

2/2009

ENG

DANISH IMMIGRATION SERVICE



Danish Refugee Council



Security and Human Rights Issues in Kurdistan Region of Iraq (KRI), and South/Central Iraq (S/C Iraq)

Report from the Danish Immigration Service's (DIS), the Danish Refugee Council's (DRC) and Landinfo's joint fact finding mission to Erbil and Sulaymaniyah, KRI; and Amman, Jordan

6 to 23 March 2009

Copenhagen, July 2009

Danish Immigration Service

Ryesgade 53

2100 Copenhagen Ø

Phone: 00 45 35 36 66 00

Web: www.newtodenmark.dk

E-mail: us@us.dk

Overview of fact-finding reports published in 2008 and 2009

Protection of victims of trafficking in **Nigeria**, Report from Danish Immigration Service's fact-finding mission to Lagos, Benin City and Abuja, Nigeria, 9 – 26 September 2007

2008: 1

Protection of victims of trafficking in **Ghana**, Report from Danish Immigration Service's fact-finding mission to Accra, Ghana. February 25 to March 6 2008

2008: 2

Recruitment of IT specialists from **India**, An investigation of the market, experiences of Danish companies, the attitude of the Indian authorities towards overseas recruitment along with the practices of other countries in this field. Report from the fact finding mission to New Delhi and Bangalore, India

4th to 14th May 2008

2008: 3

Report of Joint British-Danish Fact-Finding Mission to Lagos and Abuja, **Nigeria**. 9 - 27 September 2007 and 5 - 12 January 2008

2008: 4

Cooperation with the National Agency for the Prohibition of Traffic in Persons and other related matters (NAPTIP). Report from Danish Immigration Service's fact-finding mission to Abuja, **Nigeria**. 14 to 24 February 2009

2009: 1

Security and Human Rights Issues in Kurdistan Region of **Iraq** (KRI), and South/Central Iraq (S/C Iraq), Report from the Danish Immigration Service's (DIS), the Danish Refugee Council's (DRC) and Landinfo's joint fact finding mission to Erbil and Sulaymaniyah, KRI; and Amman, Jordan, 6 to 23 March 2009

2009: 2

Table of contents

Table of contents	1
Introduction and disclaimer.....	4
1 Security situation.....	6
1.1 Iraqis' perception on security and daily life in Iraq	6
1.2 Overall security situation in South/Central Iraq (S/C Iraq)	7
1.3 Overall security situation in Kurdistan Region of Iraq (KRI)	9
1.4 Overall security in the disputed areas	10
Tameem (Kirkuk, Hawiga), Ninewa (Mosul), Salah Al-Din and Diyala (Khanaqin, Ba'quba) Governorates	10
1.5 Conditions for entry into Kurdistan Region of Iraq (KRI) from South/Central Iraq (S/C Iraq) and from the disputed areas	11
1.5.1 Procedures at the Kurdistan Regional Government (KRG) checkpoints.....	12
1.5.2 Power structures at the checkpoints and roads in the disputed areas.....	14
2 Internally Displaced Persons (IDPs) in Iraq.....	16
3 Internal Flight Alternative (IFA) in Iraq.....	20
4 Rule of law and state protection	21
4.1 Judicial system in Kurdistan Region of Iraq (KRI)	21
4.2 Fair trial in the Kurdistan Region of Iraq (KRI)	24
4.2.1 Fair trial for terror suspects in Kurdistan Region of Iraq (KRI)	26
4.3 Fair trial in South/Central Iraq (S/C Iraq).....	26
4.4 Tribal councils and courts in Iraq	26
4.4.1 Tribal councils and courts in South/Central Iraq (S/C Iraq)	27
4.4.2 Tribal councils and courts in Kurdistan Region of Iraq (KRI)	27
4.5 Detention and torture in Kurdistan Region of Iraq (KRI).....	28
4.6 Police forces in Iraq	29
4.7 Police, defence and security forces in Kurdistan Region of Iraq (KRI) and the disputed areas	30
4.7.1 Police forces in Kurdistan Region of Iraq (KRI) and the disputed areas.....	30
4.7.2 Defence forces (Peshmerga) in Kurdistan Region of Iraq (KRI) and the disputed areas .	31
4.7.3 Security forces (Asayish) in Kurdistan Region of Iraq (KRI) and the disputed areas	31

5 Ethnic and religious minority groups in Iraq.....	33
5.1 Minority groups in South/Central Iraq (S/C Iraq).....	33
5.2 Minority groups in Kurdistan Region of Iraq (KRI).....	33
5.3 Minority groups in the disputed areas.....	34
5.4 Christian minorities in Iraq	34
5.4.1 Christians in South/Central Iraq (S/C Iraq).....	34
5.4.2 Christians in Kurdistan Region of Iraq (KRI).....	35
5.4.3 Christians from Mosul and other disputed areas.....	36
5.5 The Yazidi minority in Iraq	38
5.5.1 Yazidis in Kurdistan Region of Iraq (KRI).....	38
5.5.2 Yazidis in South/Central Iraq (S/C Iraq) and the disputed areas	38
5.6 Other minority groups in Iraq	40
6 Conversion in Iraq	41
7 Women issues in Iraq.....	42
7.1 Honour crimes in Iraq	42
7.1.1 Honour crimes in South/Central Iraq (S/C Iraq)	43
7.1.1.1 Shelters and assistance in South/Central Iraq (S/C Iraq)	43
7.1.2 Honour crimes in Kurdistan Region of Iraq (KRI)	44
7.1.2.1 Law on honour crime/ <i>Personal Status Law</i> in Kurdistan Region of Iraq (KRI) ...	45
7.1.2.2 The Directorate Combating Violence against Women (DCVW) in Kurdistan Region of Iraq (KRI).....	47
7.1.2.3 The ability of DCVW to assist victims of honour crimes in Kurdistan Region of Iraq (KRI).....	48
7.1.2.4 Reporting and investigation of violence against women in Kurdistan Region of Iraq (KRI).....	49
7.1.2.5 Shelters and assistance in Kurdistan Region of Iraq (KRI)	52
7.1.2.6 Exposure of victims via mobile phones in Kurdistan Region of Iraq (KRI)	56
7.1.2.7 Public exposure of perpetrators in Kurdistan Region of Iraq (KRI).....	56
7.2 Forced and early marriages in Iraq	57
7.2.1 Forced and early marriages in South/Central Iraq (S/C Iraq)	57

7.2.2 Forced and early marriages in Kurdistan Region of Iraq (KRI)	57
7.3 Living conditions for single women in South/Central Iraq (S/C Iraq)	57
7.3.1 Single women in South/Central Iraq (S/C Iraq).....	58
7.3.2 Assistance to single women in South/Central Iraq (S/C Iraq)	58
7.4 Living conditions for single women in Kurdistan Region of Iraq (KRI).....	61
7.5 Single women returning to Iraq from abroad.....	61
7.5.1 Single women returning to Kurdistan Region of Iraq (KRI)	62
7.6 Islamization and women in Iraq.....	62
8 Orphanages and vulnerable children in Iraq	64
8.1 Registration of orphans in Iraq.....	65
8.2 Orphanages in Kurdistan Region of Iraq (KRI).....	65
8.3 Children in detention in Iraq	66
9 Freedom of expression in Kurdistan Region of Iraq (KRI)	67
10 Political opposition in Kurdistan Region of Iraq (KRI)	70
11 Kurdistan Workers Party (PKK) dissidents in Kurdistan Region of Iraq (KRI)	72
12 Kidnappings in Iraq.....	73
12.1 Kidnappings of women	73
13 Forced recruitment into militias and suicide actions in Iraq.....	74
14 Homosexuals in Iraq	75
15 Former <i>Ba'ath</i> party members in Iraq	76
16 Health care and medical treatment in Iraq	77
16.1 Health care and medical treatment in Kurdistan Region of Iraq (KRI)	77
16.2 Health care and medical treatment in South/Central Iraq (S/C Iraq)	79
16.3 HIV/AIDS treatment in Iraq	79
Abbreviations	81
Consulted sources.....	83
Reports, news articles, newsletters and surveys.....	85

Introduction and disclaimer

The Danish Immigration Service (DIS), Documentation and Project Division; The Danish Refugee Council (DRC) and the Norwegian Country of Origin Information Centre, Landinfo, undertook a joint fact finding mission to Erbil and Sulaymaniyah in Kurdistan Region of Iraq (KRI); and Amman, Jordan from 6 to 23 March 2009. A scheduled visit to Damascus, Syria had to be cancelled as the Syrian authorities failed to issue visas to the members of the delegation in due time.

The purpose of the mission was to gather information on security and human rights issues in KRI and South/Central Iraq (S/C Iraq). See Table of contents.

The delegation consulted governmental agencies and departments, Non-Governmental Organisations (NGOs), International Organisations, United Nations (UN) agencies, the media, and representatives of minority groups. A complete list of all interlocutors is included at the end of this report.

All interlocutors consulted during the mission were informed about the purpose of the fact finding mission and the fact that the delegation's final report would be a public document. All interlocutors agreed to have their statements included in the report at hand.

All interlocutors had their statements forwarded to them for final approval, comments and/or corrections.¹ The approved notes have been included into the report at hand. However, in some cases it was found necessary carefully to rectify, adjust or clarify paragraphs of some of the approved notes. Minor supplementary or explanatory clarifications are marked with a closed bracket [...]. In addition, in a few cases paragraphs of the approved notes had misleading or inaccurate language. These paragraphs have been modified in order to avoid any misconception of ambiguous or otherwise unclear statements.

Other information included in the report originates from publicly available sources such as reports, surveys and news articles.

This report only includes information on Iraq up to the conclusion of the fact finding mission on March 23 2009. No update of events after this date has been included, i.e. no information on the increasing violence mainly in Baghdad but also in parts of Central Iraq has been included. This increase was particularly evident in April, but it has continued to some degree up to the publication of the report at hand.

For convenience, this report refers to Iraq as respectively Kurdistan Region of Iraq (KRI), South/Central Iraq (S/C Iraq) and the so-called disputed areas. References are also made to the entire country of Iraq. In such cases the reference will be to 'Iraq' only.

KRI comprises the three Northern Governorates of Iraq: Dahuk, Erbil and Sulaymaniyah. These Governorates are administered by the Kurdistan Regional Government (KRG).

¹ Only one interlocutor did not wish to have the drafted meeting notes forwarded for final approval. This interlocutor was the General Director of the KRG Security Forces (*Asayish*). The Chaldean Culture Society (CCS) consulted in Ankawa (Erbil) responded to the forwarded meeting notes but did not return the approved notes by the time of the set deadline. The delegation decided to include these meeting notes as originally forwarded to the CCS.

S/C Iraq comprises the remaining 15 Governorates of the country which are on the whole controlled by the central Government of Iraq (GoI). However, some areas bordering KRI are disputed. These disputed areas comprise parts of the Governorates of Tameem, Ninewa, Salah Al-Din and Diyala. The report at hand seeks to address KRI, S/C Iraq and the disputed areas as three separate entities.

The delegation to KRI and Jordan comprised Jens Weise Olesen, Chief Adviser (Head of Delegation), DIS; Amira Nitze Hassan, Regional Advisor, DIS; Gro Hasselknippe, Regional Advisor, Landinfo; and Dorte Smed, Legal Advisor, DRC.

The delegation's report was written and compiled jointly by the delegation. The content of this report is approved by all members of the delegation.

The report at hand is a public document and it is available at www.newtodenmark.dk

1 Security situation

1.1 Iraqis' perception on security and daily life in Iraq

The three news agencies BBC, ABC and NHK carried out a survey on Iraqis' perception on their security situation in February 2009.² A total of 2,228 Iraqis were questioned across all 18 Provinces (Governorates) in Iraq, and the margin of error was estimated to be 2.5%. The opinion poll suggests that violence and insecurity are no longer the main concerns of most Iraqis, for the first time since the 2003 United States- (US)-led invasion. The survey results also show that Iraqis are much more hopeful about the future and are increasingly preoccupied with more conventional worries like the economy and jobs. But Iraqis are unhappy about the role foreign powers play in their country, notably Iran, the US and United Kingdom (UK).

BBC states that the poll is the sixth in a series of surveys stretching back to March 2004 and shows a marked overall improvement in perceptions of security. It was added that the findings of the survey show a striking shift in opinion since the last poll in March 2008. On security, 85% of all respondents described the current situation as very good or quite good – up 23% since a year ago; a total of 52% say security has improved over the last year, up 16% since March 2008; only 8% say it is worse – against 26% last year. 59% feel safe in their neighbourhoods, up 22% from 37% last time the poll was undertaken.

According to the survey results, the proportion of people who report direct experience with car bombs, suicide attacks, sectarian fighting, kidnappings and assassinations in their areas are much lower than last year. Those who say their lives are going very well or quite well represent 65% of the total, up 9%. In the same positive trend there is a 14% increase – to 60% - of those who think things will be better in Iraq as a whole in a year from now.

Regarding differences in responding, the BBC reports that it is possible to distinguish between the responses of Shias and Sunnis. All earlier polls have shown stark differences between them, with the Sunni minority profoundly more pessimistic than Shias about the current situation and Iraq's prospects. These differences persist, but the new poll shows a pronounced shift in Sunni opinion towards a more optimistic view. Finally, the poll also suggests that there are some marked differences in responses between northern, central and southern regions of Iraq. Overall, respondents in central Iraq, which includes Baghdad, are significantly less positive about how well things are currently going in their lives.

Asked to comment on the recently published BBC survey, showing a significant improvement of the Iraqi people's perception of the security situation, the UN Security Section Iraq (SSI), Amman considered that the survey did not reflect the reality on the ground. The Iraqi people that SSI, Amman had encountered were concerned and not more confident than last year. Many Iraqis are concerned what would happen once the American troops leave. The general attitude today is: "let's wait and see".

² BBC News, Iraqis 'more upbeat about the future', Published: 2009/03/16. The survey is available at www.bbc.com/news

1.2 Overall security situation in South/Central Iraq (S/C Iraq)

SSI, Amman stated that the security situation in Iraq has improved although Mosul city and Ba'quba [in the disputed areas] specifically, are still very dangerous places. SSI, Amman stressed that the security situation in Iraq is still unstable and can change drastically even over very short time.

An international organisation (B) in Erbil stated that, in general, the improving security situation in S/C Iraq is encouraging [international] organisations to strengthen their presence and/or considering relocating back inside the country.

The International Organization for Migration (IOM), Amman stated that the security situation in the south of Iraq has improved.

The International Committee of the Red Cross (ICRC), Erbil sub-delegation, informed that the internal population displacement has been significantly reduced in Iraq since 2008 due to improved security.

An international organisation (B) in Amman reiterated that the security situation is unstable. The insurgent groups are still active, as the high number of recent attacks in Baghdad, Babylon and Mosul shows. The international organisation (B) in Amman considered that the attacks that took place in mid-March 2009 in Baghdad did not come as a surprise.

One reason for the improved security situation is, according to the international organisation (B) in Amman, the homogenization of areas that have emerged during the last few years. Minorities do not return to areas where others dominate.

SSI, Amman, stated that there had been a definite down scale of attacks by militias and insurgents. At the moment both Iraqi Security Forces (ISF), Multi National Forces-Iraq (MNF-I) and the UN are targeted. In Mosul and Ba'quba ISF, the police and [other] Government institutions were targeted. SSI, Amman added that also civilians are targeted, both deliberately and randomly. Attacks could be politically motivated and/or mere acts of common criminality.

The main targets of the insurgents were previously the American forces. According to the SSI, militias and insurgents consider it counterproductive to attack the Americans now, because it would make the Americans stay longer in Iraq. While militias and insurgents wait for the Americans to withdraw, they can reinforce themselves. However, attacks are now mainly directed at the Iraqi forces. SSI, Amman did not consider the Iraqi forces to be fully capable of securing Iraq at this stage.

SSI, Amman elaborated that one of the scenarios is that the Iraqi insurgents and militias are just waiting for the Americans to leave the country. Once the Americans are out of the country civil war might break out, and the country might be split in three. Another scenario is that the situation will remain unstable for a prolonged period even after the departure of the American military.

SSI, Amman added that Al-Qaeda has declared the UN a target and definitely in Iraq. This is derived from statements made since the Canal [Hotel] bombing in 2003.

An international organisation (A) in Erbil stressed the difference between insurgents and terrorists. The insurgents' main aim is to fight the occupation. Therefore their main targets are American troops; and the Iraqi troops as well as the police, because the latter cooperates with the Americans,

and the UN. The insurgents try to minimize the number of civilian casualties. The insurgent groups are mostly active in Mosul and Kirkuk. Both groups are represented in all front lines.

The terrorists, on the other hand, are mainly religiously driven. They organize and commit a lot of different violent activities that target all kinds of groups, civilians included.

In south of Kirkuk, both the insurgents and terrorists are active. Mosul is also a battle ground for both groups.

An international organisation (B) in Amman stated that militias and insurgent groups have been weakened all over Iraq, but that they are still active in parts of Baghdad, Mosul, Kirkuk, and Diyala, and to some degree in the south. The Badr militia has mostly been incorporated into the police and security forces. Remaining elements of this militia are operating on their own and the current situation is volatile and can change depending on the political situation and the new power balance.

According to United Nations Children's Fund (UNICEF), Iraq Support Centre in Amman (ISCA) most attacks on the international zone come from Sadr City [suburb of Baghdad], in spite of the presence of large Iraqi forces.

IOM, Amman explained that Iraqi militias are often just criminal gangs threatening persons whom they can extract large amounts of money from. These militias are criminals taking advantage of the lack of security in certain areas. Sectarian violence is a bit exaggerated according to IOM, Amman which emphasized that most IDPs left their areas due to lack of [general] security.

IOM, Amman stated that it is represented in all of the 18 Governorates in Iraq. IOM, Amman added that there are many NGOs in Amman working in Iraq.

When asked who are [among] the most vulnerable today, IOM, Amman answered that if you are in the wrong place at the wrong time or if you are wealthy you might be at risk. Security varies from place to place.

An international organisation (E) in Erbil stated that a person's safety in S/C Iraq and in KRI to a large degree is determined by this person's own tribe.

Concerning the cease fire among Iraqi militias, SSI, Amman explained that some uphold this while others break it. SSI, Amman also pointed to the strong Iranian influence as part of the [security] problem. Reportedly huge amounts of money and weapons are smuggled from Iran to Iraq. These money and weapons mostly end up in Shia [dominated] areas, but not exclusively. SSI, Amman stated that it was difficult to fully assess the security situation because the information that gets out is classified by the US and by the Iraqi authorities.

UNICEF (ISCA) confirmed that the violence in S/C Iraq has dropped substantially from July 2008 and onwards. This is mainly due to the surge of MNF-I [and ISF] that significantly weakened insurgent- and militia groups. However, just last week [early March 2009] the violence in Baghdad was on a rise. According to UNICEF (ISCA) the attacks are targeting Iraqi security forces and MNF-I bases, although there are still many civilian casualties.

SSI, Amman explained that Baghdad is more or less divided and that only a few mixed areas remain. No one protects the Christians and other minorities who have to look out for themselves, as the police is not able to offer effective protection. Minorities have their own militias and everybody

is allowed to be armed. There are checkpoints all over Baghdad. According to SSI, Amman anybody can get through the checkpoints, but presenting the wrong ID at the wrong checkpoint can be lethal. Killings are still taking place at a daily basis in Baghdad. Ordinary people's survival strategy in Baghdad is to know how to get around. It was added that Baghdad is more or less divided along ethnic and religious lines. However, a few mixed areas still exist. Christians are under high pressure from all sides in Baghdad.

