment of 16 November 1998) rape was id specifically as an act of torture when perpetrated by or at the inst public official and in the case of Furundzija (ICTY Case No. IT-9 Judgment of 10 December 1998) when it takes place during inter case of Kunarac, Kovac and Vukovic (ICTY Case No. IT-96-23 ; Judgment of 22 February 2001) the defendants were convicted of against humanity and rape as a crime against the laws and custom Tribunals have convicted men who committed acts such as sexua forced nudity and sexual humiliation – in addition to rape and sex thus recognizing such acts as serious international crimes.

(53) Huda Shaker Neimi established the Baghdad-based women's organization al-'Iraqiya al-Hurra (The Free Iraqi Woman) in October 2003.

(54) Luke Harding, "Focus shifts to jail abuse of women", *Guardian*, 20 July 2004.

(55) Associated Press, "Hamza Hendani: US Raids Offend Iraqis", *Al-Jazeera*, 1 July 2003.

(56) Amnesty International interview, 1 July 2004, Amman.

(57) Amnesty International interviews: 28 August 2004, Amman; 2 September 2004, Beirut.

(58) Iraqi al-Amal Association, The National Conference for Empowering Women in Democracy – Baghdad 16-17 June, August 2004, page 10.

(59) For further information on international human rights standards on "honour crimes", see Appendix.

(60) UN Doc. A/55/38, 14 June 2000, paras 193-194.

(61) UN Doc. E/CN.4/2002/83, 31 January 2002, para. 23.

(62) Commission on Human Rights, Report to the Social and Economic Council on the Sixteenth Session of the Commission, Resolution 2004/37 on summary or arbitrary executions, UN doc. E/CN.4/2004/L.11/Add.1, 2004.

(63) KWAHK, Honour Killing – a Catalogue of Horror, May 2004.

(64) For details on Iraqi legislation on "honour crimes" and amendments in Kurdish controlled governorates, see chapter 5, Leniency for 'honour crimes' and Women win legal reforms.

(65) Lena Katarina Swanberg, *Herdersmordet på Pela*. Lillasyster, 2003.

(66) The Dohuk Criminal Court refers to a different family name in the case.

(67) Under Articles 128 and 130 of the Penal Code. For further information on legislation allowing lenient sentences, see chapter 5, Discriminatory sentencing law.

(68) Amendments to legislation on "honour killings" were first introduced by Sulaimaniya-based Kurdish authorities in April 2000. The Arbil-based authorities followed in 2002.

(69) Women Information Cultural Centre (WICC) Statistical Study on Violence used against Women, 2003, pages 23-28. See the biweekly newsletter at <http://www.rewan.org/>.

(70) See <http://www.asuda.org/>.

(71) Ruth Jüttner, interview with Khandan Mohammed Jeza, ai-J 2003, <http://www2.amnesty.de/internet/deall.nsf/windexde/JL2003>

(72) Amnesty International interview, 2 September 2004, Beirut.

(73) Fuad al-Tekerly: "al-Firin", 1972; German translation published by Walther (ed.): *Erkundungen. 28 irakische Erzähler*, 1985, Verlag Berlin, pages 25-31.

(74) Some of the people interviewed by Amnesty International about the "killings" provided only general information, either to ensure that those involved could not be identified or because they were unable to recall details of incidents that occurred more than a decade ago.

(75) Amnesty International interview, 29 June 2004, Amman.

(76) Amnesty International interview, 29 August 2004, Amman.

(77) Amnesty International interview, 28 August 2004, Amman.

(78) See <http://www.unicef.org/sowc04/files/Table9.pdf>

(79) Lynn L. Amowitz et al: Human Rights Abuses and Concerns about Women's Health and Human Rights in Southern Iraq, in: *Journal of the American Medical Association*, March 24/31, 2004 (Vol. 291, No. 12) page 1680-1683

(80) Nicholas Birch, Genital Mutilation Is Traditional in Iraq's Kurdistan, *Women's E-News*, 1 August 2004, <http://womensenews.com/>

(81) WADI, an NGO with its headquarters in Germany, has branches in several countries of the Middle East, including in northern Iraq (see <http://www.wadinet.de/>).

