



**Documenting
Violence Against Women
In
Iraqi Kurdistan**

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Ministry of Interior
Ministry of Labor and Social Affairs
Ministry of Justice
Ministry of Human Rights
Ministry for Women's Affairs
Ministry of Youth and Sport

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Within these ministries Heartland Alliance acknowledges the assistance from:

Directorates for Following up Violence Against Women
District and sub-district police stations
Hospitals including burn units
Medico-Legal Institutes
Reformatories for Women and Juveniles
Women's Shelters

Purpose of this project

During the past few years the Kurdistan Regional Government (hereinafter “KRG”) has taken commendable steps to collect information on violence against women in the three northern governorates under its administration. This is an important contribution to the ongoing effort to combat gender-based violence and is a necessary step towards gaining a better understanding of the nature and scope of violence against women in northern Iraq. More reliable data will enable the KRG and Kurdish nongovernmental organizations (LNGOs) to develop programs that are tailored to the Iraqi context and to the needs of Iraqi women and girls.

Heartland Alliance undertook an assessment of how the KRG collects data in order to identify whether there are gaps in data collection and whether there are ways to improve how information is identified, documented, gathered and analyzed. This project focused on governmental efforts to compile data, looking to governmental employees such as police officers, judicial investigators, or hospital staff who are likely to encounter victims of gender-based violence in the course of providing direct assistance.

The current primary agency responsible for compiling information on violence against women is the Ministry of Interior through its Directorates for Following up Violence Against Women. There are currently four such Directorates located in Sulaimaniya, Duhok, Erbil and Garmian. Each Directorate is responsible for collecting information from a range of sources regarding gender-based violence, including the hospitals, police, LNGOs and the victims themselves. This information is then

transmitted to a high level ministerial committee established by the former Prime Minister Nechirvan Barzani that met on a quarterly basis to discuss strategies for responding to violence against women. It is expected that the new government will take similar steps to continue to document violence against women and to develop policies that address the myriad problems facing the victims.

Methodology

Heartland Alliance with SCRC developed an interview form and interviewed a number of individuals employed at district and sub-district level police stations, hospitals including burn units, and the Directorates for Following up Violence Against Women. Interviews were conducted in order to identify how information on violence against women is gathered, recorded and transmitted both within different types of government agencies as well as on an inter-ministerial level prior to publication by the KRG.

Heartland Alliance interviewed the staff of Human Rights Databank, which was funded by the RRT to collect information on human rights violations including gender-based violence data. In some cases this project found additional data than that reported by the KRG and identified several gaps in government data collection.

Finally Heartland Alliance reviewed and analyzed the Report on Violence Against Women issued every four months by the Ministry of Interior, the agency that has coordinated data collection and publishes findings on gender-based violence.

Included in this report

This report highlights several areas in need of reform, including: 1) creating uniformity across the KRG to promote systematic data collection; 2) clarifying what constitutes gender-based violence and what information will be collected; 3) developing protocols for data identification and documentation and reporting; and 4) training government staff who are likely to encounter victims on victim identification and recording of data. The following includes a set of recommendations to the KRG that, if incorporated into its current data collection practices, could considerably improve the system of data collection without incurring significant additional cost.

Coordinate with LNGOs for additional data

Information on violence against women is one area in which data is not only limited but is often unreliable. The biggest data collection challenge is that the majority of cases of gender-based violence are never reported and a large number of those that do get reported to law enforcement are withdrawn. In many cases victims are more likely to seek assistance from LNGOs such as women's shelters, and these cases may not be reported to the police, hospitals or other government run institutions. If the data collected by government agencies is not linked with that collected by women's organizations and other LNGOs helping victims, this will lead to a significant gap in understanding the nature and scope of the problem.

Recommendation: In order to develop a more accurate picture of the problems of violence against women in Kurdistan, the KRG should draw on LNGO resources.