UNICEF (ISCA) stated that a main concern in relation to the security situation in Iraq is the integration of the Awakening Councils into Iraqi forces. If the 90,000 persons in the Awakening Councils³ cannot be absorbed into the Iraqi police or civil service, a large number may turn to the insurgent groups.

When asked if the violence will reach the high level as seen before July 2008, UNICEF (ISCA) stated that analysts believe that there will be no return to the high level of violence, but that it is more likely that spikes of violence will be taking place.

Kahin Ismail, Protection Officer and Abdul Mohammed Aziz, Consultant, Iraq Operation; and Giulia Ranawat-Ricciarelli, Senior Protection Officer; Madelena Hogg, Refugee Status Determination Officer and Amer Delic, Associate Resettlement Officer, Branch Office Jordan, United Nations High Commissioner for Refugees (UNHCR), Amman, Jordan stated that approximately 60% of Iraqi refugees claiming refugee status in Jordan are from Baghdad and a majority of these are Sunni Muslims. 52,000 refugees are registered with the UNHCR in Amman. The main claims made by Iraqi refugees are threats to leave the area, fear of kidnappings, threats related to accusations of supporting the US forces, fear of revenge and threats related to activities for the former regime. Teachers and doctors also seemed to be targeted. UNHCR, Amman stated that – in contrast to Syria – it is often the more educated and wealthy Iraqis who flee to Jordan.

Finally, UNHCR in Amman informed that in 2008 10,000 individuals had been registered as refugees by UNHCR in Amman and almost 10,000 have been resettled.

1.3 Overall security situation in Kurdistan Region of Iraq (KRI)

An international organisation (E) in Erbil explained that in KRI the authorities are much more in control of the security situation than in the rest of Iraq.

An international organisation (A) in Erbil stated that KRI is an oasis of security in Iraq. KRG [and its ruling parties] have a quite efficient intelligence service comprising *Parastin*, *Darastin* and *Asayish*. It is not, however, anywhere near as good as the British secret service, but functions well

³ Awakening Councils, also known as Sons of Iraq or *Sahwas* in Arabic is part of the American military's counterinsurgency campaign. According to various sources the Awakening Councils comprise 60,000 to 100,000 persons. These are mostly Sunni Iraqis and former militia members. In cooperation with the MNF-I, the Awakening Councils fight the most violent of the Sunni insurgents, including Al-Qaeda. Up until November 2008, salaries were paid by the United States. However, the GoI is now responsible for payment of salaries and for absorbing the around 90,000 persons into the police (around 20%) and other parts of the Government's Civil Service. Many speculate on what may happen, if the GoI fails to do so, leaving a large group of persons without an income and vulnerable for rejoining militias.

Sources: <http://www.nytimes.com/2007/12/22/world/middleeast/23awake-graphic.html?pagewanted=all>
http://news.bbc.co.uk/1/hi/world/middle_east/7644448.stm

mostly due to its very large network of informers. It is efficient and has a good outreach. It was added that there is an official network and a subnet of unofficial informants.

KRG is in full control of the security in its three Governorates. However, the international organisation (A) in Erbil suspects that the Kurdish authorities have made some sort of deal with insurgence groups to stay away from KRI. The international organisation (A) in Erbil cannot think of any other reason why this area is so secure.

An international organisation (A) in Erbil informed that the security in Ankawa [a Christian district of Erbil] is under the control of a chief of security. The chief of security again has a group of followers (informants) that report on suspicious persons.

1.4 Overall security in the disputed areas

Tameem (Kirkuk, Hawiga), Ninewa (Mosul), Salah Al-Din and Diyala (Khanaqin, Ba'quba) Governorates

An international organisation (A) in Erbil informed that although its security section officially only has jurisdiction within the area of KRI, it also, unofficially, monitors the security in Mosul and Kirkuk. As the international organisation (A) does not want to “step on anyone’s toes”, it is not officially dealing with Mosul and Kirkuk. However, the international organisation (A) still asks its security section to assess the situation in those areas.

Referring to a UNAMI Human Rights Office report from June 2008 the international organisation (A) explained that some attacks that had occurred in the Ninewa plains were reported to be tolerated by the authorities. There had been incidents of intimidation and attacks on religious groups, including kidnapping, forced conversion and rape, especially in Mosul, Ninewa plains, Kirkuk and Hawiga. Some of these incidents could have been tolerated by KRG. More detailed information on the situation of minorities is to be found in Section 5.

ICRC Erbil sub-delegation sees an increased vulnerability for civilians living in the disputed areas. This is due to lack of security still prevailing locally (e.g. Mosul, Kirkuk and north Diyala Governorate), which affects the capacity of the population to live a normal life. Also, the very ‘disputed’ status of these areas by the Iraqi Central Government [GoI] and the Iraqi Kurdistan Authorities [KRG] affect the smooth running of, and appropriate support to the essential services operating locally (water, health, education, electricity, etc), which in turn reduce the access of the population to quality basic services. For this reason, the population in these areas remains vulnerable. Furthermore inter-ethnic tension seems to have increased in the disputed areas over the past months and analysts predict a possible worsening of the situation.

The ICRC Erbil sub-delegation considered Mosul to be one of the most dangerous areas in Iraq at present time. ICRC has no base in Kirkuk and Mosul but have access through local staff.

According to an international organisation (A), the Kurds are not really interested in Mosul and therefore will not make trouble there.

According to an international organisation (A) in Erbil, the road between Kirkuk and Sulaymaniyah is safe for Kurds. The road from Mosul to Dahuk is easy and safe for Kurds, but difficult and unsafe for Arabs. Kaiwan stated that the roads from Erbil to the Kurdish areas in Kirkuk are safe.

SSI, Amman does not know if there are *Peshmerga* troops in Mosul.

According to an international organisation (D) in Erbil, there are *Peshmerga* troops in the disputed areas. Lately, in February this year, Iraqi forces sent a brigade to Kirkuk which created a conflict between GoI and KRG. While KRG called it an illegal act, GoI defended itself by saying the area is part of Iraq and therefore GoI's responsibility.

SSI, Amman expected that the problems of Kirkuk would continue. SSI, Amman was convinced that all Kurdish forces either employed in *Peshmerga* or in the ISF, are more loyal to KRG than to GoI. GoI does not trust any Kurdish forces if it comes to confrontation with KRG.

Izmat Argoshy, General Director, KRG security forces (*Asayish*) in Erbil stated that in Mosul there are many terrorists that want to commit terror actions in KRI. To prevent this there is cooperation between KRG and American forces in terms of gathering information. According to Argoshy there are no *Asayish* forces in Mosul but they are present in some other disputed areas. Argoshy informed that *Asayish* prefer to cooperate with the American forces compared to the Iraqi security forces, whom they do not trust.

1.5 Conditions for entry into Kurdistan Region of Iraq (KRI) from South/Central Iraq (S/C Iraq) and from the disputed areas

An international organisation (B) in Erbil emphasised that, generally, ethnic affiliation or religious orientation does not determine KRG authorities' decision on whether or not a person will be permitted entry. The only concerns for the authorities are the IDP's identity and security considerations. If Christian IDPs from the south are finding it easier to process their residence papers, it is not because of their religious orientation but because many of them already have family ties, relatives, friends etc living in KRI and are thus easily identified, and someone will readily guarantee their identity.

An international organisation (A), Erbil stated that residents of the disputed areas are free to enter KRI.

An international organisation (B) in Erbil explained that in the past, the newly arriving IDPs were provided with a three months residence permit on the condition that they were identified by relatives or others in KRI in addition to presenting identity cards. This is no longer the requirement. The residence permit was [is] extended every three months. Persons who had [have] already been identified were [are] not required to have a guarantor. The authorities say the identification requirement was [is] mainly for security reasons as KRG is still alert on the threat of terrorist attacks. The international organisation (B) emphasized that it had not heard of any IDP family being denied extension of their residence permit.

When asked whether people [IDPs] still need a guarantor to get a residence permit in KRI, an international organisation (A) replied that it did not believe so. However, an ordinary person without work or connection in the region may end up in a camp for IDPs. Such persons may get a residence permit after about six months. An international organisation (A) added that it is not easy to live in such a camp. People who are waiting for their residence permits may stay in an IDP camp or they stay with relatives or in rented apartments.

M. Kaiwan, Responsible for KRG checkpoints, Agency of Kurdistan Protection [and] Security, Ministry of Interior confirmed that there is no longer a need for a sponsor or guarantor to confirm a person's identity if he/she wants to take up residency in KRI.

An international organisation (A) in Erbil stated that the [entry] conditions for Arabs is more relaxed in Dahuk and Sulaymaniyah Governorates than in Erbil Governorate, but an Arab must still have someone to prove his identity if he carries cargo into one of these provinces from outside. Arabs are at risk of facing more delays than Kurds when passing the checkpoints into Erbil. Generally, Arabs face more difficulties travelling through KRI compared to Kurds. While a Kurd may easily pass the checkpoints between the Governorates, an Arab will have to spend more time. Arabs get a different treatment than Kurds. The international organisation (A) in Erbil explained that an Arab who is well connected will be able to pass the checkpoints more easily. There is petty corruption at the checkpoints, which enables Arabs to pass with less constraint. However, to smuggle people through the checkpoints would be very difficult as there is hardly any corruption at the checkpoints between the disputed areas and KRI.

According to the Governor of Sulaymaniyah, Dana Ahmed Majed, the KRG [authorities] perform a five minute security check on everyone who enters and no further security check takes place. People are, however, not in need of a residence permit in Sulaymaniyah. This has also become easier in Erbil, the Governor of Sulaymaniyah added. All persons entering KRI from other parts of Iraq will be registered.

According to Kaiwan, all Iraqis have free access to KRI unless they are on the suspect list. Although all who enters have to pass the checkpoints, there is no proper investigation taking place there apart from checking if their names are on the list of suspects. It would have taken too much time to do the thorough security check at the checkpoint itself. Only persons who are suspects of terrorism or other serious crime are on the list. Everyone else may pass.

Kaiwan stated that Christians have easy access to KRI. They only need to show their ID-card at the checkpoint. All Iraqi ID-cards state the holder's religion. Kaiwan informed that Christians are not suspected terrorists – 'it is like they live in KRI'. If a Christian who enters lacks his ID-card, a relative or a friend of the applicant who resides in one of the Kurdish provinces will be contacted to confirm his ID.

A Christian from Baghdad who claims not to have an ID-card will still be able to get a residence permit in KRI. They can apply for a new ID-card. Kaiwan added, however, that this is not a problem, because everyone above the age of 18 has an ID-card.

The Christians who fled Mosul last fall due to violence were not subject to the same security check that normally applies for IDPs. It was an emergency situation. A person does not need a KRG ID-card to visit KRI.

The chairman of a local NGO in Erbil, addressing minority issues, explained that going from Sinjar to Lalish one has to travel 160 kilometres partly through Arab populated areas, controlled by GoI troops. In addition, false check points are set up and/or travellers are being ambushed on the roads by [non-state] armed groups and killed. However, this could happen to any traveller, but Yazidis and Christians have been particularly targeted.

1.5.1 Procedures at the Kurdistan Regional Government (KRG) checkpoints

People's movement both within the KRI and between the KRI and the disputed areas is controlled by manned checkpoints. According to Kaiwan there are about 70 checkpoints under the control of Erbil authority in Erbil, Dahuk and Soran. There are no mobile checkpoints in KRI.

Kaiwan reiterated that within the three Kurdish Governorates everyone has full freedom of movement. There are about 200,000 persons entering Erbil city every day. “We cannot check them at the time, as it would not be possible”. Everyone that has legal residence in the Kurdish provinces have equal access to the city.

An international organisation (A) in Erbil stated, however, that the checkpoints around Erbil city are the most difficult to pass. There is a three meter deep trench around the city. There are six entry points around this trench. Each road leading to the gates have five checkpoints. These precautions have improved security in Erbil considerably.

Concerning entry to the KRI from the disputed areas or S/C Iraq, Kaiwan, the person responsible for checkpoints in the KRG, explained that all persons who enter KRI are going through body search and search of the car for security reasons. Unless you are just entering to visit someone, everyone has to apply for either a tourism, working or residence permit. The checkpoints at the border have computers with lists of names of people wanted for crimes related to terror, drugs, smuggling or other serious issues compromising national security. If the traveller’s name is on the list, he is not allowed to enter. The person would be arrested.

The purpose of the check points is to protect KRI against terrorists from Mosul and Kirkuk in particular. These security measures will continue until the fulfilment of paragraph 140 of the Iraqi Constitution.⁴

The check points are not located exactly at the border between the disputed areas and KRI. They are outside the cities mostly. There is a no-man’s land until you reach Korcan. On the road between Erbil and Mosul there are 10 checkpoints. Five of them are near Erbil and five are near Mosul. In between there is ‘no-man’s land’.

When asked if the [KRG] checkpoints had computers to check for suspects, an international organisation (A) in Erbil said “no”. The checkpoints have, however, a list of suspects or wanted people. Every person who enters KRI, who is not already a resident, is checked. If the person’s name doesn’t appear on the list, he or she may pass. It was added that it may take a long time to get the approval for a residence permit. The security check may take 20-30 days. If a persons name appears on the list, he is arrested. Persons on the list of suspect are suspected criminals, insurgents or terrorists.

Argoshy informed that the list of suspects available to the check point staff contained the names of persons who have committed, or are suspected of, either terror actions and other security related crimes, or serious crimes such as robbery and murder. If stopped at a check point these persons would immediately be arrested. Apparently there is cooperation with GoI in Baghdad regarding this

⁴The Iraqi Constitution, Section Six, Chapter Two, Article 140 states “First: The executive authority shall undertake the necessary steps to complete the implementation of the requirements of all subparagraphs of Article 58 of the Transitional Administrative Law. Second: The responsibility placed upon the executive branch of the Iraqi Transitional Government stipulated in Article 58 of the Transitional Administrative Law shall extend and continue to the executive authority elected in accordance with this Constitution, provided that it accomplishes completely (normalization and census and concludes with a referendum in Kirkuk and other disputed territories to determine the will of their citizens), by a date not to exceed the 31st of December 2007.” Please note that the date of the referendum mentioned above has been postponed and so far the referendum has not been held.

list of suspects. If a wanted person from Baghdad is caught, the person is returned to Baghdad authorities.

Argoshy informed that there is a daily update of the list of suspects. At the main checkpoints and on borders to neighbouring countries there are computers.

Argoshy confirmed that false ID documents are often seen at the checkpoints.

The procedure for IDPs and others to register for residency in KRI was by Argoshy described as follows: a person seeking residence permit at the checkpoint receives assistance from an *Asayish* officer to fill out the application form. After a brief check, the person is able to cross the checkpoint within 10 to 15 minutes.

Argoshy stated that investigation procedures in the cities take longer time than they do in smaller places. The procedures at the checkpoint are done rapidly. Any person not on the list of suspects is allowed access. After a few days the applicant must approach the local *Asayish* office to receive the residence permit.

At the checkpoints or at the *Asayish* office it may happen that a person that is not on the list of suspects will still be denied access or a residence permit after the investigation. This is due to information that the person could be a possible suspect. Argoshy stated that this may occur 10 to 15 times a month. Regarding persons on the list, warrants for the arrest already exist and these persons are arrested if stopped at the check point. A suspect not on the list will be held back.

Argoshy stressed that once a person who is not on the list, and not suspected of terror actions has accessed KRI, getting the residence permit is just a formality. No one [unless you are on the list of suspects] is denied a residence permit. The same procedure applies to all ethnic and religious groups. If a person registered in Erbil later wishes to move to another Governorate in the KRI, the person will have to register again in the new location. Argoshy repeated that the purpose of registration, the check points and other security measures are solely for the security of the people. The number of Arabs in KRI is according to Argoshy 50,000 persons.

An international organisation (A) in Erbil explained that there is no policy of management of the checkpoints. It was mentioned that the treatment Arabs get depends very much on the mood of the guard. Kurds, however, may always pass without problems.

The international organisation (A) in Erbil, added that some Arabs have to return at the checkpoint. They are not allowed to pass. When asked whether it is arbitrary treatment for Arabs at the checkpoints, the international organisation (A) said that it wasn't really like that. But the problem is that there is no firm policy on who may pass or not. There is different treatment of Kurds and Arabs, but it is difficult to state exactly what the difference consists of.

1.5.2 Power structures at the checkpoints and roads in the disputed areas

An international organisation (A) in Erbil explained that there are *Peshmerga* troops in the disputed areas, both those belonging to KDP and to PUK.

An international organisation (A) in Erbil informed that the southern part of Kirkuk is under the control of GoI. The centre of town, which has a mixed population of Turkmen and Kurds, is under both MNF-I and *Peshmerga* control. In the north of the city the *Peshmerga* troops are in control.

Kaiwan explained that KRG is not responsible for the checkpoints in the disputed areas. Since Kirkuk is not a part of KRI, the security of Kirkuk is the responsibility of the Iraqi Government. However, the security police, *Asayish*, are present in Kirkuk. There are 3,500 *Asayish* officers in Kirkuk.

Kaiwan also said that although all the checkpoints outside KRI are run by Iraqi police, the checkpoints near Kirkuk are Kurdish manned. According to Kaiwan, the officers at the checkpoints are still employed by GoI and not by KRG.

Kaiwan stated that no one is allowed to carry arms or weapons in KRI except assigned people within the police and the security forces.

2 Internally Displaced Persons (IDPs) in Iraq

Based on UNHCR's IDP figures, an international organisation (B) in Erbil said that at the present time [March 2009] there are approximately 35,000 internally displaced (IDP) families in KRI. The majority of these IDPs are Sunni Arabs, Christians and Kurds who got displaced after the war in 2003 and more specifically after the blast of Shiite shrines of Al-Askari in Samarra on 22 February 2006. This caseload, called new IDPs, is currently the main focus of the humanitarian organisations. The vast majority of them are originating from Governorates in the centre and south, including Baghdad, Mosul and Kirkuk. The IDPs are welcome in KRI.

IOM, Amman explained that since the October 2008 incident in Mosul [where about 13,000 Christians fled the city due to violent attacks] only about 100 Iraqi families have been registered as internally displaced in Iraq, including in KRI. According to IOM's, Amman Emergency Needs Assessments "three years after a severe wave of sectarian violence began, returns are increasing and new displacements are rare. Iraqis look to rebuild their lives facing an uncertain security future. (...) Throughout the second half of 2007 and all of 2008, returns increased significantly in Baghdad city, notably Karkh and Al Rusafa districts. IOM monitoring teams have recorded a total of 31,521 returnee families in Baghdad Governorate. In addition, late 2007 and all of 2008 saw significant returns in Anbar and Diyala Governorates. (...) The majority of returns (69%) occur from within the same Governorate. A smaller but notable percentage (20%) has returned from other Governorates, and only 11% of returnees have come back from outside the country. These families are mainly from Syria to Anbar and Baghdad."⁵

The above mentioned IOM Assessments furthermore states that "Even as security appears to improve and displacements slows, Iraqi IDPs face threats of eviction and live in precarious environments, within the possibility of violence still a present worry."⁶

An international organisation (B) in Erbil explained that UNHCR Protection and Assistance Centres (PAC) provide support to IDPs and refugees who face particular challenges such as getting registered with the authorities for relief support and other protection related needs. The centres also regularly monitor the situation of IDPs.