(82) WADI, Research about circumcisions in German area, 2 December 2003. The author of the report pointed out that a number of girls who reported to have had not undergone FGM may have been too young.

(83) Hawdam Salih Jaf and Inger Østenstad, *Human Rights in Kurdistan* (Oslo: Zor kama esta Om omskjæring av kvinner i Sør-Kurdistan, 2003 rapport).

(84) Committee on Economic, Social and Cultural Rights, General Comment No. 14 (The Right to the Highest Attainable Standard of Health), UN Doc. E/C12/2000/4, 11 August 2000, para. 35.

(85) Lynn L. Amowitz et al: Human Rights Abuses and Concerns about Women's Health and Human Rights in Southern Iraq, in: *Journal of the American Medical Association*, March 24/31, 2004 (Vol. 291, No. 12) page 1680-1683

(86) See also chapter 5, Discrimination in law, Impunity for violence

(87) Amnesty International interview, 30 August 2004, Amman.

(88) For more details see: Amnesty International: Lives blown apart against women in times of conflict (AI Index: ACT 77/075/2004), 2004.

(89) UNIFEM and United Kingdom's Department for International Development, No Safe Place: Results of an Assessment on Violence Against Women in Kosovo, April 2000.

(90) Amnesty International interview, 3 October 2004, Amman.

(91) KWAHK, Honour Killing – a Catalogue of Horror, May 2004.

(92) Hawlati, An alarming statistic on cases of burned women, 7 October 2004.

(93) Universal Declaration of Human Rights (Article 16(2)); International Covenant on Civil and Political Rights (Article 23(3)).

(94) For further information on international human rights standards on marriage, see Appendix.

(95) Amnesty International communication with the Asuda Centre, 2004.

(96) UK Home Office, A choice by right — Report of the Working Group on Forced Marriage, 2000, cited in report of the UN Special Rapporteur on Violence Against Women, UN Doc. E/CN.4/2002/83 (31 January 2002) para. 10. The Working Group identifies a key factor distinguishing forced marriage from arranged marriage as the right to choose: in the tradition of arranged marriage, the families of both spouses take a leading role in arranging the marriage; in forced marriage, the spouses have the right to choose – to say no – at any time. In forced marriage, there is no choice.

(97) Ain O Salish Kendra and Shirkat Gah, Information Gathering on Forced Marriages, submission by Interights to the Home Office in London, UK, March 2000. <http://www.soas.ac.uk/honourcrimes/FMsubmission.htm>

(98) This Kurdish expression means: Changing one woman for another.

(99) A 1979 amendment to the Personal Status Law lowered the minimum age for marriage from 16 to 15 years, because of "the social situation and in particular outside the urban areas where the practice of marriage at a young age is widely practiced." The lowering of the minimum age was justified as a measure for "reducing cases of marriages conducted in secret courts".

(100) Committee on the Elimination of Discrimination against Women, General Recommendations No.21 : Equality in Marriage and Family Relations, 1988.

session, 1994), UN Doc. A/47/38, paras 36 and 38. The 1964 Convention on Consent to Marriage, Minimum Age for Marriage and Registration obliges States to specify a minimum age for marriage which should not be less than 15 years. Iraq has not yet ratified this Convention.

(101) Religious marriages are usually conducted in addition to the civil ones and referred to among the Shiite community as "Zawaj al-Sayid"

(102) CPA order No. 31 of 10 September 2003.

(103) Articles 1(3), 13 (1)(b) and 55(c).

(104) During the training, 35 representatives from all government ministries were trained to become gender focal points at their respective ministries.

(105) Provisions of the Personal Status Law do not necessarily apply to members of non-Muslim communities in Iraq.

(106) Committee on the Elimination of Discrimination against Women, General Recommendations No.21 : Equality in Marriage and Family Relations (11th session, 1994), UN Doc. A/47/38, paras 14 and 35.

(107) Pela was killed on 24 June 1999 by one of her uncles at her home in Dohuk. For more details of the case see above chapter 4, 'Honour Killings'.

(108) CPA order No. 31 of 10 September 2003.