Create a Uniform System of Data Collection

The type of data that is to be collected should be the same throughout the three KRG governorates. This will unify the information collected and will make it easier to compare data regionally. Currently there is some overlap between the data collected in Erbil, Duhok and Sulaimaniya. For example all Directorates for Following up Violence Against Women currently collect information on women burned and killed. However there are also differences in the type of information collected across the various Directorates. The Garmian Directorate for Following up Violence Against Women gathers information on polygamy, beating, drug use, defamation, harassment through mobile phones and preventing girls from choosing marriage partners – all categories that are not found in the other three Governorates.

Recommendation: Develop a uniform system of collecting data by creating standardized incident report forms in the following sectors likely to encounter victims:

- a) Health care institutions – hospitals and health centers in rural areas and cities
- b) Law enforcement institutions – police stations at the district and sub-district levels
- c) Courts – criminal and Personal Status Courts

Recommendation: Review, revise and standardize demographic information to be collected. Currently the KRG gathers the following information about the victims: age, marital status, socioeconomic status, area of residence and educational level. These provide useful information however the way in which this information is reported is sometimes unclear.

Age of the Victim

With regard to age, the current breakdown is into two categories: 1) between 14 to 30 years old, and 2) between 30 – 60 years old. The first problem with this is that it fails to capture violence inflicted on very young girls and older women, both extremely vulnerable populations. The first suggestion with regard to age would be to include individuals of any age since being young or elderly is not a protection against gender-based violence.

It would be useful to capture violence inflicted towards minors, those under 18-years of age, because the implications for the victims and policy makers may be quite different if the victim is a minor as opposed to being an adult. Age group may be broken down into smaller segments, such as the following:

- a) 0-12 years
- b) 13-18 years
- c) 19-30 years
- d) 31-50 years
- e) 51-65 years
- f) 65 and above

Economic Status

Although it is not clear how the question about economic status is phrased, or how this information is collected and categorized, the KRG's report for the first four months of 2009 is vague. Economic status of the victim is grouped as: 1) good, 2) middle, and 3) bad. These categories are arbitrary and poorly defined. It is not clear if this is based on the economic self sufficiency of the victim, of her nearest male relative such as her husband or father, or using some other criteria. The

problem for victims of gender-based violence is that they may come from financially stable households, but as individuals they are deprived of basic needs such as food and clothing. In the context of domestic violence, abuse by withholding access to money is common. Therefore a victim's family may have a "good" economic status while the victim herself has no money and maybe cannot adequately feed herself or her children.

Recommendation: A first step towards gauging the economic security of the victim herself would be to identify whether the victim is employed. If she is employed, income categories could be used to determine her economic status. If categories of "bad," "middle" and "good" continue to be used, then an explanation should be provided to show how individuals fit within those categories and what factors, such as average income of the individual or her family, are considered in the analysis.

Educational Level

Access to education is an important tool to empower women and give them the ability to seek greater financial independence. The KRG currently gathers information about women's educational background, and reports whether victims are: 1) educated or 2) uneducated. These categories provide little useful information as it puts victims with a primary school education with those who have a university education. Both have been "educated" but to significantly different degrees. It is also not clear who decides when a person falls into one of these categories – do the police decide, physicians, the Directorate staff, and how?

Recommendation: It would be useful to break this down into levels of education. For example, one could ask victims the highest level of education they have completed:

- a) None
- b) Primary school
- c) Secondary school
- d) University/College
- e) Post-graduate studies

Area of Residence

Because there are frequently assumptions that gender-based violence is more prevalent in rural as compared to urban areas, it is important to document violence occurring in larger cities such as Sulaimaniya, Duhok and Erbil, as well as in rural areas and villages. Currently the KRG compiles data on whether the victim is: 1) inside the city or 2) outside the city.