According to ICRC Erbil sub-delegation there is still around 240,000 IDPs in KRI (and approximately 140,000 in Ninewa and Tameem Governorates). While 25% of the IDPs live in group settlements or camps, 75% IDPs live scattered amongst host communities. The total number of IDPs in Iraq reaches over two million (an estimated 2.4-2.7 million displaced persons in Iraq since 2003, constituting approximately 10% of the Iraqi population). ICRC Erbil sub-delegation defines IDPs as persons that have been displaced since 2003. According to ICRC around 68,000 intra-Governorate displaced persons have received monthly food and hygiene assistance and over 30,000 IDPs in camps and group settlements have received monthly food and hygiene assistance from ICRC in 2008.⁷

⁵ IOM Emergency Needs Assessments, February 22, 2009, pp. 1 and 3.

⁶ Ibid, p.1.

⁷ International Committee of the Red Cross in Iraq, *2008 Facts and Figures*.

On the question of housing for IDPs in KRI, an international organisation (B) in Erbil stated that this is a major concern to the humanitarian community and the authorities. At present there are four IDP camps in KRI (excluding Zharawa), three in Dahuk (IDPs mainly from Ninewa) and one in Sulaymaniyah (IDPs mainly from Baghdad) where IDPs live in tented shelters provided by UNHCR. However, only a small percentage of the IDPs (around 3%) are living in these camps/settlements. The vast majority of IDPs live in congested housing conditions. They either rent accommodation or share accommodation with families, friends. A significant number of IDP families live in empty deserted public buildings and structures. Accommodation in public buildings and houses is provided free of charge.

The international organisation (B) in Erbil explained that it is very difficult for IDP families to find suitable housing as they cannot afford appropriate housing due to limited employment opportunities. However, the problem of employment is not only affecting the IDPs but also resident community members as unemployment is high in KRI as it is in the rest of the country. When asked if IDPs are being discriminated against when they apply for jobs, the international organisation (B) stated that this is unlikely although linguistic barriers might make it difficult for some. The organisation added that some IDPs may find it difficult to find jobs as they do not have the same network as others. The proximity of the IDP residence/camp to some urban locations such as markets may facilitate livelihood opportunities for the IDPs as some resort to petty trade, begging etc. The international organisation (B) explained that it could not point to any single IDP group of being more vulnerable than any other.

According to the international organisation (B) in Erbil, KRG is supposed to provide every IDP with a monthly amount of money. In reality not all IDPs get this money as some are not registered with the KRG Department of Displacement and Migration (DDM) in Erbil. The DDM says that some IDP families could not come forward for registration because they are not aware of the process.

The Governor of Sulaymaniyah was asked to elaborate on how the influx of IDPs into Sulaymaniyah had affected the Governorate. The Governor replied that it had led to serious constraints on the public services. During the past two years Sulaymaniyah has hosted 64,000 internally displaced persons. They consist of a mix of Kurds, Turkmen and Arabs. In addition to different ethnicities, the IDPs also belong to different religious communities. There are Muslims, Christians and Yazidis among them. It was added that most of the IDPs in Sulaymaniyah are Kurds from Baghdad, Diyala or Mosul.

The Governor of Sulaymaniyah explained that in addition to the IDPs, there are 15,000 Iraqi workers from the Central and South residing in Sulaymaniyah. They come to Sulaymaniyah to find work and are not defined as IDPs.

Some of the IDPs that originate from the Kurdish region and have relatives here do not speak Kurdish. Many of them live with their relatives. The most resourceful of the IDPs rent their own houses and some buy houses. Some of these resourceful IDPs are academics like doctors, engineers or university professors. Other IDPs are poor. However, the Governor of Sulaymaniyah added that "Regardless of the IDP's economic situation, they have created a problem for Sulaymaniyah."

There is no official IDP-camp in Sulaymaniyah. The poor persons who have fled to the area and who cannot find proper shelter live in tents provided by NGOs. Most of those who live in tents live clustered. There is one such camp site in Sulaymaniyah.

The IDPs have not been able to transfer their food ration cards to KRI. GoI encourages IDPs to return home. IDPs who voluntarily return to their homes receive 150 US\$ per family from GoI and UNHCR. Some IDPs have actually returned from Sulaymaniyah. KRG does not provide any money to the IDPs when they return. Some of the IDPs who have returned to their homes have actually returned back to KRI again because their houses were no longer there.

When asked whether KRG encourages IDPs to return home, the Governor of Sulaymaniyah answered that “some of them have roots here. Besides, all Iraqis have the right to stay here. We cannot kick them out.” The Governor informed that there is no forced return to S/C Iraq.

The Governor of Sulaymaniyah added that President Talibani allocates economic assistance to the IDPs through the “province council” and through the Red Crescent Society who provides the IDPs with food and clothes.”

One particular problem with some of the IDPs residing in the Kolao camp (where people stay in tents) is that they do not want to work. They send their children to beg/work in the streets. These children make more money in the streets than the parents would have done by working.

While the unemployment rate in Iraq is at 36%, it is only 6% in Sulaymaniyah. That implies that there are job opportunities for those who want and are willing to work. The Governor of Sulaymaniyah stated that they do not consider what background the IDPs have and added that they also have Jews living in KRI. The Governor of Sulaymaniyah added: “I wish they all were Christians, because we have no problems with them”.

The Governor of Sulaymaniyah explained that IDPs get an entry card at the checkpoint when entering KRI. This card is to be delivered to the police station in Sulaymaniyah where a new card is given in return. Upon leaving Sulaymaniyah Governorate, this card is to be deposited to the authorities. If they return to KRI the card is given back.

The Governor of Sulaymaniyah explained that one of the main problems the Governorate faces is to provide education for all the children and youth in school age and added that “before we used to have only one Arabic school for boys and one for girls at each level (primary and secondary). Now we have opened a new Arabic school.”

In order to provide schooling for more children the Sulaymaniyah Governorate has established double shifts at existing schools. One shift is in Kurdish and the other in Arabic. Some schools have shifted entirely from being Kurdish to Arabic. The Governor of Sulaymaniyah informed that the municipality did this even though they already lacked schools for [local] Kurdish children. Some schools even have three shifts during one day.

In order to organise double and /or three shifts a day, the Ministry of Education has been obliged to cut in the curriculum. Music, art and sports are subjects not longer taught at these schools. This means that children at schools with double shifts miss all music, art and sport lessons. Tens of new schools have been established in Sulaymaniyah to cater for the growing need.

The Governor of Sulaymaniyah explained that according to the last census, Sulaymaniyah had 300,000 inhabitants. Now, there are one million people in the province. So, providing public services to all inhabitants is difficult. The entry of the 64,000 IDPs is a challenge, and the Governorate does provide education for all.

In addition to the consequences mentioned above, the large amount of IDPs also creates social problems. Before the IDPs started to flee to Iraqi Kurdistan [KRI], there were no beggars in the streets, but now there are many child beggars. Although the authorities do not allow street begging, they cannot arrest children. So instead of arresting them, the children are chased away from the street, but the next day they return. According to the Governor of Sulaymaniyah, these children are sent by their parents.

Finally, the Governor of Sulaymaniyah explained that most of the persons who stand in line every day at the hospitals [in Sulaymaniyah] are IDPs. There is free health care for everyone, and the IDPs get free medicine on par with everyone else. Many use this opportunity to get free medicine to sell it on the market to earn money.

IOM, Amman explained that one will hear many opposing accounts and claims from refugees and internally displaced on the situation and conditions in Iraq. The reality or the truth [of these claims] is not either or but both or nothing. IOM, Amman added that the organisation has a programme concerning verification of Iraqi documents in order to assist foreign countries' verification of documents presented by Iraqi asylum seekers abroad. IOM, Amman also assists foreign countries in verification of specific claims from Iraqi asylum seekers abroad. IOM has approximately 150 staff members deployed in Iraq, of which 60 are deployed in KRI. The rest are deployed in all Governorates of Iraq. In addition IOM has approximately 100 staff members in Amman, Jordan.

The chief of mission of IOM, Amman stated that he has “no sleepless nights” concerning voluntary returns to any location in Iraq. Iraqi people know their country and they are well informed about their possibilities and the security situation. However, should any refugee or displaced person be in doubt regarding the safety in his or her home area, IOM, Amman is always geared to obtain relevant information on such concerns.

3 Internal Flight Alternative (IFA) in Iraq

UNHCR, Amman did not consider Internal Flight Alternative (IFA) to KRI to be reasonable. The main reason for not applying IFA to KRI is that most refugees lack strong links to the area. The UNHCR also pointed to the high cost of living in the area. However in exceptional cases, in which the refugees have strong family ties in KRI IFA has been applied.

An international organisation (E) in Erbil was not in position to advice on IFA or return of rejected asylum seekers until the publication of the forthcoming UNHCR Eligibility Guidelines.

The *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers* was published in April 2009.

The UNHCR Eligibility Guidelines is available at:

<http://www.unhcr.org/refworld/docid/49f569cf2.html>

4 Rule of law and state protection

4.1 Judicial system in Kurdistan Region of Iraq (KRI)

Judge Ahmad Abdulla Zuber, Chief of Judicial Council of Iraqi Kurdistan region, and Chief of Court of Cassation, Erbil informed that delays occur at the courts in KRI due to the fact that there is a lack of judges in the country. There is a need for approximately 50 more judges. Judges are being recruited according to established requirements. The basic requirements are as follows:

- Law degree (four years education)
- 10 years experience from employment in any civil service's legal department
- At least involved in five legal cases annually
- If the applicant holds a doctoral degree in law only three years experience in the civil service is required
- If the applicant holds a Master Degree in law five years experience in the civil service is required

When asked if a private practicing lawyer or any other professional could be taken into consideration for a position as judge, Judge Zuber stated that this is not possible.

In addition to the above mentioned qualifications there are also a range of other requirements and procedures that have to take place before a person can become a judge, according to Judge Zuber:

- Employed in the legal service
- No less than 30 years of age
- Iraqi citizen
- Knowledge of the Kurdish and the Arabic language
- Oral and written exam at the High Court
- Physically in good condition
- Of good reputation
- Neglect of any political affiliation and political activity
- No criminal record
- Excellent exam result

Judge Zuber portrayed the court system as follows:

- Court of Cassation (High Court)
- Court of Appeal
- Criminal Court
- Court of 1st Instance
- Juvenile Court
- Personal Status Court (Muslims)
- Misdemeanours Court
- Labour Court
- Court of Investigation
- Personal Article Court (Christians, Yazidis and other religions)

Judge Zuber added that the previously mentioned qualification requirements for employment of judges apply to all the above mentioned courts. However, to be a judge in the Court of Cassation one needs 22 years of service of legal affairs, and 25 years of experience is required to become Chief of Court of Cassation. To be judge of 1st Instance Court, 15 years of service is required.

Judge Zuber stated that an applicant's ethnic or religious affiliation is irrelevant to his or her application for a position as a judge. It was stressed that there are Christian judges in KRI. Altogether there are 182 judges employed in KRI of which some are Christians and some belong to other ethnic groups than Kurdish. Judge Zuber added that no one is being discriminated against on religious or ethnic grounds. Discrimination took place during the previous regime but not today.

However, Judge Zuber added that Islamic Law (*Shari'a*) is incorporated into the jurisprudence in KRI. According to the Constitution *Shari'a* Law is incorporated into the family law. The *Personal Status Law* builds on *Shari'a* Law. It was added that any judge being employed should be familiar with *Shari'a* Law as well as all other laws in KRI. In addition judges employed should be familiar with all types of law cases in KRI, i.e. secular as well as *Shari'a* Law cases. Finally, Judge Zuber added that the qualification requirements are similar for all judges irrespectively of which type of court they are intended to work for.

Judge Zuber explained that cases involving Christians and other minorities file under the Personal Article Court's jurisdiction, and their cases can be taken to the Court of 1st Instance.

Judge Zuber explained that according to Law 23 of 2007 Judicial Councils are to be politically independent. Judge Zuber stated that consequently all judges in KRI are now to be considered independent of political interests.

Judge Zuber explained that there are four Courts of Appeal in KRI. These are located in Erbil, Sulaymaniyah, Kirkuk and Dahuk. All four appeal courts are in need of additional judges.

Tavga O. Rashid, General Director, KRG Ministry of Human Rights (MHR) explained that in order to apply for a position as a judge, the applicant should be a lawyer and have at least 10 years of experience and have had an average of five cases in front of the court a year. Rashid, MHR, added that even a judiciary or legal assistant can become a judge after ten years of experience. Rashid, MHR, emphasized that no KDP or PUK support or affiliation is needed today as the situation is currently changing, and only qualified judges are being appointed.

Rashid, MHR added that there is a lack of prosecutors. Therefore the Government has advertised the available positions on television in order to encourage people to apply to become prosecutors. Persons applying need to pass a test. Rashid, MHR, stated that the Prime Minister personally supports an independent judiciary system.

Regarding the Court of Appeal in Kirkuk, Judge Zuber explained that Kirkuk was controlled and administered by the Kurds already from 1990-91 and this is the reason why KRG now has an appeal court there. The Kirkuk Court of Appeal is addressing cases from the disputed areas that KRG controls. When asked exactly where the boundaries of this court's jurisdiction are, Judge Zuber explained that it is not possible to declare this as this area, as well as other areas are disputed.

According to an international organisation (C) in Erbil, the Judicial Council in KRI is in need of additional judges and prosecutors. When asked whether a person can be employed as a judge if he is

affiliated to a political party, an international organisation (C) informed that the application forms used for employment of judges actually asks for information on the political affiliation of the applicant. In addition the applicant has to state his or her ethnic and religious affiliation.

An international organisation (C) in Erbil informed that Judge Zuber allegedly was member of KDP. It was added that during 2008 there had been a political struggle between PUK and KDP concerning who should be the chief of the Judicial Council.

A human rights NGO in Erbil stated that when a new judge is sworn in he or she will always be affiliated with one of the two main political parties. Judges are not in general independent, but there are judges that are fair and act independently, but those judges are few.

A human rights NGO in Erbil considered that the High Court Judge [Judge Zuber] consulted by the delegation was not politically independent even though this was stated by the High Court Judge. No judge will be sworn in without being a member of either PUK or KDP. The law against judges' political affiliation is only window dressing and it has no factual meaning.

An international organisation (F) in Erbil considered that if one of the parties in a court case has good relations to powerful persons within the KDP or PUK, the other part might not be certain of a fair trial. In such cases the trial process could be unfair.

A human rights NGO in Erbil explained that at present this NGO is actively engaged in raising awareness on corruption. It was stated that corruption prevails within the judicial system. The NGO has published articles [on this issue] in newspapers. The NGO collaborates with a well known American NGO on anti-corruption issues. It was added that by the end of 2009 this [American] NGO will publish a report on corruption in KRI.

An international organisation (C) in Erbil informed that it also has implemented training courses for 60 judges from KRI. The affiliation to political parties is easing up but is still considered to be an issue.

Rashid, MHR mentioned the so-called Sovereignty of Law Team. This Team was established on 11 of January 2009. The Team comprises different actors from the academic and the political world; Deans of universities and colleges, judges from all of Kurdistan, the Judicial Council, Members of Parliament, Members of the Legal Committee of Parliament, Members of the Prime Ministers legal office, representatives from the Ministry of Justice and the Ministry of Internal Affairs. In total the team consists of 30 members. The Team, which is working on a ten year plan, is supported by the US who has a legal consultant from its consulate assisting. The purpose of the Team is to further develop and improve the judiciary system in KRI. The Team consists of six working groups and by September 2009 each of these groups will be submitting a proposal regarding law drafts and reforms of the judicial system. Rashid, MHR, is member of a working group on separating the legislative, executive and judicial powers in Kurdistan, focusing on how to make the judiciary independent. The NGO Legal Watch functions as a link between KRG and the Team. Rashid, MHR stated that the ministry welcomes help from the US since they have a tradition of a well functioning judicial system. The Prime Minister has recently agreed to fund and support the Sovereignty of Law Team.

4.2 Fair trial in the Kurdistan Region of Iraq (KRI)

An international organisation (C) in Erbil considered the main problems relating to the judicial system to be people's lack of knowledge on how the system works and the impact of political affiliation on the judicial system. If a person has a case against an influential political person he can definitely not expect a fair trial. Political affiliation is the determining factor.

However, ethnicity and religious affiliation is not decisive for a person's chance of a fair trial. KRI is a multiethnic society. The international organisation (C) considered that even though the judiciary is not perfect, it is actually functioning better than most other governmental [public] departments.

When asked what may happen if someone accuse a neighbour, an international organisation (A) in Erbil said that the person accused is more likely to be arrested if the complaint came from a well connected person and the accused did not.

When asked if ordinary people in KRI have trust in the judicial system and a chance of a fair trial, Judge Zuber explained that people trust that the courts of their region will serve them well and that they can expect a fair trial.

Rashid, MHR stated that some complaints filed at the Ministry of Human Rights are those of persons who have been before the judge and who believes that the judge has made an unjust ruling that was not in their favour. When the person approaches the Ministry of Human Rights, the ministry will see to his case and look at the verdict.

An international organisation (F) in Erbil explained that a person arrested by the KDP units [KDP controlled security police] could be victim of false accusations in the sense that the *Asayish* or *Parastin* would state that someone has filed a case against the arrested person. The international organisation (F) has been told of such circumstances on previous occasions. However, the international organisation (F) found it hard to believe that neither KDP nor PUK would undertake such activities today. Concerning security related issues, the BAR association has informed that courts are not yet ready to release names of informers as they [the courts] are affiliated with the *Asayish* which secretly infiltrate various Islamist groups.

When asked if the *Asayish* ever falsely accuse anybody in order to have this person arrested, the Governor of Sulaymaniyah said "no". The Governor added, however, that mistakes may happen, but ensured that it is impossible to arrest someone without having a proper case against him/her.

An international organisation (F) in Erbil stated that a court occasionally rejects the accusation from a private source. If you have good relations with KDP you can ask the *Asayish* to arrest someone and the case will be kept outside the domain of the police. *Asayish* has its own investigators. When the *Asayish* arrests someone they do not inform why and who accused him. The case could be redesigned in order to make it an *Asayish* case [i.e. a security issue].

According to a human rights NGO in Erbil, detainees, especially politically detained, are suffering from the fact that the *Asayish* frequently infiltrate the court processes by instructing judges on how to make their judgements. It was added that there are many Islamists among the detainees, and judges are very often instructed to sentence such persons with up to 20 or even 25 years of imprisonment. In addition, the *Asayish* often arrest persons without a warrant. When asked who the political detainees are, the human rights NGO explained that they are usually persons suspected of

terrorism or Islamists, communists and other opposition activists. Sometimes political cases are converted into criminal cases.

The human rights NGO in Erbil stated that when for example the *Asayish* arrests a person suspected of collaboration with the Turkish security forces, it happens without a warrant, and the *Asayish* would normally instruct the judge to sentence that person to 25 years of imprisonment. During the detention and investigation, the *Asayish* would often torture the detainee. The human rights NGO referred to a case in which a person was arrested on the suspicion that he was spying for Turkey. The person was kidnapped by the *Asayish* and tortured. The detained person suffered from diabetes but was denied access to his vital medication during his detention. As a consequence the detainee was in a life threatening condition while in prison. After a month he was handed over to his family. The detainee had to have one leg amputated at the hospital. The incident took place about a month ago [February 2009]. It was added that torture is commonly applied by the *Asayish*.

