



Refugee Documentation Centre (Ireland)
LEGAL AID BOARD

Iraq – Researched and compiled by the Refugee Documentation Centre of Ireland on 18 May 2010

Up to date information regarding "honour killings" in Iraq of both Men and women.

The *US Department of State* country report on Iraq, in a section titled “Women”, states:

“Honor killings remained a serious problem. Legislation in force permits honor considerations to mitigate sentences. According to the UNHCR in April, honor killings were prevalent in all parts of the country. For the first nine months of the year, the domestic NGO Human Rights Data Bank recorded 314 burn victims (125 instances of self-immolation and 189 cases of burning), compared with 234 burn victim during the same period in 2008.” (US Department of State (11 March 2010) *2009 Human Rights Report: Iraq*)

In a section titled “Nondiscrimination and Access to Justice” a *Freedom House* report on women’s rights in Iraq states:

“The justice system does not always treat women and men equally, notably in the issues related to honor killings, rape, and personal status law. Article 409 of the penal code offers leniency in honor killing cases, setting a maximum penalty of three years in prison for a man who kills his wife or close female relative and her partner after catching them in an act of adultery. It also deprives the victims of the legal right to self-defense in such situations. Article 130 of the penal code allows penalties of as little as six months in prison for the killing of a wife or female relative for honor-related reasons. Revolutionary Command Council (RCC) Order No. 6 of 2001 extended the application of such mitigated sentences to those who kill third parties for ‘making reference’ to the dishonorable act by the slain woman, and prohibited acts of revenge against the killer.” (Freedom House (3 March 2010) *Women's Rights in the Middle East and North Africa 2010 – Iraq*)

This section of the report also states:

“After 2003, the instances of gender-based violence, including honor killings, soared throughout Iraq. In the southern city of Basra, authorities had recorded a 70 percent increase in such murders in 2008, with 81 reported by late November, resulting in only five convictions. Lawyers who represent the victims of rape and other violence against women receive death threats. Most honor crimes go unreported by the family members, who bury the victims themselves and attribute the deaths to militia violence or other causes. Such families often receive sympathy and tolerance from the police, if not encouragement for doing what they see as the right thing. Perpetrators are released without investigation or charges, and the government remains silent, treating the cases as private matters. This response leaves women paralyzed with fear and vulnerable to daily domestic violence, sexual harassment, and

killings. A deep feeling of injustice and powerlessness sometimes leads women to believe that the only escape is suicide.” (ibid)

An article published by the *Institute for War & Peace Reporting* states:

“Violence happens against women in every form, in every class of society. Women face forced marriage, honour killing, pressure to commit suicide, beatings, prostitution and a lack of freedom that greatly impairs their lives as members of society,’ Kurdistan Daloye, chief of party for the International Human Rights Law Institute, IHRLI, said.” (Institute for War & Peace Reporting (22 April 2010) *Call to Strengthen Laws Protecting Women*)

This article also states:

“Among the problems that women face in Iraq is the so-called honour killing of women deemed to have brought shame on their families by breaking religious and cultural taboos. ‘Honour killings, forced marriage and domestic violence are just some problems facing women in Iraq and the Kurdistan region,’ Daloye said.” (ibid)

In a section titled “Licensed to Kill Women” an *Amnesty International* report states:

“Women continue to be killed with impunity by their relatives because their behaviour is perceived to have infringed traditional codes. In 2008 the Iraqi authorities recorded 56 so-called honour killings of women in the nine southern governorates. Most men get away with these murders because the authorities are unwilling to carry out proper investigations and punish the perpetrators. Iraqi legislators have failed to amend laws that effectively condone, even facilitate, such violence against women and girls. The Penal Code, for example, provides that a convicted murderer who pleads in mitigation that he killed with ‘honourable motives’ (Article 128) may face just six months in prison. The Code also effectively allows a husband to use violence against his wife. The ‘exercise of a legal right’ to exemption from criminal liability is permitted for: ‘Disciplining a wife by her husband, the disciplining by parents and teachers of children under their authority within certain limits prescribed by Islamic law (Shari’a), by law or by custom’ (Article 41). As a result, police frequently fail to arrest men accused of violence against their female relatives. In the rare cases when they do and prosecutions are mounted, judges often hand down disproportionately lenient sentences, even when a woman has been murdered. This sends out a terrifying message to all women in Iraq – that they may be killed and beaten with impunity.” (Amnesty International (27 April 2010) *Iraq: Civilians Under Fire*, p.20)

The *UK Foreign and Commonwealth Office* annual report on Iraq states:

“Domestic violence and ‘honour’ killing remain a problem in Iraq. Thousands of Iraqi women are beaten or killed each year. Some NGOs in the Kurdistan region of Iraq offer shelters for women escaping violence. However, such shelters operate in an undefined legal framework and the NGOs who run them, especially in central or southern Iraq, are cautious about publicising their services. In the Kurdish region honour killings are now punished as harshly as other murders and are not viewed differently under the law.” (UK

In a section titled "Honour crimes against men in the Kurdistan Region of Iraq (KRI)" a *Danish Immigration Service* fact-finding mission report states"

