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3.11.1. Violence against women and girls: overview

COMMON ANALYSIS
Last update: November 2024

The analysis below is based on the following EUAA COI report: Country Focus 2024, 1.3. Country Guidance should not be referred to as source of COI.

Iraqi women have been subjected to various forms of violence and discrimination, which has exacerbated with the deteriorated security situation following the US-led 2003 occupation of Iraq and the resurgent influence of tribal and religious groups.

The Iraqi Penal Code grants husbands the right to discipline their wives and children and further provides mitigating circumstances for the sentence of honour killings (see 3.11.2. Women and girls perceived to have violated family honour). The Iraqi Federal Government has not yet adopted a law combatting domestic violence, and there is no law specifically criminalising spousal rape. On the other hand, the KRG has adopted a law on combating domestic violence, criminalising physical, sexual, psychological violence, and spousal rape and has repealed the article regarding the abovementioned mitigating circumstances.

Step 1: Do the reported acts amount to persecution?

Some acts to which women and girls could be exposed are of such severe nature that they would amount to persecution. More specifically, violence against women in Iraq, mostly perpetrated with impunity across the country, has continued to remain a serious and pervasive problem. Such violence has taken the form, among others, of sexual violence, domestic violence, honour crimes, forced marriage, trafficking in women and girls, and to a lesser extent, female genital mutilation (FGM). Such violations have been perpetrated by state and non-state actors, including family members, mostly as a result of tribal customary norms and practices prevalent within the Iraqi society. The penal code also permits perpetrators of rape or sexual assault to avoid prosecution or have their sentences supressed if they marry their victim. Women hosted in shelters have also received death ‘sentences’ from members of their tribes.

The severity and/or repetitiveness of other acts that women and girls could be subjected to and whether they occur as an accumulation of various measures, should be also considered. Although individual circumstances vary, Iraqi women across all levels of society have continued to face widespread discrimination in everyday life. Women are discriminated against by laws regulating, *inter alia*, freedom of movement, personal status, family, religion, labour, inheritance and criminal procedure. Social stigma in cases of domestic or sexual violence is also reported.

Step 2: What is the level of risk of persecution?

The individual assessment of whether there is a reasonable degree of likelihood for a woman or girl to face persecution should take into account **risk-impacting circumstances**, such as:

- **Perception of traditional gender norms in the family:** The risk of honour-based violence as well as of domestic violence is dependent on how the (extended) family, including the husband, perceive the traditional gender norms. Sometimes families of survivors of rape even agree with the perpetrator to marry his victim to avoid social stigma.

- **Socio-economic situation:** Poor socioeconomic situation could render the applicant more vulnerable to abuses, such as sexual exploitation.

- **Home area:** Violence committed by family members to protect the 'honour' of the family or tribe is reported to be widespread and to occur across the whole country on a daily basis, regardless of ethno-religious background. From a legal perspective, the situation of women in the KRI is described as relatively better compared to the rest of the country. However, the implementation of reforms to combat the violence against women has been described as problematic. Tangible progress over the past two decades in the KRI has been limited and violence is in fact reported to be high and on the rise.

- **Religious and tribal background:** Tribal customary laws and practices within Iraqi society are seen as root causes for various forms of violence and violations of women's rights. When it comes to discriminatory measures, since religious groups have their own personal status courts responsible for handling issues related to marriage, divorce, and inheritance, women's rights may differ accordingly.

Step 3: Is there a ground for persecution?

Where well-founded fear of persecution is substantiated for a woman or a girl in relation to this overview, this may be for reasons of membership of a particular social group and/or religion. This may apply for instance to women victims of sexual abuse or women who have left a violent marriage. In both cases, such women may be stigmatised by the surrounding society because of their common background which cannot be changed (sexual abuse, leaving an abusive

relationship).

Persecution may also be for reasons of religion. A draft Anti-Domestic Violence Law has been pending since 2012 in Iraq, being strongly opposed in parliament on the grounds that it would go against Islam, ‘national values’ and would be ‘incompatible with Iraqi culture’.

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