The human rights NGO in Erbil considered that a fair trial would occur in a court case if none of the parties are in a stronger position than the other. However, if one of the parties has good ties with the political powers in KRI a court trial can not be expected to be fair. It was explained that there are two strong powers in KRI and that these are the two main political parties' [KDP and PUK] intelligence apparatuses. These two forces operate independently of each other but also cooperate. These forces are named *Parastin* [KDP] and *Sanjari Dagestani* [PUK, the latter is also known as *Dezgay Zanyari*].

The human rights NGO in Erbil explained that there are politically detained persons that are imprisoned without trial. In some cases judges have closed the cases and have handed over the suspects to the *Asayish*. In addition there are examples of persons that have been released by the courts but nevertheless were arrested again by the *Asayish* and detained for several years.

Concerning fair trial, Rashid, MHR, explained that the Sovereignty of Law Team is drafting a proposal, on how to improve the quality of judges. Many judges are not properly trained and generally judges are in need of training, particularly in human rights. There is no such training taking place in KRI and there is no law institute.

Fakhir Ibrahim, Protection Assistance Center Manager; Nazim Ahmed Ali and Shwan Sabir, Board of Trustees, Public Aid Organisation (PAO), Erbil explained that an ordinary person without affiliation with some more powerful persons would prefer not to report [a crime] to the police or go to court. A person with good relations to the people in power will often win a court case according to PAO, Erbil. However, there are examples of ordinary people having won court cases against ministers and the President. These cases were concerning property of land.

PAO, Erbil explained that the General-Attorney is supposed to protect the general rights in the society, and court cases are to be considered as fair when they involve all people. It was emphasized that the laws are being implemented and the judges are neutral. PAO, Erbil did not agree that judges in general are biased and political. It was added that the General-Attorney is too weak in cases related to the communal services. In general, decisions made by the parties are imposed on the Government.

Concerning fair trial for Christians, Polis Shamoun, Association President, Chaldean Culture Society (CCS) informed that Christians in KRI are not discriminated against compared to Muslims.

It was added that most Christians feel protected by police to the same extent as Muslims – also in the event of a Muslim being the counterpart. The reason for the low number of Christian judges was explained with the fact that Kurds (including Christian Kurds) under the Saddam Hussein regime were not allowed to study law. According to Shamoun, CCS there is no discrimination against Christians in this field today.

Regarding documents presented to immigration authorities abroad Judge Zuber explained that forged documents are easy to get hold of in KRI. In Erbil city there is a well-known street called *Sheikh Allah* where such documents are being sold to people who intend to present these to immigration authorities abroad in order to increase their chances to get asylum. Some European countries have requested Judge Zuber to provide them with genuine documents and stamps from the various courts of KRI.

4.2.1 Fair trial for terror suspects in Kurdistan Region of Iraq (KRI)

An international organisation (F) in Erbil stated that persons suspected of terror activities do not often have access to a lawyer. However, the main problem related to terror suspects is that the designated lawyer does not come to meet the detainee or that during the trial the lawyer does not defend his or her client. In cases where the detainees are held by the *Asayish* the lawyer has no access to the detainee. In these cases the *Asayish* presents the verdict to the judge who reads it out loud in the court.

Some terror suspects have been imprisoned for two to three years without trial, in spite of the law proscribing the maximum detention period without trial to be six months. The international organisation (F) in Erbil suspected that these delays could be intentional. It was added that the Court of Appeal can lengthen the detention period if it finds it necessary. The international organisation (F) found it unserious that the Minister of Justice has stated that the prolonged detention periods are due to the fact that more judges are needed in KRI. Some of those detained for an extended period of time do not even know the charges brought against them.

The international organisation (F) in Erbil referred to an *Asayish* detention facility where some detainees were affiliated with *Ansar al-Islam*⁸. Some of the detainees had [previously] surrendered to the authorities, on the account they would be bailed out if they cut relations with *Ansar al-Islam*. However, many of them [the released] were again arrested without charges solely as a precaution.

4.3 Fair trial in South/Central Iraq (S/C Iraq)

On the issue of fair trial [in S/C Iraq] an international organisation (B) in Amman informed that the justice system is still broken. There have been improvements but corruption and lack of capacity are still major problems. If in a private dispute one party has more power than the other this creates imbalance, and a person cannot automatically expect a fair trial.

4.4 Tribal councils and courts in Iraq

An international organisation (B) in Amman stated that tribal councils settle disputes between families and groups. The organisation had not heard of blood feuds taking place in recent times.

⁸ *Ansar al-Islam* is a Kurdish Sunni Islamic group, considered to be a terrorist group.

The international organisation (B) in Amman explained that the increase of power of the tribal councils the past years is very much related to the lack of effective Iraqi authorities during these years. GoI is seen to encourage the tribal council's effort to settle local disputes.

An international organisation (E) in Erbil stated that, in general, rule of law in Iraq is weak and tribal influence/settlements remain strong. When asked why tribal influence is more significant in the South the international organisation (E) answered that it might somehow be due to the presence of more religious factions, religious influence and a more conservative society in the South compared to the rest of Iraq. This in turn leads to more insecurity leaving the tribes with more room for manoeuvring and the police and the judicial system with less influence (in comparison to the North). When tribal influence is predominant and the rule of law is inefficient, minorities find themselves obliged to establish alliances with more powerful tribes in order to ensure protection.

SSI, Amman informed that tribal councils definitely still work in Iraq, and added that even international actors deal with these. For example had agreements of compensations for accidental killings been negotiated between the international forces and the tribal councils.

PAO, Erbil explained that there are disputes which never reach the [judicial] courts. These disputes are settled by a traditional conflict resolution mechanism, i.e. the local *Diwan*. Normally such cases are closed by an agreement or reconciliation between both parties. Civil disputes concerning car accidents and similar matters are often settled by the *Diwan*, but most often such cases are to the benefit of the person that has the strongest position in the local community. However, PAO, Erbil stated that the *Diwans* have a societal responsibility to protect the individual members of the tribe. A *Diwan* comprises respectable members of the community and its decisions are enforced.

4.4.1 Tribal councils and courts in South/Central Iraq (S/C Iraq)

IOM, Amman explained that GoI is continuously trying to influence tribal disputes judicially, but within the judicial vacuum that was created after the removal of the former regime and the war, tribal decisions have gained terrain. However, today when things are improving there is a tendency to rule of law rather than the opposite. IOM, Amman explained that the elder tribal sheiks normally try to reconcile the disputing parties. If this is unsuccessful the tribal council becomes involved.

In serious matters, the courts will make a ruling, but IOM, Amman emphasized that the courts would not automatically rubberstamp a tribal decision. Should the courts take a different position it is uncertain if this decision would be accepted by the tribe. On the other hand, the courts would not radically alter the tribal decisions. It was added that there are very, very few cases concerning such matters.

4.4.2 Tribal councils and courts in Kurdistan Region of Iraq (KRI)

An international organisation (E) in Erbil stated that KRG does not tolerate tribal authority to the same extent as GoI does. However, even in KRI the judiciary system remains subject to tribal and political influence sometimes.

When asked how tribal influence can be that predominant when there is a legal system in place, the international organisation (E) in Erbil explained that tribes are part of the society and judges are, on their own, member of the society, as are the security forces. Therefore, it is not strange to witness some actors of the judicial system or security forces being influenced by the tribal system. When

asked whether tribal settlement could prevail on seeking legal and judicial solutions, the answer was “not really, it is quite common to go for the judicial system”.

4.5 Detention and torture in Kurdistan Region of Iraq (KRI)

An international organisation (C) in Erbil explained that its office in KRI opened in 2005, one of their main tasks being to monitor detention facilities and the treatment of detainees.

An accomplishment of the international organisation (C) in Erbil in cooperation with KRG is the closing of the *Asayish* detention facilities in Akre in 2007. The international organisation (C) also informed that the situation for the detainees has improved to the extent where most detainees now are detained based on a court order. This is a major improvement compared to the situation before 2006, and is explained by frequent unannounced visits of the international organisation (C) to the different detention facilities. Allegations of the establishment of new secret detention facilities keep emerging, and in some instances the international organisation (C) has actually disclosed such new secret detention facilities. The international organisation (C) does in most cases succeed in finding the persons it searches for.

According to an international organisation (F) in Erbil torture occurs in detention centres, especially those run by the *Asayish*. In some cases detainees have been forced to sign statements against themselves and the victim will not get a chance in court to state that his or her confession was given under torture.

In order to disclose possible torture cases, the international organisation (C) in Erbil carries out inspections together with a medical doctor. In case of torture, the international organisation (C) reports to the court requesting an investigation of the matter. The victim of torture is then transferred to a new detention facility for security reasons, and the perpetrator could be tried. It was added that in Sulaymaniyah an officer had been fired, and there have been one or two convictions in 2005 and 2006. In 2005 there was a case where the victim of torture died. An investigation was carried out. The investigation concluded that a brigadier was guilty. However, when transferred to the *Asayish* the case was closed and nothing happened. The international organisation (C) explained this to be the typical result when the perpetrator was a high or middle rank officer.

According to the international organisation (C) in Erbil the condition in police detention centres complies with international minimum standards. The prison in Erbil and the *Asayish* prison in Zarga, Dahuk, both comply with international minimum standards.

Rashid, MHR, admitted that torture occurs in KRI and that this problem is her responsibility. The Ministry of Human Rights has 10 directorates in all of KRI, who all have standing committees that inspect prisons and prisoners condition. The Ministry of Human Rights has written an instruction to the Ministry of Interior, to point to the need to take action against all officials who torture prisoners in jail. Prison staff that has committed torture will be punished. Some may be dismissed or given a warning. At present the courts are dealing with one torture case concerning a police lieutenant. One *Asayish* officer has tortured detained demonstrators, and an investigation committee has been established by the Ministry of Human Rights.

Rashid, MHR, informed that a number of cases concerning Government officials using torture in prison facilities are currently being processed in court.

Rashid, MHR, explained that any person can come to the ministry with complaints and problems encountered. The majority of complaints received by the ministry of human rights come from detainees or their families. According to Iraqi law, no person can be kept in detention for more than six months without being put before a judge. According to the complaints received in the ministry, a number of persons have been detained for one to three years without trial. Some persons are still detained under these circumstances and they should have been released. However, most of these detainees are imprisoned for suspicion of terrorism. The anti-terror law⁹ was approved in 2005 and since then most of the 600 prisoners have been released while nine still remain in prison. Some of the 600 prisoners have been victims of false accusations. Some of the prisoners that have been released were later convicted according to the terror law and others were falsely accused. According to Rashid, MHR, due to the 2005 terror law, the problem of imprisoning people without legal grounds has been solved. Since the phenomenon of terror is fairly new, no one has ever been convicted of terror before 2003. People were then imprisoned solely due to a court decision.

An international organisation (F) in Erbil explained that there are prisoners detained for political reasons in KRI. On the other hand the international organisation (F) rejected that disappearances occurs in KRI today. The international organisation (F) is not able to get information on political prisoners as they are often kept in undisclosed detention centres guarded by either KDP or PUK or they are being removed to other detention centres prior to visits by the international organisation (F). The authorities and both KDP and PUK are usually denying the existence of such undisclosed detention centres. In spite of this, the international organisation (F) during its individual interviews with detainees is used to hear many allegations by the detainees that they were kept in private detentions before being transferred to *Asayish*.

ICRC (Iraq) Amman explained that it has made repeated visits to 26 places of detention holding almost 3,000 detainees under the authority of KRG. In northern Iraq two detention centres, in Erbil and Sulaymaniyah, were improved by the construction of a visitor's hall, allowing detainees and their families to have a proper place to meet.¹⁰

Argoshy confirmed that *Asayish* has their own prisons, and stressed that *Asayish* prisons are better than the ordinary prisons. Argoshy could not inform the delegation of the exact number of *Asayish* prisons but denied any allegations of secret prisons.

4.6 Police forces in Iraq

When asked if the Iraqi national police force can protect ordinary people in Iraq IOM, Amman stated that no police force in any country throughout the world can provide 100% protection. However, in order to keep religious and ethnic balance the Iraqi police forces are recruiting officers from all segments of society, including members of various minority groups. All police officers are being trained as they are mostly new officers and they are recruited all over the country. Compared

⁹ Associated Press reported on 4 October 2005 that the anti-terror law reinstated the death penalty to Iraq after Paul Bremer abolished it in 2003. The anti-terror law defines terrorism as any criminal act against people, institutions or property that "aims to hurt security, stability and national unity and introduce terror, fear or horror among the people and cause chaos."

http://www.ctv.ca/servlet/ArticleNews/story/CTVNews/20051004/iraq_antiterrorlaw_20051004/20051004?hub=World

¹⁰ The International Committee of the Red Cross in Iraq, *2008 Facts and Figures*.

to earlier there have been improvements in the police force's performance and its ability to protect people. However, it can still happen that the police are acting according to their ethnic affiliation.

SSI, Amman stated that the Iraqi police is being trained in human rights but confirmed at the same time that some police officers could be bound by tribal structures.

On the issue of access to protection, an international organisation (A) in Amman informed that the Iraqi police force often is unable to provide protection and that the police is infiltrated. It was added that the minorities do not trust the police. The matter of infiltration is particularly problematic in southern Iraq. Infiltration was prevalent in the past, and is still the case today.

An international organisation (B) in Amman assessed the military to be more professional than the police. The police is known to be infiltrated, but this is difficult to prove. At some incidents militias and insurgents have been seen using police cars and wearing police uniforms.

4.7 Police, defence and security forces in Kurdistan Region of Iraq (KRI) and the disputed areas

The Governor of Sulaymaniyah stated that neither the police, *Asayish* or *Peshmerga* are allowed to make arrests unless they have a warrant from a judge. There are however a few exceptions to this. For example if a person gets caught in the act. In such cases, a judge will issue an arrest warrant afterwards.

To the question on how work is divided between the police and the *Asayish*, Argoshy answered that ordinary crimes, such as theft, is handled by the police, while threats against national security, e.g. spying, terror and drug offences, are handled by the *Asayish*. The *Asayish* is authorized to make arrests. Unless lives are at stake, and there is no time for getting a warrant from a judge, a warrant for an arrest is always needed.

4.7.1 Police forces in Kurdistan Region of Iraq (KRI) and the disputed areas

The Governor of Sulaymaniyah explained that the police in KRI are Kurdish and not a part of the Iraqi national police. The Kurdish provinces have an own Government with a Ministry of Interior that is responsible for the police force and for the recruitment of the police. The salaries for the police forces in KRI are covered through the allocation of money received from GoI which amounts to 17% of Iraq's total budget. However, the border police is part of the Iraqi national police and are paid directly by GoI.

The Governor of Sulaymaniyah explained that KRG police sort under the Ministry of Interior. The Governor mentioned different divisions of the police force, like the Electricity-, Wood- [Forest], Emergency-, Anti-violence against women-, and Mountain police to mention some.

A human rights NGO in Erbil confirmed that there are many types of police [divisions], and mentioned the Transportation-, Forest-, Border-, University-, Electricity-, Water-, Civil Activities-, Vice Squad- and Emergency police.

An international organisation (C) in Erbil stated that the UN is conducting training courses for the police as well as the *Asayish* (see below).

The Governor of Sulaymaniyah added that the police force and the *Peshmerga* (see below) forces do cooperate and coordinate their work.

An international organisation (A) in Erbil informed that the police in Kirkuk consist of both Kurds and Arabs.

4.7.2 Defence forces (*Peshmerga*) in Kurdistan Region of Iraq (KRI) and the disputed areas

The Governor of Sulaymaniyah explained that the [KRG defence force called] *Peshmerga* sort under the Ministry of *Peshmerga* (Defence). In spite of the recent unification of KRG there are still two *Peshmerga* ministries.¹¹ The Ministry of *Peshmerga* is the same as the Ministry of Defence. They have kept the old name *Peshmerga*, as the force was called before the autonomy and while it still was a paramilitary force, because it is like a holy word for the Kurds.

An international organisation (A) in Erbil explained that the *Peshmerga* used to be a Kurdish militia, but was legalized in 2003. The force has never been under the command of GoI. It only follows orders from KRG authorities. The Minister of Defence (*Peshmerga*) only reports to Baghdad if he deems it necessary.

The Governor of Sulaymaniyah explained that in 2003 the *Peshmerga* was authorised by the MNF-I to protect the disputed areas. However, in reality the *Peshmerga* protected this area even before 2003. The Governor of Sulaymaniyah stated that “we had autonomy even before 2003”.

When Iraq established a new police and military force, all Kurdish police withdrew from the disputed areas, the Governor of Sulaymaniyah informed. Now there is only Iraqi national police in the disputed areas. One exception is Kirkuk, where KRG has soldiers and police under its command.

In the urban areas of Kirkuk, the head of police is Kurdish, but most police officers in Kirkuk are Arab.

The Governor of Sulaymaniyah explained that the largest *Peshmerga* force is deployed in Baghdad, and this force is under ISF command.

The Governor of Sulaymaniyah added that the local police in Khanaqin consists of Kurds, because the local population there is Kurdish. However, the local police are part of the Iraqi national police; their wages are paid by GoI and therefore they are loyal to the GoI.

4.7.3 Security forces (*Asayish*) in Kurdistan Region of Iraq (KRI) and the disputed areas

According to Argoshy the area of jurisdiction of *Asayish* is the three Northern Governorates Sulaymaniyah, Erbil and Dahuk. The *Asayish* works as two separate forces, one linked to PUK in Sulaymaniyah and one to the KDP in Erbil and Dahuk. There are ongoing efforts to unite the two forces. Regarding the disputed areas, Argoshy informed that *Asayish* is not present in Mosul, while 3,500 *Asayish* forces are present in Kirkuk, including 300 in Khanaqin. These forces represent both PUK and KDP. The *Asayish* operates in these areas in order to protect KRG against terrorism and drugs.

¹¹ According to the official KRG website the two *Peshmerga* ministries were unified on 7 April 2009 and Jafar Mustafa Ali has been sworn in as Minister of *Peshmerga*.

<http://www.krg.org/articles/detail.asp?lngnr=12&smap=02010100&rn=223&anr=28747>

The *Asayish* has no right to make arrests in the disputed areas, and therefore they cooperate with the local police and US forces.

Regarding the two *Asayish* forces Argoshy elaborated that these forces do cooperate in matters of security of KRI, both in the form of regular meetings between the leaders and in the form of practical cooperation. The leader in Sulaymaniyah was informed to be Khader Hamajan, who recently succeeded the former leader Seif Aldin Ali.

Asked about the total number of *Asayish* employees, Argoshy refused to deliver this information. But a number of secret employees were confirmed to exist.

According to Argoshy *Asayish* in general enjoyed the trust of the people, and claimed that the population had more faith in the *Asayish* than the police. It was added that the people helped the *Asayish*. Cooperation between *Asayish* and the police does exist.