"Hassan Berwari, Country Representative, Diakonia, Dahuk, stated that women, as well as men, are victims of honour crimes, and both are being killed for honour offenses. It was emphasized that men are equally at risk of becoming victims of honour crimes as women. Honour crimes against men are common in KRI. It was added that conflicts arising from sexual relationships between young men and women are not as numerous [as earlier]. Edrees Salih, Erbil, stated that honour crimes have been significantly reduced in KRI during the recent years. However, still, in some cases, the threat posed to such men involved in offenses, exists up until a reconciliation being reached. Dr. Jwan Ihsan Fawzi, University of Sulemaniyah, informed that she had heard of men being victims of honour crimes. Mahdi M. Qadr and Fakhir Ibrahim, PAO, Erbil, stated that the concern of a wrong-doing against a family's honour does not diminish over the years. Wrong-doing against honour is considered unforgivable. Sardasht Abdulrahman Majid, Director, and Aree Jaza Mahmoud, Lawyer, Democracy and Human Rights Development Center (DHRD), Sulemaniyah, emphasized that honour is not a short-term matter. Honour is eternal in the sense that the offended family may seek retribution for years to come, or even for generations." (Danish Immigration Service (23 March 2010) *Honour Crimes against Men in Kurdistan Region of Iraq (KRI) and the Availability of Protection*, p.3)

In a section titled "Settlements involving killing (section 2.3) this report states:

"Ari Rafiq and Huda S. Zangana, DVW, Erbil, stated the risk of retribution for an honour-related offense is always there. The matter of a tarnished honour of a family not yet rectified is eternal, and if a lasting reconciliation is not accomplished, the offender of that family honour will be at risk at all times. Even if a man responsible for threats against a man who has offended his family's honour is imprisoned, there is a serious risk that another member of the offended family will undertake the revenge, including the killing of the offender. Sardasht Abdulrahman Majid and Aree Jaza Mahmoud, DHRD, Sulemaniyah, stated that in rural areas, the offenders of a family's honour would be at a very high risk of being killed. The girl's father or the woman's husband would most likely kill his daughter or his wife for having an illicit sexual relation with another man. It was added that the killing could also be committed by other family members. After this, the male offender would then be at high risk of being killed. Hassan Berwari, Diakonia, Dahuk, confirmed that women, as well as men, may be killed for having committed an honour-related offense when there is a tribal settlement to the issue." (ibid, p.7)

This section of the report also states:

"Mahdi M. Qadr and Fakhir Ibrahim, PAO, Erbil, stated that occasionally a settlement between the families involved, could include an agreement to kill the daughter and the son of the respective families. Hoshyar S. Malo, KHRW, Erbil, explained that two heads of tribes may decide that the two families involved in an incident where a family's honour has been tainted, should kill their son and daughter respectively. The solution involving a family agreeing

to kill their own son themselves is not unusual, as this prevents more 'blood' between the tribes. By killing their own son, the family 'cuts the blood' and prevents more blood from flowing between the tribes. Settling honour issues often involves marriage, however, it is not always the case that this can be accepted which subsequently can lead to more serious settlements involving killing." (ibid, p.7)

In a section titled "Availability of protection and assistance to men against honour crimes" (section 3) this report states:

"Concerning honour crimes and assistance to victims of honour crimes, Hassan Berwari, Diakonia, Dahuk, explained that all focus is on women. However, men are also victims of honour crimes. It was added that KRI is a tribal society, and defending a family's honour is the concern of men. Khanim R. Latif, Asuda, Sulemaniyah, stated that male victims of honour disputes are much less likely than women to find assistance and protection from the police and/or from other authorities as well as NGOs. Basically, men who are under threat of an honour crime, such as killing, only have the option to flee the country. Dr. Jwan Ihsan Fawzi, University of Sulemaniyah, confirmed Khanim R. Latif's observation that male victims of honour threats are much less likely than women to find assistance and protection from the police and/or other authorities and NGOs. There are only shelters for accommodating women, and there are no NGOs or governmental institutions that address the issue of men as victims of honour threats." (ibid, p.9)

This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

References:

Amnesty International (27 April 2010) *Iraq: Civilians Under Fire*
<http://www.unhcr.org/refworld/pdfid/4bd68e352.pdf>
(Accessed 17 May 2010)

Danish Immigration Service (23 March 2010) *Honour Crimes against Men in Kurdistan Region of Iraq (KRI) and the Availability of Protection*
<http://www.nyidanmark.dk/NR/ronlyres/3E22AAC6-C28F-420B-9EDB-B8D2274D3E2D/0/KRGrapport/Eresdrabian2010SLUTRAPPORT.pdf>
(Accessed 17 May 2010)

Freedom House (3 March 2010) *Women's Rights in the Middle East and North Africa 2010 – Iraq*
<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=printdoc&docid=4b990123c>
(Accessed 17 May 2010)

Institute for War & Peace Reporting (22 April 2010) *Call to Strengthen Laws Protecting Women*
<http://www.iwpr.net/print/report-news/call-strengthen-laws-protecting-women>

(Accessed 17 May 2010)

UK Foreign and Commonwealth Office (March 2010) *Human Rights Annual Report 2009 - Countries of Concern: Iraq*

http://www.ecoi.net/local_link/135807/235933_en.html

(Accessed 18 May 2010)

US Department of State (11 March 2010) *2009 Human Rights Report: Iraq*

<http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136069.htm>

(Accessed 17 May 2010)

Sources Consulted:

Amnesty International

Danish Immigration Service

Electronic Immigration Network

European Country of Origin Information Network

Google

Human Rights Watch

Internal Displacement Monitoring Centre

IRIN News

Refugee Documentation Centre Query Database

UK Home Office

UNHCR Refworld

US Department of State