(109) Article 132 of the Penal Code provides for the reduction of the sentence on grounds of mercy.

(110) Article 131 of the Penal Code provides for the reduction of the sentence on mitigating circumstances in misdemeanour cases.

(111) Committee on the Elimination of Discrimination against Women, General Recommendations 19: Violence against women (11th session), 1992, Doc. No. A/47/38

(112) UN Security Council Resolution 1325, 31 October 2000, UN Doc. S/2000/609, para. 1325(2000).

(113) UN Security Council, Report of the Secretary-General on the situation of women and security, 16 October 2002, UN Doc. S/2002/1154.

(114) Women for Women International, Windows of Opportunity: Gender Equality in Post-War Iraq, January 2005.

(115) ICCPR Articles 3 and 25, UN Women's Convention Article 16

(116) Human Rights Committee, General Comment No. 28: Equality between men and women (article 3), UN Doc. CCPR/C/21/Rev.1, 30 March 2000, para. 29.

- (117) Committee on the Elimination of Discrimination against Women, Recommendations No. 23, Political and Public Life, (16th session), Doc. A/52/38, para. 29.
- (118) CPA order No. 96 of 15 June 2004.
- (119) CPA order No 96 of 15 June 2004.
- (120) Michael Howard, "Chaos and farce as Iraq chooses first assembly", *Guardian*, 19 August 2004.
- (121) Sharon Behn, "Iraqi women threatened, killed for defying tradition", *Washington Times*, 12 November 2004.
- (122) Iraqi al-Amal Association, The National Conference for Women in Democracy – Baghdad 16-17 June, August 2004, page 10.
- (123) According to some interpretation of Islamic Law (Shari'a), women do not have the capacity to be judge.
- (124) Neil MacFarquhar: In Najaf, Justice Can be Blind but Not Deaf", *New York Times*, 31 July 2003.
- (125) Reuters, "First Iraq women graduates as armed security guards", September 2003, and see Agence France Presse, "New Paramilitary women to take on security role", 24 May 2004.
- (126) IRINnews, "Iraq: Interview with Minister for Labour and Social Security", October 2004.
- (127) UN/World Bank Joint Iraq Needs Assessment, October 2003, Paper, Livelihoods, Employment & Re-integration, page 7. [http://www.worldbank.org/mna/mena.nsf/Attachments/IQ-LIVELIHOODS/\\$File/LIVELIHOODS+final+sector+report+16+October.pdf](http://www.worldbank.org/mna/mena.nsf/Attachments/IQ-LIVELIHOODS/$File/LIVELIHOODS+final+sector+report+16+October.pdf)
- (128) UNESCO, New Courier No. 3, October 2003
- (129) UNESCO Situation analysis of education in Iraq, April 2004, <http://unesdoc.unesco.org/images/0013/001308/130838e.pdf>
- (130) Lynn L. Amowitz et al: Human Rights Abuses and Concerns for Women's Health and Human Rights in Southern Iraq, in: *Journal of the American Medical Association*, March 24/31, 2004 (Vol. 291, No. 12), page 1680.
- (131) International Covenant on Economic, Social and Cultural Rights, Article 13 and Article 3.
- (132) UN/World Bank Joint Iraq Needs Assessment, October 2003, Paper, Education Sector, pages 1-2. [http://lnweb18.worldbank.org/mna/mena.nsf/Attachments/IQ-EDUC/\\$File/Iraq+Education+Needs+Assessment.pdf](http://lnweb18.worldbank.org/mna/mena.nsf/Attachments/IQ-EDUC/$File/Iraq+Education+Needs+Assessment.pdf)

(133) UNICEF, News note: Helping Iraq's children get back to school, September 2004.

(134) IRINnews, "Iraq: Female harassment from religious conservatives", April 2004.

(135) Amnesty International interviews, 28 August 2004, Amman.

(136) <http://healingiraq.blogspot.com/>, 28 October 2004.

(137) Washington Times, "Women fleeing college under Islamist rule", October 2004.

(138) UN/World Bank Joint Iraq Needs Assessment, Working Paper, October 2003 page 7-9.