When recruiting staff to the *Asayish* Argoshy explained that the word of available posts is spread through informal channels. The *Asayish* never announce available positions. Argoshy explained that if they need 100 persons, maybe 300 to 400 persons apply. Applicants fill out an application form. First there is a medical committee examining the applicants. Next there is another committee checking the applicants' backgrounds. There are some certain requirements. The applicant cannot be shorter than 160 cm, and not older than 30 years of age. Nine years of schooling is required as a minimum, and for higher ranks additional education is required. Officers must have a college degree. After the selection, the list of selected candidates is sent to the police to check their records. Accepted applicants are trained, e.g. in handling of weapon. The new recruits are finally distributed according to their qualifications and specialities. Argoshy informed that there are Christians, Turkmen and Kurds in the *Asayish*, but no Arabs.

Argoshy informed that the monthly wage for the lowest ranking employee in the *Asayish* is approximately 1,400 to 1,500 US\$. The wage of an *Asayish* officer is approximately 1,600 – 1,800 US\$.

A human rights NGO in Erbil stated that the *Asayish* are controlled by each of the two main political parties in KRI and not by KRG. There are no independent staff members in the *Asayish*.

Kamal Rauf, Editor in Chief; Kajaw Jamal, Deputy Editor; and Safeen Muhammed, Administration, *Hawlati* newspaper, Sulaymaniyah, explained that legally the *Asayish* does not belong to the Government. The *Asayish* work for the parties and do not care about the law.

The Governor of Sulaymaniyah explained that the *Asayish* is responsible for collecting information on issues related to terror threats, security, and drug crimes. The Governor added that he used to be head of the *Asayish* in Diyala before he became Governor of Sulaymaniyah.

5 Ethnic and religious minority groups in Iraq

An international organisation (B) in Amman stated that in general the religious and ethnic minorities are at high risk in Iraq.

An international organisation (B) in Amman informed that even though the general security and human rights situation has improved [in Iraq], the minorities are still facing challenges such as attacks, violence and human rights violations, especially in the disputed areas. The minorities in the disputed areas are caught up in the power struggle. These attacks go on with total impunity.

IOM, Amman stated that everyone is under potential threat in Iraq, including members of minority groups. However, ethnic or religious minorities are not in a particular vulnerable situation any longer. The Christian minority community living in Mosul is better organized than many other communities. They are better educated and they receive much better media coverage than many other groups in Iraq, but they are not necessarily under more threat. It was added that there are others [minority groups], like the Yazidis that would claim to be under threat, but this is to be taken with “a pinch of salt” according to IOM, Amman. During 2004 and 2005 many minority groups were threatened in Baghdad as well as in other places in S/C Iraq, but they would often return home, i.e. to their traditional home areas in KRI. They would go to their villages in KRI from which they originated and where they have relatives. Few of these were actually born in Baghdad so this movement was a return to their own community. This is also the reason why there are so few IDP camps in Iraq at large. It was added that the outflow of refugees and internally displaced from S/C Iraq has diminished during 2008 and 2009.

5.1 Minority groups in South/Central Iraq (S/C Iraq)

When asked if members of the minority communities are no longer deliberately targeted in Iraq, IOM, Amman stated that it cannot be excluded that members of these communities are being targeted, but all persons in Iraq could be targeted, especially if they are considered to be wealthy. It was emphasized that those targeted or taken hostage are very often those that would provide the offenders with money. It was added that Islamist groups are targeting randomly and not members of minority communities in particular. Anyone residing in GoI controlled areas of Iraq are less liable to deliberate targeting from militias and criminal gangs. It is the GoI’s declared policy to protect members of minority communities.

Regarding limitations to exercise [perceived Western] professions IOM, Amman stated that today this is no longer so [a problem]. It was added that women do not need to wear *hijab* in Iraq. This improvement is due to the fact that the vast majority of militias have disappeared, and that it is not GoI’s policy to suppress women or particular professions.

The SSI Amman stated that no one protects the Christians and other minorities in Baghdad. These groups have to look out for them selves as the police is not able to offer effective protection.

5.2 Minority groups in Kurdistan Region of Iraq (KRI)

An international organisation (E) in Erbil stated that in KRI there are no reports concerning discrimination or physical attacks against religious and ethnic minorities.

Regarding whether some ethnic or religious minorities would face more discrimination than others, the international organisation (E) in Erbil considered that this is not possible to verify on all levels of society, such as in the employment sector, in education, in legal issues...etc.

PAO, Erbil stated that in KRI there is no discrimination of minorities irrespectively of whether they are religious or ethnic. It even happens that members of minority communities are privileged and have advantages. Most high rank positions within the administration are given to members of minority communities. For example are many General Directors and Members of Parliament members of minority communities. PAO, Erbil stated that the minority groups are overrepresented in these positions. The authorities only take a person's skills and qualifications into consideration when offering jobs, and very often minorities have the best qualifications. Many members of the minority communities, including Christians, are also members of the political establishment, including the two main political parties.

Rashid, MHR, stated that the KRG Ministry of Human Rights has not received any complaints from minority groups since the two Governments integrated [in 2006]. According to Rashid, MHR, there is no discrimination towards Christians and Yazidis, because KRG does not want these groups to feel discriminated against. The Christians' situation might even be better than that of Muslims, and they have their own district in Erbil. It was added that the Minister of Tourism is Christian and that there is also a minister who is Yazidi. Most Christians entering KRI can stay. Most Christians coming to KRI have fled from terror. They stay in Erbil and Dahuk and are supported by KRG.

5.3 Minority groups in the disputed areas

An international organisation (E) in Erbil stated that in the disputed areas, minorities report feeling safer in the locations controlled by the Kurdish forces. However, in reality the disputed areas are fertile land for proxy wars/interventions that reflect the global political situation among different actors. Therefore, the feeling of security might not be sustainable and there are no guarantees.

The international organisation (E) in Erbil mentioned that as per their findings and other agencies' [findings], ethnic groups remain subject to threats, intimidation and violence in the disputed areas.

The international organisation (E), Erbil mentioned yet unconfirmed reports that the *Asayish* had tried to persuade three Arab families in the Ninewa plains to collaborate. The international organisation (E) made it clear that this case can not be taken as an illustration of a general trend on the treatment of persons of Arab origin. It was added, however, that the international organisation (E) had heard of other incidents like the above mentioned.

5.4 Christian minorities in Iraq

5.4.1 Christians in South/Central Iraq (S/C Iraq)

According to Shamoun, CCS there is now 380,000 Christians in Baghdad, including 20,000 persons who have returned to Baghdad, as the situation in Baghdad has improved. The 120,000 Christians in the Mosul area are now residing in the outskirts of the city. Shamoun, CCS added that approximately 300 families remain in Basra. Originally there were approximately 2,000 families there. In many cities there are no Christians left.

Shamoun, CCS informed that Christians were still arriving from S/C Iraq [to KRI], but the numbers are going down. Many of the Christians from Basra worked for the foreign oil companies, and some

of these workers have even been employed abroad by oil companies in i.e. the US and the United Arab Emirates (UAE). Ordinary people who leave Iraq often travel to the KRI or Jordan, in the hope of being resettled by the UNHCR. However, Iraqis travelling to Jordan now need a visa, therefore many Iraqis go to the KRI and further on to Istanbul hoping for resettlement in the European Union (EU), US or Australia. Well-off people would sometimes go abroad, not so much for security, but in search for a better life. Shamoun, CCS stressed that 'new' and 'old' KRI inhabitants enjoy the same safety.

Concerning Baghdad, Shamoun, CCS informed that Christians are known to pay money for protection to the Mehdi Army [in Sadr City in Baghdad]. The situation for the Christians in the Doura District has improved lately due to the deployment of Iraqi forces. However it was assumed that this was done to convince the media that Baghdad was safe for Christians. Shamoun, CCS questioned whether the protection was effective.

The international organisation (B) in Amman stated that the US Department of State has reported that the total number of Sabeen-Mandeans has now been reduced to between 3,500 and 5,000 compared to an original population of 30,000. The reason for the vulnerability of this particular group is its lack of tribal network, and the fact that they live scattered. In 2007 and beginning of 2008 there were an increased number of attacks, including kidnappings. It was added that Sabeen-Mandeans are still targeted in Missan, Basra and Baghdad. The perpetrators are both insurgents and criminal gangs. The gangs might exploit the present situation and might exploit that the Sabeen-Mandeans are a minority group.

The international organisation (B) in Amman added that the Sabeen-Mandeans are perceived to be wealthy and this is one reason for this group to be targeted by criminal groups.

5.4.2 Christians in Kurdistan Region of Iraq (KRI)

According to ICRC Erbil sub-delegation, Christians in KRI do not seem particularly vulnerable and there is no evidence that Christians are more discriminated against than other minority groups. An international organisation (A) in Erbil was of the opinion that the Christians in Ankawa feel safe. But the situation is nonetheless fragile. Ankawa is the most hated town by insurgents because it has a significant number of alcohol shops.

When asked about the situation for the Christian minority and the support they according to other sources received, the chairman of a local NGO in Erbil mainly thought this support to originate from Christian NGOs. The chairman did consider the situation of the Christians to be better than that of the other minorities due to the fact that they receive the attention of the international community to a larger degree than other minorities, and that the Christians are stronger represented in the Government. The former Minister of Finance is a Christian who was known to take good care of the Christian minority. It was added that the Government has built houses for Christians.

PAO, Erbil explained that a Christian can buy property anywhere in Erbil while a Muslim can not buy property in Ankawa. Ankawa is a Christian enclave in Erbil and the Government has provided the land to the Christian community for free. However, it was added that Christian IDPs fleeing Mosul and coming to Erbil do not get free land when arriving. The Government stopped providing this service about two years ago.

Shamoun, CCS explained that CCS was established in Erbil ten years ago. CCS has 2,000 members in KRI; of which 1,000 are in Erbil, and the rest are mainly located in Atrush, Sulaymaniyah and Shaqlawa. CCS publishes a newspaper and a magazine and it organizes art exhibitions as well as cultural and social events.

Shamoun, CCS informed that originally there were two million Christians in Iraq, while the number is now 400,000. In KRI there used to be 32,000 Christians, while the number is now about 50,000 including IDPs, mainly from Baghdad. The Christian IDPs get some assistance from the KRG. 82% of the Christians are Chaldeans.

Regarding the situation of Christians in KRI Shamoun, CCS stressed that they are very safe, and added that Christians fleeing from the South to KRI would be safe in KRI. Some of the Christians have jobs and they can stay in KRI as long as they please. The KRG Ministry of Finance allocates money and food supplies to the Chaldean Church in Ankawa to give to the Christian IDPs. Each family is paid 100 US\$ per month. The CCS has registered all Christian IDPs in KRI.

Any Christian with an Iraqi ID card can enter KRI. After entering KRI the person can approach the *Asayish* to apply for a residence permit. The applicant will get a permit without any trouble. Shamoun, CCS knew of only five Christians that have been denied residence permit in KRI. These five persons either had a criminal record or they were tax evaders.

Shamoun, CCS informed that job opportunities and services for Christians in KRI are equal to those of Kurds and Muslims. However, unemployment is high and the situation for Christians is particularly difficult due to their lack of affiliation to the main political parties (PUK and KDP) in KRI. At least a relative with connections to either party is needed to get a job. This situation is most prevalent in the public sector. Even though a Christian is better qualified than a Muslim Kurd, the latter is often preferred for the job. It was reiterated that this had to do with political party affiliation rather than religious affiliation. However, lack of affiliation to PUK or KDP does not affect the possibilities of finding accommodation or accessing health services. Shamoun, CCS added that Christian representation has decreased in all Governorates.

Shamoun, CCS informed about the quest for Christian autonomy in Iraq. The idea of autonomy is supported by the KRG, which expects that the Christians will hold a referendum to decide whether to belong to the KRI or S/C Iraq. The autonomy should be in the triangle between Mosul, Dahuk and Erbil. A National Council of 44 members was established in 2007. The council's mandate is to promote the idea of autonomy.

Shamoun, CCS explained that the reason for the proposal for autonomy is mainly to protect Christian properties, and securing the future of Christians in Mosul. The Christians have in the past been forced to move from the Kurdish area to the south, now they are being forced back again. The current KRG is positive towards Christians but this can change as it has done in the past.

Finally, Shamoun, CCS considered returnees [Christians] from Europe to be safe in KRI.

5.4.3 Christians from Mosul and other disputed areas

An international organisation (B) in Amman explained that between August and October 2008 10,000 Christians from Mosul were displaced. However, significant numbers have returned voluntarily. The situation has now improved but some are still displaced from Mosul to the outskirts of the city. As violence escalated GoI deployed security forces to Mosul. This somewhat stabilized

the situation and most Christians returned to the area. The GoI assured that the Christians would be protected. The ISF is placed on both sides of the river running through Mosul. After the election one can expect that the Sunni Arabs will get increased control.

An international organisation (B) in Amman explained that often the GoI will take action to stop violence in severe cases, but it is not able to stop violence 100%, and the situation in Mosul is still fragile. The GoI sent a Ministerial Committee to Mosul to assess the situation, and the Government also provided economic support to the returnees.

Shamoun, CCS stated that Christians from Mosul can enter KRI easily. Prior residency, friends or relatives in the region is not needed. Employment and accommodation was also considered possible.

Shamoun, CCS explained that the western part of Mosul is Arab, and the eastern part is inhabited by Christians, Kurds and Yazidis.

According to ICRC Erbil sub-delegation there was a displacement of Christians from Mosul for security reasons to KRI in the autumn 2008, though many have returned home since.

An international organisation (E) in Erbil explained that violence/instability in the disputed areas is expected. Christians have been forced out of Mosul last year, but most of them have now returned after Iraqi security forces were dispatched to the area. The Christians returned voluntarily to suburbs of Mosul. However, since their return, there was information regarding two families who had received new threats again. When asked about the kind of threatening letters, it was clearly stated that the international organisation (E) did not recall the exact statements in those letters, but the sense of these threats were "didn't you get the message".

According to an international organisation (A) in Erbil, some Christians have moved from Mosul to al-Hamadiyah/Karakosh and Tell Keif where they now feel safe. However, some families moved to Erbil. Those who stayed behind in Mosul established their own militias. The number of Christians in Mosul has increased during the past year. The militias receive support from the Christian church and from the Kurdish Minister of Finance.

IOM, Amman explained that most of the Christian families who fled Mosul last autumn returned within a few weeks. The security situation improved rapidly in Mosul as the Government approved that the Christians could set up their own security militia in the area. The Iraqi Government accepts that minority populations set up their own security militias where it is found necessary. IOM, Amman explained that the Christians from Mosul could return to their own houses in their areas of origin, which are in the outskirts of Mosul and not in the city. When asked if any incidences of violence against the returning Christians took place, IOM, Amman said this was not the case. IOM, Amman emphasized that the organisation had its own staff in place in Mosul when the returns took place and the organisation would have known if such incidences had occurred.

IOM, Amman stated that GoI has declared a policy to protect members of the minority communities in Mosul.

Shamoun, CCS informed that attacks against Christians took place in Mosul. Three boys had been killed and a girl raped in front of their families, and houses had been burned. Initially Christians had been told to leave Mosul, but had not done so. Then the burning of houses and killings had started.

After that everybody left the city. Today insurgents have no control of the outskirts. The Christians are able to stay in the outskirts, protected by 700 guards. The outskirts are in the Kurdish protected area, and are protected by walls and guarded gates. The 120,000 Christians are secure in this area but need a durable solution to their situation. Within the protected areas, the Christians can move around. The Christians are not safe in Mosul city. The church in Mosul is not safe today, and the priest has encouraged people not to attend services.

5.5 The Yazidi minority in Iraq

5.5.1 Yazidis in Kurdistan Region of Iraq (KRI)

An international organisation (E) in Erbil stated that no incidents were reported so far against Yazidis in KRI. There are, however, only small groups of Yazidis living in KRI.

Concerning Yazidis an international organisation (F) in Erbil recommended the delegation to consult a Yazidi, who is also chairman of a local NGO in Erbil addressing minority issues, in particular the situation of the Yazidi minority group.

The chairman of a local NGO in Erbil considered Yazidis to be safe in KRI, where the security situation is generally good. However, the Yazidis may find it difficult to get jobs though this is difficult for everybody. On the other hand, it was stressed that the Yazidis have the right to work in KRI, since work permission is not required for Iraqi nationals. The chairman stated that costs of living are high in KRI. This fact makes it rather difficult for Yazidis to live in KRI as they are generally poor. The Yazidis do not receive financial support from the KRG, and if they come from outside KRI, they will not be able to transfer their food supplies to KRI. However, Yazidis have access to school and health services in KRI.

It was emphasized that KRG does not discriminate against Yazidis, but the chairman added that the Yazidis face discrimination in their daily lives. Yazidis are identifiable by minor characteristics, e.g. the men's large moustache and the women's traditional dressing. It was added that Yazidi women do not wear *hijab*.

The chairman considered the situation of the Yazidis to be fairly good in KRI, while the situation for Yazidis living outside KRI is very different (see below).

An international organisation (A) in Erbil stated that there are Yazidis working in Government departments of KRG.

Finally, the chairman of a local NGO in Erbil informed that according to Yazidi tradition a Yazidi can not marry a Christian or a Muslim [anywhere in Iraq]. However, should a Yazidi intermarry, he or she would risk getting killed, and this has occurred. It was added that a Muslim woman marrying a Yazidi man would also risk getting killed by her family.

5.5.2 Yazidis in South/Central Iraq (S/C Iraq) and the disputed areas

Focusing on the situation of Yazidis outside KRI, the chairman of a local NGO in Erbil explained that the Yazidis are being discriminated against in Iraq, including the disputed areas, because they are Kurdish and because they are Yazidis. They are considered as infidels by many Muslims.

Regarding the situation for Yazidis in Mosul, the chairman of a local NGO in Erbil informed that they could for example no longer attend the University of Mosul. At the University of Mosul female

students had to wear *hijab*, and signs denying “infidels” access to the university had been posted. The chairman explained that this was not the official policy of the university or the city but the policy of radical Islamist groups now controlling much of the city. A Yazidi professor had been killed at the University of Mosul. The Yazidis therefore no longer dare going to the university. Last year 980 [Yazidi students] were transferred from the University of Mosul to the University of Kurdistan Hawler.

The chairman informed that more than 1,000 Yazidis from Sinjar previously worked in Mosul, but this is no longer the case. Radical Islamic groups control the city, and this affects all aspects of ordinary people’s lives, especially [the lives of] Yazidis and Christians.

It was added that Yazidis have left Mosul and abandoned their houses. Yazidis from Mosul have moved back to the towns and villages from where they originated, i.e. Sinjar, Bashika or Shekhan, or to KRI.

For a period of time in 2007/2008 the Sinjar area was practically cut off from access to food rations, since the transportations of the rations were repeatedly ambushed. The truck drivers were killed and eventually nobody wanted to transport food to Sinjar anymore due to fear of being killed.

According to the chairman, Yazidis may still be randomly killed. Yazidis have been killed when travelling from Sinjar to Mosul for health care or to Lalish¹² in Dahuk.

The chairman told of an incident two years ago [2007] where Yazidis from Bashika were in a bus on their way to work in Mosul. The bus was stopped, and 24 Yazidis were singled out and killed. Asked why the police did not protect the Yazidis, the chairman stated that some of the Arab police officers on the spot were hostile towards the Yazidis and they did not provide any protection.

The chairman told of another incident from August 2007, where a bomb had been brought to explosion in Sinjar (a Yazidi city) killing and wounding more than 1,000 persons.