Recommendation: Additional categories may be added to provide more detailed information about the areas in which victims reside, such as:

- a) City center
- b) District
- c) Sub-district
- d) Village

Marital Status

It is useful to gather information about marital status as women may be subjected to different forms of gender-based violence depending on whether they are single, married, widowed or divorced. Similarly, women, advocates and the legal system may resort to different

ways of responding to gender-based violence depending on marital status. The KRG currently reports on whether women are: 1) married or 2) unmarried. This means that the only category for divorced or widowed women is “unmarried”, which indicates that the victim is “single” and therefore never married. The problem is that this nuance often translates into significantly different issues for the victims. For example, family members frequently prevent divorced women from remarrying. They may also be forced to marry following divorce. A widowed woman may be forced to marry the brother of her deceased husband. .

Recommendation: Include additional categories for women who are: 1) divorced and 2) widowed.

Number of living children

There is nothing in the current data collection system to indicate whether victims have children, or how many. This is an important factor to identify barriers to leaving abusive relationships, since women with children are often more likely to stay in abusive situations. Moreover, the number of children can indicate financial barriers to leaving. Another important reason to document this information is that children are also often victims of violence, either mentally or physically. If a mother is beaten by her husband in the presence of their children, the children suffer serious psychological consequences; they are often also physically abused if there is abuse against the mother.

Recommendations:

- a) Add a question to gather information about how many living children the victim has.
- b) Consider adding a question asking about the number of children living with the victim

Clearly define “violence against women”/ “gender-based violence”

Violence against women and gender-based violence are technical terms used interchangeably to collectively refer to violent acts that are primarily or exclusively committed against women. This type of violence targets a specific group with the victim's gender as a primary motive.

It is important to clearly distinguish gender-based violence to ensure that accurate information is being collected and that social problems that do not constitute GBV are not included in GBV data collection systems. Currently there is no clear direction on this point and each entity gathers information using categories that are unclear, that vary from one organization to another, and that do not always constitute GBV *per se*.

For example, suicide is included as a category of gender-based violence, yet the act of committing suicide is not a form of gender-based violence. This does not mean that the person who committed suicide did not suffer from gender-based violence that led her to commit suicide, but this should be clarified.

Recommendation: The KRG should adopt a standard definition of violence against women, which can serve as a framework under which forms of gender-based violence (discussed below) are then categorized.

Clarify and unify forms of gender-based violence for data collection

It is important to decide which forms of violence against women exist in the KRG and should be included in data collection. Currently there are different forms that are

reported on in each governorate and some of which are not considered “gender-based violence.”

Recommendation: The KRG should develop standardized categories for data collection, and should ensure that these are applied uniformly throughout all government agencies. Forms of gender-based violence should be defined to clarify what information falls within each category.

The following is a suggestion of commonly recurring forms of gender-based violence that could be used to develop categories for data collection:

- a) domestic violence
- b) sexual assault
- c) rape
- d) sex trafficking or forced prostitution
- e) female genital mutilation
- f) coerced suicide
- g) forced marriage
- h) inability to choose marriage partner
- i) dowry related violence
- j) polygamy
- k) threatened honor killing
- l) honor killing
- m) murder (killing that is not specifically tied to honor related reasons)
- n) burning women (see below for more detailed discussion)

Other categories may be included and these categories may be further broken down. For example, women and girls are also subjected to economic violence, psychological abuse and verbal assaults. These will be more difficult to identify and collect through government agencies and may be better assessed by a study designed to survey a sample of the population. The

specificity of the categories should be based on the objectives of the KRG and the level of detail desired.

Categories of gender-based violence should also be defined and explained to those collecting the data. For example, the government may choose to distinguish polygamous marriages in which women consent from those where the situation is imposed upon them. The KRG may only view the latter as falling within gender-based violence but this should be discussed and clarified for data collection purposes.

Recommendation: The following categories were reported in the KRG Report and should be reviewed and further clarified:

“Killing” cases

Cases involving murder related to gender-based violence include “honor killings” and domestic violence related murders. The KRG report included suicide cases as well as intentional killing cases under this category.