(139) These findings by the Iraqi Ministry of Health have been reported in Medact, Enduring effects of war, November 2004, page 3-4.

(140) Lynn L. Amowitz et al: Human Rights Abuses and Concerns for Women's Health and Human Rights in Southern Iraq, in: Journal of the American Medical Association, March 24/31, 2004 (Vol. 291, No. 12), page 1600-1604.

(141) Most of the treaties and declarations mentioned in this appendix, and the general comments and recommendations of the treaty bodies of the UN Special Rapporteur on violence against women, can be found on the website of the UN High Commissioner for Human Rights at www.unhcr.org/refugees/standards.html. For a more detailed account of international standards relevant to this report, see Amnesty International, The duty of states to address violence against women (AI Index: ACT 77/049/2004) June 2004.

(142) Universal Declaration of Human Rights, UNGA res. 217 A (III), December 1948.

(143) Human Rights Committee, General Comment No.31 on Article 2 of the Covenant: The Nature of the General Legal Obligation Imposed on States Parties to the Covenant, 21 April 2004, para. 8, read with General Comment No. 28: Equality of rights between men and women (article 3), 29 March 2000, para. 10.

(144) In particular of articles 6, 14 and 26. See Human Rights Committee, General Comment No. 28: Equality of rights between men and women, UN Doc. CCPR/C/21/Rev.1/Add.10, 29 March 2000, para 31.

(145) Report of the Special Rapporteur on Violence against Women, UN Doc. E/CN.4/1996/53, para. 45.

(146) See Amnesty International, Reservations to the Convention on the Elimination of All Forms of Discrimination against Women: Women's protection of women from violence in the Middle East and North Africa (AI Index: IOR 51/009/2004), November 2004.

(147) Concluding Observations of the Committee on the Elimination of All Forms of Discrimination against Women, UN Doc. E/C12/SR.18, 1998, para. 10.

Discrimination Against Women : Iraq, UN Doc. CEDAW/C/2000/June 2000, paras 192, 26.

(148) Report of the United Nations High Commissioner for Human Rights: Follow-up to the World Conference on Human Rights: The present human rights in Iraq, UN doc E/EC.4/2005/4, para. 86.

(149) Committee on the Elimination of Discrimination against Women: Recommendations No.21 : Equality in Marriage and Family Relations (11th session, 1994), UN Doc. A/47/38, paras 15-16

(150) Committee on the Elimination of Discrimination against Women: Recommendation No. 19 Violence against women (11th session, A/47/38, para 24 (ii).

(151) See for instance the Committee's concluding observations : Burkina Faso, UN Doc. CRC/C/15/Add.19 (1994), para. 8; Central African Republic, UN Doc. CRC/C/15/Add.138 (2000), para. 46; and Bangladesh, UN Doc. CRC/C/15/Add.221(2003), para. 61.

(152) See, for instance, Concluding Observations on India, UN Doc. CRC/C/15/Add.115, paras. 32-3, 23 February 2000.

(153) Committee on the Rights of the Child, General Comment No. 10: Adolescent health and development in the context of the Convention on the Rights of the Child (33rd session, 2003), UN Doc. CRC/GC/2003/10, para. 24.

(154) Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights in Vienna, 25 June 1993, para. 18.

(155) UN General Assembly Resolution 48/104, 20 December 1993

(156) Report of the Fourth World Conference on Women, Beijing, September 1995, A/CONF.177/20/Rev.1, annexes I and II, endorses para. 50/42, 50 U.N. GAOR Supp. (No. 49) at 33, U.N. Doc. A/RES/50/42, text see <http://ods-dds-ny.un.org/doc/UNDOC/GEN/N96/273/01.pdf?OpenElement>.

(157) See Article 7 (Crimes against humanity) and Article 8 (Waiver of immunity)

(158) Human Rights Committee, General Comment No.31 on Article 8 of the International Covenant on Civil and Political Rights: The Nature of the General Legal Obligation Imposed on States Parties to the Covenant, 21 April 2004, para. 8.

(159) Special Rapporteur on violence against women, Report to the Commission on Human Rights, UN Doc. E/CN.4/2003/75, 6 January 2003, para. 10.

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