An international organisation (E) in Erbil informed that in 2008 Yazidis were attacked in the religious sites [in Lalish]. It was added that all non-Muslim groups are considered as infidels to extremist Islamic groups who are still active in insecure areas in Iraq, and Yazidis are subjects to targeted attacks. It was also mentioned that the main area where Yazidis reside in is Sinjar, and Sinjar is not easily accessible.

The chairman of a local NGO in Erbil explained that Sinjar, Bashika and Shekhan are typical Yazidi towns and they are now protected by Kurdish and Arab troops, but the Yazidis only trust the Kurdish troops. It was added that the risk of attacks become particularly high when travelling outside these towns.

When asked whether Yazidis could relocate from Sinjar, Bashika and Shekhan to KRI the chairman answered that this is possible but difficult since Sinjar, Bashika and Shekhan are the traditional homelands of the Yazidis.

Finally, the chairman explained that Yazidis are not allowed to convert. Previously one Yazidi family in Mosul had been threatened to convert to Islam, but the family fled the city.

¹² Lalish in Dahuk is a sacred place for Yazidis. All Yazidis are obliged to visit this place annually.

5.6 Other minority groups in Iraq

An international organisation (E) in Erbil explained that Turkmen are represented in the Parliament in Kirkuk and their language is now recognized as an official language in Kirkuk.

An international organisation (E) in Erbil informed that according to National Law 105 of 1970 some religious groups, like the Baha'i community, are not recognized.

An international organisation (E) in Erbil informed that in 2008 nine attacks were recorded against Shabaks in the Ninewa plains.

The international organisation (E) in Erbil stated that in the North [KRI] no specific information is available regarding Feyli Kurds. However, the international organisation (E) has received information regarding a recent decision [by GoI] aiming at resituating the [Iraqi] nationality [of Feyli Kurds].

6 Conversion in Iraq

An international organisation (B) in Amman had heard of very few cases of forced conversion, but had knowledge of many Iraqi refugees who feared forced conversion. Iraqi refugees [in Jordan] had referred to sisters or daughters who had been forced to marry a Muslim, and thereby forced to convert. Prior to such a marriage the woman had either been abducted or raped and then forced into the marriage. Especially Sabean-Mandean seemed to be the victims of these violations. Iraqi refugees had also referred to relatives that had been killed for refusing conversion.

IOM, Amman had not heard of forced conversion.

Shamoun, CCS stated that forced conversion does not take place in KRI. However it was stated that forced conversions were heard of in Mosul.

Converting to Christianity is illegal for a Muslim, according to Shamoun, CCS. If the convert needs protection from family members wanting to kill him, he will be prosecuted rather than protected if approaching police. Furthermore, Shamoun, CCS explained that marriage between a Christian man and a Muslim woman is illegal. This couple will most likely be killed with impunity. Shamoun, CCS informed that the Anglican Church had been paying Muslims 1,000 US\$ to convert. These converts were protected by the Government, when they due to their conversion had problems with their families.

When asked whether the other Christian churches accept converts, Shamoun, CCS answered that in principle the Christian churches accepts converts, but in practice they often reject these since they fear that the converts will be killed.

The UNHCR *Eligibility Guidelines*¹³ states that: “In the current climate of religious intolerance, the conversion of a Muslim to Christianity would result in ostracism as leaving Islam is unacceptable in many communities and families. In certain cases, there is a risk that the convert might be killed by his/her own family members, who consider themselves disgraced by the person’s conversion. According to *Shari’a* Law, a Muslim who converts to Christianity is considered an *apostate* and the punishment can be execution. Although not forbidden by law, Iraq does not recognize conversions from Islam to Christianity or to other religions. Converts have no legal means to register their change in religious status. Iraq’s *Personal Status Law* (Law No. 188 of 1959) denies converts any inheritance rights. Furthermore, Muslims who convert to Christianity may, in practice, be subject to other forms of severe discrimination, as their family/community may force their spouses into divorce or confiscate their properties. In addition they are reportedly often harassed by government officials and police. It is highly unlikely that a crime committed against a convert, be it by his/her family or by Islamist groups, would be properly investigated and prosecuted in the Central and Southern Governorates.”

¹³ UNHCR *Eligibility Guidelines*, April 2009, p. 175.

7 Women issues in Iraq

An international organisation (E) in Erbil stated that women issues remain an alerting issue in Iraq.

Concerning women and children's rights an international organisation (G) in Erbil stated, that society has changed a lot. Today there is more focus on these issues. More articles are being written on women rights in the media and reporting systems on violence against women have improved [in KRI].

An international organisation (A) in Amman underlined that violence against women happens among all religious and ethnic groups in Iraq. The phenomenon is culturally related rather than religiously. This implies that it is as much a problem among Christian families as Muslim families. It was added that male domination is as strong in Christian families as it is in Muslim families.

The international organisation (A) in Amman stated that among all conflict related deaths since 2003, 80-85% [of the victims] have been men. In a patriarchal society like Iraq, women have been very affected by the death of male relatives due to war. Most women lack both education and work experience, and in addition they have children to tend to. Traditionally, a woman who loses her husband returns to her family. Today, however, this is more difficult, since the family often cannot support her and her children. Complicating matters further, many of the relatives have also lost male family member(s), which make their economic situation difficult as well. Some relatives may offer shelter for a widow and her children, but often they cannot provide food and other basic needs for them. Most families are struggling just to support themselves, even without taking care of additional family members.

The international organisation (A) in Amman explained that reporting sexual abuse is stigmatizing and often will destroy a woman's reputation. It could be as destructive as suicide. It was added that there was reason to believe that the problem of sexual abuse was increasing. It was further added that although violence against women was much more reported in KRI than in the rest of the country, this does not mean that it is not an equally serious problem all over Iraq. Supporting this statement, the international organisation (A) in Amman referred to a Family Health Survey that was conducted in 2007 by ICRC. The survey showed that 32% of women in all of Iraq had been subject to domestic violence, compared to 10% in KRI.

It was finally added by the international organisation (A) in Amman that it was not aware of any ongoing process to change the *Personal Status Law* in Iraq. It was added that female parliamentarians are not very optimistic regarding any future changes in favour of women. There is still leniency in the sentencing of honour crimes. Generally women [issues] are not a priority in Iraq. Although there are 25% of women in the Parliament, many of these women have adopted the conservative agenda of their party. Only a few of them voice women's rights, and they receive little attention.

7.1 Honour crimes in Iraq

The UNHCR *Eligibility Guidelines* states that the "So-called "honour killings", i.e. murders committed by a family member to protect the family's honour, are reportedly also on the rise. Many women and girls, and, to a lesser extent, men and boys, are at risk of death if they are accused of behaviour believed to have brought shame on the family, such as loss of virginity (even by rape), infidelity, a demand for divorce or a refusal of marriage. Women can be killed based solely on

suspicions or rumours without the opportunity to defend themselves. The Iraqi *Penal Code* (Law No. 111 of 1969) contains provisions that allow lenient punishments for “honour killings” on the grounds of provocation or if the accused had “honourable motives”. The punishment is between 6 to 12 months imprisonment. Article 409 further provides that if a person surprises his wife or a female relative committing adultery and kills/injures one or both immediately, the punishment will not exceed three years. The law does not provide any guidance as to what “honourable motives” are and therefore leaves the door open for wide interpretation and abuse.”¹⁴

7.1.1 Honour crimes in South/Central Iraq (S/C Iraq)

IOM, Amman stated that honour crimes have been going on for generations in Iraq. It was added that honour crimes is nothing new and the Government is almost unable to restrain this as this is a tribal practice. A female victim of an honour crime needs the support of her family if she wants to address the issue. It is rare that issues concerning honour crimes are dealt with in tribal councils. If such a problem ever is addressed outside the walls of the house, the tribal leaders get involved. This happens for instance in cases involving persons outside of the family, like in the event of extra marital affairs. Irrespective of the outcome [in a case involving unmarried persons who have been involved in so-called illegal love affairs], the result is often that both parties will have to leave their home area. In many cases huge amounts of money is being paid in compensation, according to traditional rules. It also happens that the tribe of the offender will urge the perpetrator to leave his tribe or the offended tribe will urge the victim to escape. It can also happen that individuals will take revenge against perceived violations of their rights. In tribal matters anything is possible and even though compensation has been paid the victim might still be at risk of revenge.

An international organisation (B) in Amman knew of very few cases of honour killings from S/C Iraq. However, this has always been a problem more in relation to KRI. The international organisation (B) in Amman knew of no particular programs initiated by the GoI regarding the issue of violence against women [in S/C Iraq].

UNICEF (ISCA) believes that honour crimes take place all over Iraq, but stated that it had little knowledge of this in S/C Iraq. Honour crimes are much better documented in KRI. However, some NGOs have started to gather information on this also in the S/C Iraq.

7.1.1.1 Shelters and assistance in South/Central Iraq (S/C Iraq)

Ari Rafiq, Manager/Social Researcher; Zhelamo Abdulqadir Maruf, Captain; Naghada Khairlla Pattholla, Sergeant and Flamina W. Fakhry, Sec. Lieutenant, Directorate Combating Violence against Women (DCVW)¹⁵, Erbil pointed out that there are only women shelters in KRI, and none in S/C Iraq.

IOM, Amman also stated that it is doubtful if there are any women shelters in S/C Iraq.

The UNHCR *Eligibility Guidelines* states that “In the Central Governorates, there are no official shelters, although some women organisations provide victims with temporary shelter. Such arrangements are, however, not to be considered as a form of effective protection given the lack of

¹⁴ UNHCR *Eligibility Guidelines*, April 2009, pp. 145-46.

¹⁵ According to DCVW the Directorate began its work in early 2008. It was established on the order of the Prime Minister of the KRG and is part of the Ministry of Interior with offices in Erbil, Dahuk, Soran and Akre.

prospects for the women in the shelter, the shelter's unclear legal and financial status in addition to the general intolerance vis-à-vis such institutions and associated security risks."¹⁶

7.1.2 Honour crimes in Kurdistan Region of Iraq (KRI)

An international organisation (E) in Erbil explained that according to the law in KRI honour killing is prohibited, and tribal decisions are not eligible in the judicial system in KRI.

Khanim R. Latif, Director, ASUDA for Combating Violence against Women, Sulaymaniyah, referred to an ASUDA research on honour-related crimes in the Garmian area of Sulaymaniyah Governorate. This research stated that the average cases of honour crimes are found in uneducated, tribal and conservative families. It was added that it is easier to find a solution [to problems concerning family honour] in educated families.

Latif, ASUDA explained that the most common reasons leading to honour crimes are adultery, running away from parents, sexual relationship outside marriage and violence.

An international organisation (C) in Erbil mentioned a [honour crime] case that took place two years ago. A father, who worked for the *Asayish* had killed his daughter and her boyfriend. Although it was assumed that the girl was killed by her father, no actions were ever taken against him. In general, however, the Government is making an effort to address honour crimes, but the police does not always deal with and report all cases as prescribed by the Government. In Sulaymaniyah and Dahuk many people [perpetrators] have so far been sentenced for serious crimes against women, including honour crimes.

Suzan Aref, Director, Women Empowerment Organization (WEO), Erbil stated that statistics from the Ministry of Health concerning honour killings and honour crimes are not accessible for the public. However, according to Aref, WEO, the statistics from the Ministry of Health are proving that the occurrence of honour crimes is much more common than the statistics from the DCVW shows. In addition, the statistics from the Ministry of Health only illustrate registered cases, and most cases are never registered. Every day women are being victims of honour killings and honour crimes. Aref, WEO added that such crimes are more common in the area of Sulaymaniyah as women are more liberal there. This is in contrast to Erbil which is more traditional and conservative.

Regarding the extent of honour crimes, an international organisation (F) in Erbil highlighted that statistical data will include those [cases] registered by the police. If the police were not informed, the data is not included. An international organisation (F) confirmed that the Ministry of Health does not share its statistics regarding honour crimes.

The DCVW informed that most women complaining to the DCVW are Kurds – noting that the majority of the population in KRI is Kurdish. DCVW added that each ethnic group has their own traditions for dealing with family matters and women. The Kurds have a conservative tradition, and do not accept openness about women issues. According to DCVW's annual report 2008 most victims registered are from rural areas. The victims are most often from uneducated families, married and between the ages of 14 to 30. The DCVW informed that most perpetrators are husbands.

¹⁶ UNHCR *Eligibility Guidelines April 2009*, p. 159.

Contrary to the information given by DCVW, Aref, WEO explained that violence against women is much more common in urban than in rural areas. In urban areas many women are much more exposed and influenced by external customs, i.e. television, radio, internet and cell phones. This might cause conflicts with close relatives. Women in urban areas are much more aware of their rights. They do their best to get their rights compared to women in villages and remote areas. The latter think that the life they have is the reality for most women and that they have to be satisfied as there are no other choices or alternatives.

When asked if honour killings are on the increase in KRI, Latif, ASUDA stated “on the contrary”.

UNHCR *Eligibility Guidelines* reports that “In the three Northern Governorates, the KRG, religious leaders, the media and civil society organisations in recent years initiated a public debate on violence against women and lobbied for legislative and administrative measures. Nevertheless, the practical effects on women have yet been limited and violence against women, including “honour killings” and associated incidents of suicides by self-immolation and “accidental shootings” remain at alarmingly high levels. Despite the fact that “honour killings” are considered by law as homicide, “honour killings” continue to be reported in high numbers and are reportedly among the primary unnatural causes of death among women. Given the fact that “honour killings” are prohibited by law, they are often concealed as accidents, suicides or suicide attempts. Reportedly, incidents of self-immolation are on the increase, with at least one case reported daily and many more either going unreported or concealed as accidents. While the KRG pledges to investigate and prosecute “honour killings” and other violence against women, most cases go unpunished. In the rare cases in which a person is convicted of having committed an “honour crime”, sentences are often lenient.”¹⁷

7.1.2.1 Law on honour crime/Personal Status Law in Kurdistan Region of Iraq (KRI)

According to an Amnesty International (AI) report “*Hope and Fear, Human rights in the Kurdistan Region of Iraq*” KRG has been addressing violence against women in recent years. The KDP amended Law 14 of 2002 to the Iraqi Penal Code in order to prevent inappropriately lenient sentences against perpetrators of crimes against women who claimed they had acted with “honourable motives”. The PUK issued a decree No. 59 [in 2000] saying “The killing or abuse of women with the pretext of cleansing the shame is 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 as amended to reduce the penalty of the perpetrator.”

Furthermore, AI reported that In October 2008 KRG passed Law 15 of 2008 amending the *Personal Status Law* enhancing women’s rights. The amendments included restrictions on polygamy. According to AI’s report other positive steps taken include Draft Law on Violence in the Family, which was drafted by KRG’s Women’s Committee and aims to improve protection of women and children. Among other issues, the draft law proposes to facilitate judicial procedures against perpetrators and envisages improved protection measures for victims or persons at risk¹⁸.

¹⁷ UNHCR *Eligibility Guidelines*, April 2009, p. 146.

¹⁸ Amnesty International, *Hope and Fear, Human rights in the Kurdistan Region of Iraq*, MDE 14/006/2009, April 2009, p. 31.

Although there are relatively few persons that have been punished for honour crimes in KRI compared to the number of cases, Judge Zuber considered that the law is just. Judge Zuber informed that cases regarding honour crimes are handled according to law.

DCVW explained that after 2003 there was a demand for a change of the *Personal Status Law*. Prior to that an honour crime was considered a minor offence punished by up to six months imprisonment. A new law was adopted by Parliament [as described above] which states that honour killing is murder.

An international organisation (C) concurred that honour crimes today are considered equal to other serious crimes in the Penal Code, i.e. First Class Crime.

PAO, Erbil commented that there is a degree of development with regard to religious views on women. Certain rules that are positive to women have been implemented. PAO, Erbil mentioned the law against honour killings which is intended to protect women, but considered that it is not only necessary to amend the laws but to ensure that they are implemented.

According to Aref, WEO there is a positive motion on legislation concerning honour crimes in KRI and there is a follow-up on this legislation. However, it is important that women become aware of their rights and the legal assistance that they can get. Many women are unaware of their rights, but training of women and awareness campaigns in schools and among women, as well as eradication of discriminatory laws would eventually lead to a reduction in the number of honour killings in KRI. It was added that many women are still in need of legal and social assistance.

Latif, ASUDA stated that the *Personal Status Law* is in the process of being amended but considered that “this is just in wording”. KRI is still an Islamic state. Secular law on women issues is needed, in order to fulfil the rights of women.

According to Kamal Rauf, Editor in Chief; Kajaw Jamal, Deputy Editor; and Safeen Muhammed, Admin, *Hawlati* newspaper, Sulaymaniyah, honour crimes do not usually end up in court. Most often, if they are dealt with at all, they find a solution in the [so-called] Social Committees within the main political parties. This means that the cases are dealt with, but outside the law. The Social Committees can address all problems related to women issues. Although there are laws protecting women against honour killings, the laws are unknown to most people. Also important, the journalists added, is the fact that there is no law against Female Genital Mutilation (FGM) or polygamy.

PAO, Erbil pointed to the fact that by making laws on violence against women, honour killings and by combating this violence the Government itself is breaking human rights. When asked how this conveys, PAO, Erbil explained that by handing out death sentences for honour killings the Government is responsible for potential executions. Already some men have been sentenced to death in Sulaymaniyah. However, these men have not been executed, but PAO, Erbil is concerned that particularly trials on honour killings could result in hundreds of men being sentenced to death and possible execution. Last year PAO, Erbil addressed its concern to the Minister of Human Rights. There are several hundred reports and cases of honour killings every year, according to PAO.

7.1.2.2 The Directorate Combating Violence against Women (DCVW) in Kurdistan Region of Iraq (KRI)

The DCVW informed that it investigates violence against women. Reports are published every four months and a final report is published each year. The reports include statistics concerning killings, convictions etc. The Erbil office has a staff of 40 persons, including two lieutenants, four police officers and 13 female interviewers. The DCVW coordinates with all police stations in KRI.

During 2007 a total of 218 complaints were registered in KRI. However, since DCVW began its work in early 2008 a total of 1775 complaints were registered during that year. Before 2008 there was no governmental agency to protect women's rights. Information regarding the DCVW is being distributed by pamphlets. Among other things a telephone hotline with 16 telephone numbers has been established.

The DCVW provides police officers with training on human rights in order to secure that local police officers handle violence and threats against women according to the law. It was stressed that any police officer would take complaints from women seriously and that no one was rejected on the grounds that such problems belong to the private domain of the family.

The DCVW informed that complaints were received by personal appearance, by telephone or letters. The complaints varied from disputes between spouses to serious matters [of violence]. Depending on the gravity of the complaint the actions of the DCVW could be either attempting mitigation between spouses, providing the woman with free legal assistance and protection as well as investigation. Legal assistance was provided through a syndicate of lawyers.

When receiving calls regarding domestic violence, (...) the DCVW informed that it will assist the victim in filing her case. If the victim is in need of protection she will be accommodated in a shelter.

Regarding its activities in rural areas, DCVW informed that its officers travel to these areas to supervise the police, raise awareness on women's rights, including visits at schools and to provide information on the activities of the DCVW.

DCVW stressed that any woman who is a victim of violence and who is aware of her rights will be assisted by the DCVW.

It was further noted that many women turn to the DCVW for assistance regarding ordinary spousal disagreements e.g. on financial issues. These cases are often solved by reconciliation. The more serious cases related to violence are referred to the courts.