Recommendations:

- a) Distinguish intentional murder (killing) cases from suicide cases.
- b) Distinguish suicide cases that are coerced from those that are not.
- c) Include suicide cases where there is not coercion or this information is not known if the intent is to show cases that might have underlying gender-based violence factors.

Torture cases

The KRG tracks information on the number of women who suffer torture. However it is not clear what is meant by the term “torture” in this context. According to international law, the term “torture” has a very specific meaning. The United Nations Convention Against Torture defines it as:

“...any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him, or a third person, information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in, or incidental to, lawful sanctions.”

Thus torture includes action by the State or those acting “under color of law,” and is not defined to include physical and psychological harm inflicted by private actors. Although private and State actors may use similar tactics of abuse, they are defined differently given the different contexts and the intent of the perpetrators.

Recommendation: Torture should only be included if the violence is inflicted by a State actor and involves gender-based violence such as rape in detention.

Complaining

From the KRG report it appears that an increasing number of women are filing complaints, more likely with law enforcement but possibly also with the Directorates for Following up Violence Against Women.

Currently the categories include: 1) reasons related to the family, 2) reasons are out of the family, and 3) reasons related to the problems between spouses.

Recommendation: It would be useful if this information was clarified to include the following information:

- a) The nature of the complaint – meaning what is the form of gender-based violence the individual is filing a complaint about. This should be done using the same categories of gender-based violence discussed earlier in the report.

Love Relationships & Consensual Sex Cases

The Human Rights Databank found that police frequently record cases involving consensual sex as gender-based violence cases. If the couple is unmarried it is likely that they will be at risk of violence including honor killing. But the relationship itself is not a form of gender-based violence unless the woman was forced into the relationship.

Recommendations:

- a) Remove categories involving love relationships, even illegal relationships such as adultery, as gender-based violence cases.
- b) Reclassify those cases as gender-based violence where the women are threatened with honor related violence including killing.

Burning women and self-immolation

Burn cases are complicated for several reasons. First, it is difficult to gather reliable information from the victims, those who survive as well as from the corpses post mortem.

Burn cases generally fall into three categories:

- a) Murder cases (includes attempted murder cases where the victim survives the attack);
- b) Coerced suicide; and
- c) Suicide.

The first two clearly involve gender-based violence, but cases falling into the third category may or may not involve gender-based violence. Research has shown that many women who commit suicide in the KRG appear to also have a history of suffering some form of gender-based violence, such as forced marriage and severe domestic violence. Yet even in the cases where the reasons for a suicide are linked to gender-based violence, the suicide itself is not an act of gender-based violence because the person is acting to end her own life voluntarily. It is probably important to track and document cases falling within the third category as well since such cases indicate a possible link to gender-based violence, but all three cases should be clearly distinguished from one another.

Another problem arising when documenting burn cases is that the data is often unreliable because many victims do not report abuse in their homes. Victims of attempted murder and coerced suicide are highly unlikely to report to hospital staff and police that they were burned or pushed to burn themselves by their

family members. The reasons for this are several, including:

- a) Fear of retaliation from the perpetrator and other family members
- b) Fears of further violence by the perpetrator and other family members
- c) Fear of becoming homeless if released from the hospital

In cases where the victim has died from the burns, it is difficult to tell from forensic evidence alone whether the person committed suicide voluntarily, was coerced, or was murdered. Complicating such an investigation further is the fact that if the victim was murdered or coerced into committing suicide, the surviving relatives are unlikely to report this to the police and instead come up with excuses such as accidental kitchen fires.

In order to improve reporting on the part of the victim, measures must be taken to provide protection to victims while improving the response of law enforcement to investigate, detect and prosecute the perpetrators. Nevertheless underreporting by victims will continue to happen and it is important to recognize the constraints on reliable data collection.