The DCVW stressed that if a woman was killed there would be investigations into the matter even if the complaint was withdrawn. It was added that even if an incidence was reported as suicide it would be investigated. If a murder was covered up as a suicide, this would most likely be uncovered through the medical reports and the investigation. If an incidence was reported as self-burning or attempted suicide the DCVW would try to determine if this could be the case. The DCVW stressed that it was a law enforcement agency authorized by the Prime Minister.

The DCVW explained that it cooperates with [some] local NGOs, of which there are between 600 and 700 in KRI. However most of these were considered inactive.

The DCVW further noted that it has been threatened orally by relatives of complaining women. It was added that DCVW is confronted with tradition, as conservatism among Kurds is strong.

7.1.2.3 The ability of DCVW to assist victims of honour crimes in Kurdistan Region of Iraq (KRI)

An international organisation (C) in Erbil considered that DCVW undertakes good and competent work. Asked why some NGOs consulted by the delegation considered that the DCVW is of no assistance to women, the international organisation (C) stated that civil society always reject governmental initiatives. The DCVW is doing a lot of work, but might not investigate all cases. The international organisation (C) added that it is not correct to say that the Government is doing nothing to combat honour crimes. Asked about the annual report from the DCVW the international organisation (C) found the report 'acceptable'.

According to the international organisation (C) in Erbil the DCVW is doing its best to get all the information on the cases they receive. Even in cases where the family state that the girl committed suicide, the DCVW will look further into the case. However, one of the main problems is that the women do not go to the police to file a case.

It was stressed by the international organisation (C) in Erbil that the DCVW will follow up on cases concerning violence against women and that it will put the sufficient effort into an investigation.

However, during a supplementary meeting with the international organisation (F) in Erbil, which included a number of staff members of the international organisation (C) in Erbil, it was made clear that the DCVW is no longer involved in the investigation of cases concerning violence against women as its tasks have recently been changed. Each case of violence is being registered not only by the police but also at the DCVW and the DCVW will follow up on certain cases. Today it is KRG police that undertake investigation but the DCVW will receive a copy of these cases and it is mandated to inspect such cases that are not being carried out properly and according to the law. The DCVW can request the police to undertake further investigations in cases where it is found that this is needed. It was emphasized that the DCVW is superior to the police and that the police is instructed to report to the DCVW. It was emphasised that all cases reported to the police will be copied to the DCVW; even if they heard of any case they will do their follow up. The task of the DCVW is only to inspect.

An international organisation (F) in Erbil reiterated that previously the DCVW undertook its own investigations and made its own reports; and considered it as a step back when investigation was referred to the police. The DCVW [Erbil office] only has a [an investigating] staff of four or five members and as such it cannot undertake investigations. It was added that now and then the DCVW will interview a victim. However, in most cases DCVW only audit.

According to UNICEF (ISCA) the establishment of the DCVW is well intended; however knowledge and capacity [gaps] are still major issues. UNICEF (ISCA) stated that according to International Rescue Committee, problems exist within the police force and with lack of protection in the shelters. Furthermore, UNICEF (ISCA) pointed to the fact that women are reluctant to go there [to a shelter] because it is stigmatising for a woman to seek refuge in a shelter.

PAO, Erbil was of the opinion that the establishment of the DCVW was a positive step for women that are victims of violence and honour crimes. However, to attach DCVW to the Ministry of Interior might not be appropriate, and so far the DCVW has not succeeded in generating confidence

among women in KRI. The question is: To what extent can the laws in KRI protect women and guide the DCVW? PAO, Erbil also questioned how the laws could be implemented by the authorities. It was emphasized that working with women in order to combat violence against them is closely linked to the mentality in society.

PAO, Erbil commented that the efficiency of the DCVW can not be evaluated only on how many are employed at the DCVW. PAO, Erbil stated that “we need to change the mentality and raise awareness on women issues. The society looks at women as secondary persons”.

PAO, Erbil reiterated that the establishment of DCVW was a good start, but considered that a lot still has to be done in the future. This includes the task of getting the staff of DCVW to change their mentality. Previously PAO, Erbil was receiving funds from Norwegian People’s Aid (NPA) to train the police to combat violence against women. Now the DCVW provides training for the police. Besides, it is important that the DCVW’s actions are being paralleled with other Government institutions. PAO, Erbil pointed to the fact that the educational system in KRI is reflecting women’s traditional tasks, i.e. being a housewife.

Latif, ASUDA also stated that initially it was a very positive step by the Government to establish the DCVW. But today the DCVW is doing what ASUDA and other women NGOs are expected and used to do, and this makes the NGO’s work more difficult. However, Latif, ASUDA emphasized that ASUDA has a good working relationship with the police and the hospital in Sulaymaniyah.

According to Aref, WEO, the DCVW is just decoration and nothing else. The DCVW does not help women as it does not undertake thorough investigation. Aref, WEO, considered that the staff of DCVW is afraid of getting involved in tribal matters and conflicts. If convicted, it is most probable that the perpetrator is poor or unconnected.

When asked what assistance could be provided to women who have fled their perpetrators, Aref, WEO stated that no assistance whatsoever would be given to such women. Even though the law states that honour crimes are punishable there is no implementation of the law.

Aref, WEO considered that the Government is not taking the issue of honour crimes seriously. It was added the Government is ignoring the existence of most NGOs as they are working on a grass root level in contrast to KRG authorities.

7.1.2.4 Reporting and investigation of violence against women in Kurdistan Region of Iraq (KRI)

Judge Zuber explained that many cases [regarding honour crimes] are not being reported and that the main problem in this context is the societal attitude towards such crimes, and the society accepts it. There is a tribal mentality among many people in the rural areas. However, KRG authorities do not acknowledge tribal court decisions as legal judgments.

Regarding the handling of honour crimes by the police force, an international organisation (C) in Erbil informed that KRG in general handles honour crimes professionally. The police officer will take a complaint seriously.

Asked if the above mentioned professional handling of honour crimes apply to both rural and urban police stations, an international organisation (C) in Erbil informed that in remote rural areas, where a tribal mind prevails, a police officer may close the case as an accident. It was, however stressed that if the woman approached the police station in Erbil; she would be assisted and protected if

necessary. The case will be referred to the DCVW. Any woman in need of protection will receive protection. However, a woman needs the courage to go to the police and file her case. It was also mentioned that a woman's case would not always be filed at the police station when she came to report the crime. However, many cases are in process and some detainees are now awaiting their conviction. The number of cases that are presented to court have been increasing. However, so far only few perpetrators have been convicted for honour crimes, and even the ones convicted will usually be released after a few years, due to a general amnesty given by the President every two to three years.

It was stressed by the international organisation (C) in Erbil that the handling of a case regarding violence against women very much depended on the individual police officer, and that some of them did have a 'tribal mind' and did not agree with human rights in general.

An international organisation (F) in Erbil stated that the establishment of DCVW was a good initiative. Women were then able to submit files against her perpetrators. Today, any woman that is a victim of violence and who file a case against her perpetrator would be assisted and protected by the authorities, according to an international organisation (F). In mid-2007 the Prime Minister ordered the KRG police to take action against violence against women, irrespectively of whether a crime has been reported or the police only suspect that a crime has been committed.

The international organisation (F) in Erbil explained that many women in KRI that are victims of violence never file a case against their perpetrators in fear of reprisals from their own families. When asked if women have any reason to trust the police when they approach them for assistance in cases of violence, the international organisation (F) stated that it is unlikely that a low rank police officer would reject any woman assistance and not let her file a case. However, it can not be excluded that a superior police officer could stop a case for various reasons, for instance if he has relations to the victim's husband or family at large, or if the husband's family is influential in the community. On the other hand, the training the DCVW is providing to the police is directly aimed at compelling the police to take violence against women seriously. One can never exclude that individual police officer reject to take violence against women seriously, but the vast majority of KRG's police officers do. However, it is considered to be shameful to report to the police, even for men. Some might even think that going to the police could create problems for them.

Latif, ASUDA concurred that it is difficult for a woman to approach the police. There are reports revealing that women have been sexually assaulted by the police when reporting to a police station. However, it was emphasized that a woman who approaches the police in order to be assisted and protected against violence will be assisted and protected, and she will directly be admitted to a shelter. The courts are doing the outmost to secure women against violence, even in cases concerning adultery to ensure they are protected from being killed.

Aref, WEO rejected that the police has the will to assist and protect women against violence. In most cases the police would close down cases concerning violence against women considering that the issue is a private matter. The perpetrator can also bribe the police not to investigate the case. In reality, KRG police officers are not aware of the concept of human rights in general and women's rights in particular.

Latif, ASUDA added that adultery is forbidden according to the law. However, the police and judges will see to that even a woman that has committed adultery would be protected in a shelter if

this is needed. Should adultery [allegations] be brought before a court, one may expect that the woman would get a fair trial. It was added that not all judges will follow the law and bring justice to the woman.

Aref, WEO stated that according to the *Personal Status Law* adultery it is an offence that is punishable. In contrast to Latif, ASUDA, Aref, WEO stated that the DCVW is incapable of assisting women in adultery cases as DCVW does not understand the significance of such “crimes” committed by women. There are examples of women who were not provided with the assistance they needed.

When asked about the risk of revenge from husbands or relatives that have a case filed against them, Latif, ASUDA stated that the authorities would assist the parties to reconcile in most cases. It was added that the chances for a woman to be assisted by anyone is higher in the urban settings than in remote rural areas. It was added that it may occur that a police officer would contact a victim’s family and that this could be more likely in remote rural areas.

Latif, ASUDA explained that ASUDA has handled a total of 750 cases concerning violence against women since the NGO was established in 2002. It was added that ASUDA undertakes follow-up in such cases where women are returning to their families. Most women [victims of violence] prefer to return to their homes, children and families. In such cases the courts, the police and sometimes the NGO set up a contract or an agreement in which it is stated that the family and/or the husband of the woman make a promise not to violate the woman’s rights. Should the perpetrator be publicly employed he might even lose his job if he does not comply with the agreement. This agreement is signed by all parties involved and it is made in order to protect the woman and to make the perpetrators understand that they are kept under surveillance by the authorities. When asked if this always works out in a proper manner Latif, ASUDA explained that there are cases of violence and even killings of women in spite of such precautions, but they are not many. It was added that should a woman not wish to be reconciled with her husband and insist on processing the complaint, the police will continue the investigation.

An international organisation (F) in Erbil added that it had no reports of incidences where a woman in genuine danger has been refused assistance from the police. However, there are many cases in which the police have tried to reconcile the parties. This reconciliation takes place by issuing an accord that has to be signed by the parties involved and the accord is kept by the police. Typically the husband, father and/or brother will have to sign an accord promising not to violate the woman’s rights and not to expose her to any violence. When asked if this kind of reconciliation always works the international organisation (F) stated that there are some reports that women have been victims of violence and even killings [killed] in spite of the signed accord.

When asked if it had ever been necessary to resettle women abroad in order for her to be protected against violence from husbands or relatives, Latif, ASUDA stated that this has been the case for a total of twelve women in KRI since 2002. However, Latif, ASUDA considered this to be an undesirable solution as this could inspire some women not in need of protection to seek asylum abroad regardless. However, these 12 cases were well known cases in the victim’s communities.

When asked whether women that return are at risk of reprisals, Latif, ASUDA knew of two to three cases where a woman had been killed after return to KRI. These cases were reported in the media.

However, Latif, ASUDA did not have the details at hand of when and where the incidents took place.

PAO, Erbil considered that an essential problem regarding honour killings and crimes is the fact that these crimes mostly occur outside the domain of the police, and many cases are never reported. It is a problem that many women do not dare to face the problem and instead they might put themselves on fire. Self-burning is a common phenomenon. People, society and authorities need to be trained on women issues. Most women do not know their rights. Many women do not know about the existence of DCVW. However, those women that approach the police or the DCVW will be assisted properly. PAO, Erbil emphasized that this is the bottom line: any woman that seeks the assistance of the authorities in order to escape violence, including honour crimes will be assisted and protected by these authorities. It was added that the Nawa shelter is guarded and safe, but it does not have sufficient capacity. On the other hand PAO, Erbil confirmed that in order to address this problem the authorities have reserved specific protection facilities at detention centres for women in need of protection. These facilities are supplementing the Nawa shelter. PAO, Erbil added that, at present, the capacity of Nawa is adequate. However, some women are reluctant to stay in a shelter.

PAO, Erbil referred to one specific case of honour killing that took place in 2007 where a Yazidi girl was stoned to death by a large group belonging to her own clan. In spite of the Government trying to intervene and stop the process, they did not succeed. PAO, Erbil stated that this illustrates that even when the Government is trying to provide protection, it can still be difficult as long as the case is a tribal matter.

PAO, Erbil considered that women in KRI in general are still far from having their human rights protected. The two main [political] parties have institutions that take care of cases concerning violence against women in order not to have them reported to the DCVW. An influential man will have a good chance of preventing a case of honour killing to reach the court and in this way he might prevent justice to be fulfilled.

PAO, Erbil had no knowledge of corruption preventing the filing of an honour crime.

A Medical Doctor employed at an international organisation (G) in Erbil explained that if the body of a victim is brought to hospital, autopsy would be carried out and the case would be reported to the police. Consequently, many potential perpetrators are beginning to think twice before committing an honour crime or killing, partly due to the focus on these acts from the Government. However, honour crimes could still happen, although there may be a decrease [on the number of] incidents of honour killings and more reporting on the matter.

An international organisation (F) in Erbil considered that in case a victim of burning [victim of an honour crime] refuses to cooperate with the police and give evidence, the case will not be investigated. It was also explained that even medical doctors are afraid of giving evidence.

7.1.2.5 Shelters and assistance in Kurdistan Region of Iraq (KRI)

An international organisation (F) in Erbil stated that the governmental Nawa shelter for women is a safe place for victims of honour crime. The shelter is guarded by the police. However, a victim cannot be expected to stay in a shelter forever. When asked if the Nawa shelter could be regarded to be as safe as the shelter run by the NGO ASUDA in Sulaymaniyah, the international organisation

(F) stated that one cannot compare a governmental shelter with a shelter run by an NGO as a governmental shelter would be safer than an NGO shelter. There will simply be more police to protect a government-run shelter. It was added that the quality and the facilities provided at the two shelters would probably be the same, but the Nawa shelter has more capacity than ASUDA's shelter. Those women that can not be accommodated in a shelter will be accommodated in the women protection facilities established at the detention centre.

An international organisation (E) in Erbil confirmed that the Nawa shelter and the DCVW are assisting women in need of this. When the UNHCR funded Protection and Assistance Centres (PAC) deal with such cases they try to solve the problem through mediation in general. It is only when a woman is insisting to file a legal complaint that UNHCR PACs do so (after making her aware of all consequences); this is mainly due to the lack of the social/institutional protection available in KRI. The PAC clarifies the available options to the client (victim), advises on the way PAC thinks is best (mainly mediation). However, the final decision is left to the client.

When asked further about women shelters, the international organisation (E) in Erbil stated that women shelters are not 100% effective for several reasons, including lack of resources and/or lack of capability of physical protection. Even if there are guards, there is no secure guarantee for the women's security. Examples of security [breaches] and bribery attempts by the husband or perpetrator in order to get to the woman in question were mentioned. The international organisation (E) advised the delegation to consult ASUDA in order to get supplementary information about the protection measures at the Nawa shelter as well as at ASUDA's own shelter in Sulaymaniyah (see below).

When asked about the safety of ASUDA's shelter Latif, ASUDA explained that in May 2008 a woman was shot and wounded by a relative while she was sheltered there. Latif, ASUDA suspected that the perpetrator was employed by the *Asayish* and added that the shelter had received a threat letter from her father, brother and husband. The shelter was located on top of ASUDA's office building. As a consequence of this incident ASUDA set up a shelter on a secret location in Sulaymaniyah while keeping the shelter at the office reserved for less threatened women. At the time of the delegation's visit five women and girls were sheltered at this place. Currently there is a pregnant girl accommodated in the shelter and only her mother knows about this. Latif, ASUDA explained that the above mentioned attack probably was planned as the perpetrator might have been informed of the woman's stay at ASUDA by a police officer. However, investigation into the case did not go well and so far no one has been brought to justice for the attack. Since May 2008 ASUDA has not experienced any attacks on its shelter.

However, reporting on the above mentioned incident UNHCR claims that women can generally not find effective protection in shelters in KRI. The UNHCR *Eligibility Guidelines* states that "On 11 May 2008, a gunman shot and seriously injured a woman, whose husband had accused her of adultery, in the Asuda Women Centre [ASUDA] in Sulaymaniyah. This incident showed that despite security measures taken to protect the women, they may still be at risk of being targeted by infuriated family members even inside the shelter. For the reasons outlined, women at risk of "honour killings" can generally not find effective protection in the shelters available in the Kurdistan Region."¹⁹

¹⁹ UNHCR *Eligibility Guidelines*, April 2009, p. 159.

Latif, ASUDA informed that there are two to three police officers stationed at the shelter at the office and six police officers at the secret shelter. An additional police officer was posted by the police department after the incident to be on duty at each shelter during nighttimes. Latif, ASUDA questioned if this is enough, to protect the shelters properly. According to Latif, ASUDA the Prime Minister of KRG is often pointing out women's rights, but not enough is happening in this regard. ASUDA has requested additional security measures and protection but so far without success.

The DCVW informed that the Nawa shelter was established in Erbil in October 2007 under the Ministry of Labour and Social Affairs (MoLSA). Between 22 and 25 women can be accommodated at the shelter at any time, and there is no time limit for the stay. Some women have been living at the shelter since its establishment. Altogether 150 women have been accommodated at the shelter since 2007. The shelter capacity was considered to be sufficient, and presently 15 women are accommodated at the shelter. It was added that most cases were solved after a while and many women who were previously threatened are now living with their family or relatives.

When asked if a woman who has cut all family relations can live on her own, an international organisation (C) in Erbil explained that the UN had been involved in one case where a woman was transferred from Mosul to the Sulaymaniyah shelter in order to start a new life. The transfer was done in cooperation with the Government and an NGO. However, in general it is not easy for a young unmarried woman to live on her own. People will look down on her and she will not be respected by the society.

The international organisation (C) in Erbil explained that women who need protection will be referred to a shelter, amongst them the Nawa shelter. When in lack of capacity, women are referred to detention centres for protection. These detention centres have specific detention facilities for female victims of violence. The shelters will not hand over any woman to her family before her case has been processed.

Latif, ASUDA informed that a woman on arrival at ASUDA's shelter will fill in a document thus accepting the terms of services and conditions for her stay at ASUDA. The women also fill in a form where all particulars and details of her problem are documented in addition to actions taken by ASUDA to assist the woman, including getting in contact with her relatives, family members and the relevant authorities such as the police. During the women's stay at ASUDA they are all given a nickname, and their mobile phones and valuables are taken into custody by ASUDA. If a woman wishes to call someone while at the shelter she will have to use ASUDA's own landline phones.

The police as well as other authorities in KRI make referrals to ASUDA. In case it is considered by ASUDA, as well as by the woman that her problems could be solved rather easily, ASUDA will contact the family of the woman and try to reconcile the parties. However, in cases where it is considered that the woman in question is in severe trouble, she will be provided protection and further assistance by ASUDA.