Case outcomes

The KRG Report includes case outcomes and provides information on cases “solved.” This may give the impression that individuals who have had their cases solved are no longer living in abusive circumstances but this could be misleading. Domestic violence cases are often solved through reconciliation, yet global statistics show that domestic violence perpetrators usually resume the abuse eventually. Cases may be “solved” by

marriage, yet some girls are married to their rapists and other women encounter domestic violence. The other problem is the lack of follow up to determine whether victims are repeatedly subjected to abuse after their cases were solved.

Recommendation: The KRG could provide more information about what is meant to say that a case is solved.

- d) Further information may be gathered to identify how cases were solved by developing categories for the most common ways of solving particular kinds of cases.
- e) The KRG may decide to collect information on whether cases are followed up, and if so, how often victims reported incidents of violence after their cases were solved.

Data Analysis

Although the KRG reports include very useful information, the government may want to consider recruiting an experienced data analyst to not only improve its data collection systems, but also to analyze the data and present its findings to the public. Such information could prove very useful for lawmakers to develop policies and legislative initiatives. It will also provide a useful resource for LNGOs in identifying trends of gender-based violence and areas of concern, which can inform programmatic initiatives tailored to the needs of the victims.

Train government employees on data collection

How information on gender-based violence is collected is important for various reasons. All of the government employees interviewed during this assessment reported

that they did not receive any training on how to collect or report information on gender-based violence.

Recommendation: The nature of the information is sensitive, and police, health officials and court personnel should be trained on:

- a) Gender-based violence generally – government employees should all have a basic understanding of what gender-based violence is, barriers to reporting abuse, and the challenges to reliable data collection;
- b) Interview techniques to avoid coerced disclosure of information or inappropriate questioning.
 - 1) Victims should be interviewed in a private space where they feel comfortable.
 - 2) Interviewers should be female if possible to increase the likelihood that victims will be comfortable revealing gender-based violence such as rape. Victims may identify men with their abusers making it less likely that they will be forthcoming.
 - 3) Interviewers must ensure confidentiality of information. Victims should be assured that no identifying information about them would be revealed publicly or to third persons without their permission.
 - 4) Government employees who are likely to encounter victims should be trained to properly fill out data collection tools developed by the KRG.
 - 5) Government employees should be trained on procedures developed for transmitting information collected. There should be a regular system for transmitting information collected in the field through established institutional channels where it will then be recorded, tracked, analyzed and ultimately published.

Conclusion

In order for the KRG to have an effective and reliable data collection system, the first step is to create the means for a uniformed data collection system. This can be accomplished by creating a centralized directorate that is charged with both the collection and assessment of data on gender-based violence, and also has an effective mandate in order to collect the appropriate data. This means that the Directorate must have authority to compel police, court personnel, health providers, and other individuals to accurately and regularly identify gender-based crimes.

The second step is to create a standardized and practical system for categorizing gender-based violence. This step is vital to the success of data collection because it is the staff on the ground, local police, health providers, etc., that will be assessing whether or not a particular case is an incident of gender-based violence. By creating a clear system in determining whether a gender-based violence incident is present, staff will find it much easier to distinguish cases, and the overall reporting and collection of data can be streamlined to create structures for efficient reporting.

To achieve both of these steps, regular and sufficient training is necessary. The most significant constraint for effective reporting in the KRG is lack of training for the government authorities. Police, health providers, and court personnel cannot adequately identify gender-based violence without proper training and instruction. This training should include recognition of the social pressures that contribute to gender-based violence, effective investigative techniques, and adequate evidence collection.

The Kurdistan Regional Government has made significant strides in the recent years to combat gender-based violence, but more work needs to be done. To effectively protect potential victims of gender-based violence, accurate and timely empirical data is necessary to identify the factors that lead to these crimes. It is important that this work be done in collaboration between civil society human rights organizations and State agencies. By working in collaboration, private and public institutions are strengthened to better provide meaningful resources and assistance to victims. Furthermore, by taking proactive steps, public institutions can better instill the principles of transparency and legitimate governance to their citizens.