Latif, ASUDA furthermore explained that there is a woman's shelter called Aram which is funded by PUK and run by an NGO called Women Union. However this shelter does not often accept women of Arab origin. In addition to the Aram shelter and ASUDA's shelter there are two other shelters for women in KRI. One is the Nawa shelter in Erbil run by the DCVW and the other one is a shelter called Women's Center, located in Dahuk. Latif, ASUDA regretted there is no coordinated policy between the shelters.

According to UNHCR *Eligibility Guidelines* UNHCR has been informed that “the Women Rehabilitation and Preparation Centre [in Dahuk Governorate], which is funded by MoLSA in Erbil and supervised by the Governor of Dahuk, lacks governmental and political support and the Governor has threatened to close it down. In addition, it suffers from a lack of sufficient funds.”²⁰

It was added by Latif, ASUDA that following the attack on ASUDA’s shelter in May 2008, the Government found that it would be necessary to establish a government-run shelter, but ASUDA does not agree with this proposal because it is not normal for women to approach the police. Latif, ASUDA did not consider that women have more confidence in the authorities than they had during the former Saddam Hussein regime. However, Latif, ASUDA did consider that the Government’s Nawa shelter in Erbil is more secure than ASUDA’s shelter in Sulaymaniyah and explained that it is a very demanding task for NGOs as well as the Government to run women shelters. It was added that the Nawa shelter enjoy a strong police protection.

When asked if the DCVW would be of any help to women in need of assistance and shelter Aref, WEO considered that many women do not seek assistance from the DCVW. Aref, WEO was of the opinion that the DCVW does not have a shelter that can protect women. The DCVW’s shelter Nawa is only providing accommodation to internally displaced women²¹ and it is not safe. Nawa is not protected and men can easily break into the shelter. Women in need of protection against potential perpetrators would have to be accommodated in ASUDA’s shelter in Sulaymaniyah. There is no shelter in Erbil that can provide protection. Aref, WEO added that Nawa is not managed by professionals and it is unable to assist women appropriately. The management has no strategy and experience with work with women in need of protection, and Aref, WEO considered the establishment of the DCVW to be propaganda for the media and window dressing. Kurdish men’s mentality is against women.

According to Aref, WEO, poor women without sufficient resources will find it very difficult to reach out for and receive assistance from anyone. On the other hand more prosperous and well-off women will find it much easier to get assisted if they are in need of this as they normally are more aware of their rights as women. In this connection Aref, WEO urged the KRG to provide more assistance to the ASUDA shelter in Sulaymaniyah. It is necessary to establish lodging centers for women who are under violence inside Erbil city to rehabilitate them and to supply them with social insurance.

An international organisation (C) in Erbil informed that the former Director of the Mali Khazed shelter in Erbil had been accused of abuse, and that the shelter after this had been closed. This happened three years ago. The shelter was run by the Ministry of Human Rights.

The international organisation (C) in Erbil informed that the NGO Public Aid Organization (PAO) is providing legal assistance to women, and there might be others providing this service. The international organisation (C) also informed that the KRG provides free legal assistance for women

²⁰ UNHCR *Eligibility Guidelines*, April 2009, p. 159.

²¹ It should be noted that the meeting with WEO, at the request of WEO, took place without the use of an interpreter. It is assumed by the delegation that WEO was referring to homeless and/or run-away women when “internally displaced women” were mentioned.

victim of violence. It was added that the Prime Minister of KRG is putting emphasis on the assistance to female victims of violence.

UNHCR *Eligibility Guidelines* states that “In the case of women at risk of “honour killings”, women shelters established by NGOs or the local authorities in the Kurdistan Region are not to be considered as providing effective protection to potential victims. While they offer physical protection, social, legal and psychological counselling to women at risk, they cannot generally offer any longer-term solutions to the women affected. In some cases, mediation efforts with the family may result in the woman being able to return home; for example, if a woman has a premarital relationship with an unmarried man, the two families may agree to have the couple get married. In other cases, where the family agrees to refrain from killing the woman, it is likely that her rights may be infringed in other ways. For example, in the case of rape, a woman may be obliged by her family to marry the perpetrator. In cases in which she had initially rejected a forced marriage by her family, she may have to agree to that marriage to avoid an “honour crime”. In cases of (alleged) adultery, the family’s decision to kill the woman in order to “cleanse” the family’s honour can generally not be changed through mediation, and the woman has no other option but to remain in the shelter with no prospects for her future. Women shelters and their employees are frequently subjected to various forms of threats and intimidation, because of their work and involvement in matters that are widely regarded as “family affairs”.²²

7.1.2.6 Exposure of victims via mobile phones in Kurdistan Region of Iraq (KRI)

Latif, ASUDA explained that mobile phones are being used to take pictures of illicit affairs. The pictures could be used to compromise a woman. A picture may be used to blackmail a woman to continue a relationship against her will. If she breaks up the man he can threaten to distribute pictures to prove their illicit affair.

There are quite many young girls and boys that have illicit relations. Young girls are ignorant about sex and the importance of virginity. It was added that if a virginity test is needed, the test must be approved by a judge. This is complicated process.

A concrete story was mentioned about a couple having an illicit affair. The man took an intimate picture of the two of them and distributed it through the mobile. Within six hours they were both killed. No one was charged. The reaction in their community was that they deserved to be killed.

DCVW confirmed that also men fall victims to honour crimes.

Aref, WEO informed that there are reported cases where girls or women have been killed by relatives and husbands only because they have been chatting with their boy friend or lover on the phone.

7.1.2.7 Public exposure of perpetrators in Kurdistan Region of Iraq (KRI)

The DCVW informed that it meets with the Prime Minister every four months. At the last meeting in November 2008 the Prime Minister decided that every man committing an honour killing would have his picture published in the newspapers.

²² UNHCR *Eligibility Guidelines*, April 2009, pp. 158-59.

Latif, ASUDA confirmed that since November 2008 altogether 10 perpetrators of honour killings have had their photos published in newspapers in Sulaymaniyah.

7.2 Forced and early marriages in Iraq

7.2.1 Forced and early marriages in South/Central Iraq (S/C Iraq)

An international organisation (A) in Amman explained that the organisation is not working within the field of forced marriages. However, it was explained that the issue of forced marriages is perceived differently in Iraq than in the Western World. Whilst the individual will is at the centre in a Western context, it is less important than the will of the family in Iraq. It was explained that instead of forced marriages one could rather speak of early marriages. Sometimes it is difficult to distinguish the two from each other.

There are many reasons why a girl marries at a young age. For example it could be for economic reasons. When a girl marries, she becomes the responsibility of the husband and his family. Another reason to marry her off at a young age might be because it is then easier to protect her reputation. The older she gets before marriage, the more difficult it is to keep her good reputation intact. The average age for marriage is between 16 and 20 years for girls, depending on location in Iraq and on the tribal culture one may be part of. The international organisation (A) in Amman further explained that early marriages depended on the individual family's socio-educational background. Early marriages are more common in rural areas and in low educated families than in cities and among more resourceful families. Families that value higher education for their daughters, often let the daughter finish school before she marries.

7.2.2 Forced and early marriages in Kurdistan Region of Iraq (KRI)

According to an international organisation (E) in Erbil early marriages are common in KRI. It was added that early marriage is mainly related to religious and social customs and that such marriages occurs in several parts of Iraq. The organisation reported of a case in Erbil in which a 16 year old girl escaped to a governmental shelter where she was protected. She was later assisted by the international organisation (E).

The DCVW noted that the majority of women in KRI are married by force.

According to Aref, WEO there is a decrease in forced marriages. Aref, WEO explained that in tribal conflicts the solution sometimes involve handing over one to three girls to marry someone of the opposing tribe. According to law, these women have the same right to divorce as any other married woman.

An international organisation (E) in Erbil explained that 'a woman for a woman marriage' is an agreement between two families [to exchange women]. It is more common in areas where tribal customs still prevail, such as in rural areas. Such marriages share the same fate, i.e. if one of the couples divorces, the other marriage has to dissolve as well. This phenomenon is known to occur in southern Iraq and in rural areas of KRI.

7.3 Living conditions for single women in South/Central Iraq (S/C Iraq)

An international organisation (B) in Erbil informed that a World Food Programme (WFP) Comprehensive Food Security and Vulnerability Analysis (CFSVA) published in late 2008 indicate that female headed households are among the most vulnerable groups in Iraq, not only in KRI.

These women have limited job opportunities due to limited skills. Moreover, most unskilled employment opportunities involve hard labour such as construction work which a majority of women are unable to do. In addition, women's network is very often less developed than men's.

An international organisation (A) in Amman explained that single, never married women will be regarded as 'prostitutes' [if they live by themselves]. However, it is very unlikely that a single woman who has never been married will live on her own.

7.3.1 Single women in South/Central Iraq (S/C Iraq)

The ICRC Iraq support delegation in Amman believed there to be between one and three million female headed households in Iraq and considered this group to be amongst the most vulnerable in the country.

According to the ICRC Iraq support delegation in Amman, it is difficult for widows to live on their own and these women are among the most vulnerable in the country. However, there is a significant number of widows in Iraq today, and some of them do live alone. They are facing rumours and are suspected to be sexually free. As long as there is no male relative to protect a woman, people will talk about her, and some will try to take advantage of her. A single woman, such as a widow, is also an easy prey for criminals.

The ICRC Iraq support delegation in Amman further explained that even though it is generally not accepted by the society to live alone, some women are forced to do so, due to the lack of alternatives. A single woman or widow with children may live close to other relatives and then considered to be under their wings. Some women, however, have lost all male relatives. They have no other choice than to live alone, or with other female relatives.

In 2008 the ICRC Iraq support delegation in Amman started a project focusing on women and war. Through this project the ICRC aim at obtaining a better assessment of the specific needs of women affected by the conflict in Iraq, within its general programme approach targeting all victims.

7.3.2 Assistance to single women in South/Central Iraq (S/C Iraq)

According to the two ICRC publications "Women in War", March 2009 and "Situation of Female Headed Households in Baghdad, ICRC Documents – EXTERNAL - 2008"²³ the Iraqi Government has two programmes from which women can apply for economic support; the first concerns compensation for having a spouse killed in terrorism, and the second concerns the widow's pension.

The ICRC Iraq support delegation in Amman has conducted an in-depth survey in Baghdad of 30 Iraqi widows. Most of these women had to leave their house for various reasons after the husband died. They either lived in an unstable security situation, were unable to afford the rent or unable to live alone. Therefore many of them moved closer to their family. Many of the women depend on their relatives who may or may not help. Since 2003 it has been possible for a widow to obtain financial compensation from the Government through the compensation programme for having a spouse killed in an act of terrorism. However, the in depth-study conducted by the ICRC showed that only 20% of the women eligible for compensation benefited from it. Many women did not submit an application, as they did not believe they would receive the money, or they did not know how and where to apply. Some women did not know that the programme existed. A family, who

²³ These two documents were handed over to the delegation by ICRC. It was stated that both documents were public.

has lost a family member due to an act of terrorism is entitled to a compensation of 2,000 US\$ as a lump sum. The survey showed, however, that the amount actually received varies quite a lot. Some widows received only half.

The social welfare pension given to widows is awarded on criteria of vulnerability. The ICRC Iraq support delegation in Amman explained that vulnerable widows are supposed to receive a pension from the MoLSA. The monthly allowances are between 50 and 130 US\$. This is not sufficient to cover the basic needs of a family in Iraq today, as the minimum estimated household expenses amounts to 250 US\$ per family a month.

In general, many widows do not receive pensions or other state support that they are entitled to. According to the ICRC Iraq support delegation in Amman, there are several reasons for that. First of all, not all women know about their rights. Secondly they don't bother to make the effort because it is time-consuming and difficult to get hold of the pensions. Many documents need to be handed in and not all of the women have these documents. Overall the process is very bureaucratic. A third impediment that was mentioned was that the MoLSA sometimes loses the files. This might be due to both incompetence and corruption. Lastly, the allocation of pensions is distributed per province according to the population figure from the census in 1997. If a Governorate has spent all the allocated pension funds, and there still are people who are waiting to receive pensions, they will not get it because the fund is empty. According to the mentioned survey only 10% of the widows received the pension. A recent Oxfam study²⁴ confirms that women do not receive optimal [entitled] economical support.

The ICRC Iraq support delegation in Amman explained that most women who live alone without male providers survive on charity. Charity is mostly provided by relatives, but also mosques and NGOs provide charity. In addition private persons provide charity according to *Zakat*, i.e. Islamic charity. This constitutes some sort of a safety net. However, poverty has increased overall and the funds available for charity have decreased in parallel.

When asked about the conditions for widows, UNICEF (ISCA) explained that assessment studies are being done on this topic by local NGOs. UNICEF (ISCA) explained that there is an existing Government programme to help widows. However, the problem is that it is very difficult to receive financial support through the programme. It is a demanding process with a lot of paperwork to be done and many documents to be presented. Such demands are often not possible for the women to adhere to.

UNICEF (ISCA) informed that the Government has a social protection programme called Social Safety Net, which is open for any vulnerable family to apply to. A local council receives the application from the family. The application is then sent to the MoLSA for assessment and which, if accepted into the programme, will be given an unknown amount of money.

UNICEF (ISCA) stated that the Government also has a special welfare programme for orphans and widows.

²⁴ OXFAM International, *In Her Own Words: Iraqi women talk about their greatest concerns and challenges, A Survey*, 2009.

According to *International Herald Tribune* (IHT)²⁵, the estimated number of widows in Iraq is 740,000. The number of widows has swelled during six years of war in Iraq and their presence on city streets begging for food or as potential recruits by insurgents has become a vexing symbol of the breakdown of Iraqi self-sufficiency. Women who lost their husbands had once been looked after by an extended support system of family, neighbours and mosques. But as the war has ground on, Government and social service organisations say that the women's needs now exceed available help, posing a threat to the stability of the country's tenuous social structures.

IHT reported that one of the few aid programs available to widows in Baghdad is the trailer park called Al Waffa, or "Park of the Grateful". The park houses 750 people. The trailer park, located in the Al Shaab district of Baghdad, opened in October 2008. Iraqi officials have acknowledged that little is likely to change soon. "We can't help everybody", a managing director in the Ministry of Labour and Social Affairs told IHT, and added "There are too many". Among Iraqi women aged 15 to 80, one in 11 are estimated to be widows, though officials admit that figure is hardly more than a guess, giving the continuing violence and the displacement of million of people.

IHT further reported that in large cities like Baghdad, the presence of war widows is difficult to ignore. Cloaked in black *abayas*²⁶, they wade through columns of cars idling at security checkpoints, asking for money or food. They wait outside mosques for free blankets, or sift through mounds of garbage. Some live with their children in parks or gas station restrooms.

Officials at social service agencies tell of widows coerced into "temporary marriages" to get financial help from Government, religious or tribal leaders, according to IHT. These relationships are sanctioned by Shiite tradition, often based on sex, which can last from an hour to years.

According to IHT other war widows have become prostitutes, and some have joined the insurgency in exchange for steady pay. The Iraqi military estimates that the number of widows who have become suicide bombers may be in the dozens. In the past several weeks, even as the Government has formed commissions to study the problem, it has initiated a campaign to arrest beggars and the homeless, including war widows.

IHT added that during the provincial election campaign, political rallies featured heart-rending songs of the suffering of widows. Those sentiments, though, have yet to translate into political action. Efforts to increase the Government stipend for widows – currently about 50 US\$ a month for widows and an additional 12 US\$ per child – have stalled. Still, only about 120,000 widows – roughly one in six – receive any state aid, according to Government figures. Widows and their advocates say that to receive benefits they must have either political connections or agree to temporary marriages with men who control the distribution of Government funds.

The latest plan, proposed by Mazin al-Shihan, director of the Baghdad Displacement Committee, a city agency, is to pay men to marry widows. When IHT asked why the money should not go directly to the women, Shihan laughed. "If we give the money to the widows they will spend it unwisely because they are uneducated, and they don't know about budgeting", he said. "But if we

²⁵ International Herald Tribune, *Widows bear brunt of Iraqi violence*, February 24, 2009, p. 6.

²⁶ A head to toe cover.

find her a husband, there will be a person in charge of her and her children, for the rest of their lives. This is according to our tradition and our laws”.

In addition IHT also reported that Abdulalah Alafar, who runs the Maryam Establishment for Children charity in Baghdad, said he had become so frustrated by the lack of Government support that he had begun to turn away war widows. He said he planned to close his organisation this month [February 2009].

7.4 Living conditions for single women in Kurdistan Region of Iraq (KRI)

An international organisation (E) in Erbil stated that female headed households find it difficult to sustain themselves. Approximately 40% of these households are in need of assistance.

Aref, WEO stated that widows are entitled to 43 US\$ [a month] from the Government. However, not all widows receive this money as they do not have connections to the authorities or because they are not in a position to bribe these.

Widows often remarry. A widow may have to leave her children with the father’s relatives as the new husband will not accept children that are not his own. Aref, WEO agreed that some of these children are abused by their relatives and some are forced to work out in the streets. High society women, on the other hand do not always remarry, but if they do, they will often keep their own household so that they can remain in control of their own children.

7.5 Single women returning to Iraq from abroad

Concerning female headed households and single women, IOM, Amman found it very hard to believe that there could be Iraqi women (or men) without any relatives in the country. IOM, Amman referred to a case from Denmark where a woman had stated that she had no relatives in Iraq and as such she would need to be accommodated when she returned to Iraq. However, soon after her return to Iraq the woman stated that she wished to live with her relatives and not in the accommodation provided for her. IOM, Amman emphasized that every Iraqi somehow has family ties in the country.

Concerning women who return from abroad and the risk of being killed for perceived Westernization, IOM, Amman stated that such a woman will not be killed upon arrival in Iraq. However, her situation very much depends on her actual family ties and state of affairs. IOM, Amman added that it is very hard to believe that there could be women without any family ties in Iraq. Everybody has a family in Iraq, according to IOM.

IOM, Amman stated that a woman who returns to Iraq after having spent some time in the West most probably has relatives remaining in Iraq, because everybody has a family in Iraq. IOM, Amman did not consider that a woman returning from the West risked being killed just because people considered her to have become westernized.

An international organisation (A) in Amman believed that a woman returning from Europe after having fled from her family, without their consent and for reasons that would stain her reputation (such as a love affair), could be at risk of being killed to save family honour. A woman cannot stay on her own if she is unmarried without risking her reputation. However, if the woman leaves for educational or job purposes with the consent of the family, it is widely acceptable.

7.5.1 Single women returning to Kurdistan Region of Iraq (KRI)

An international organisation (B) in Erbil explained that although the situation is significantly improving, social practices in the region limits the freedom of women to go outside their homes without permission from parents or other family members. When asked if a single woman that has been abroad for some time and eventually returns to KRI would be in difficulty upon arrival, the international organisation (B) in Erbil stated that this really depends upon the situation under which the unaccompanied woman left the family. The success of the woman abroad will contribute positively to her status and reception on return.

When asked if a single women returning from abroad would be able to find assistance, if required, from NGOs, in KRI, Aref, WEO stated that such women have approached WEO for assistance. However, Aref, WEO stated that it is difficult for WEO to provide assistance in order for such women to get a job and accommodation. On the other hand returning women from abroad would be safe in KRI unless they have anything at stake in the country. It was added that women without any income and housing will find it difficult to establish themselves. Aref, WEO emphasized that it is the specific circumstances that determine whether or not a returning woman would be safe upon return to KRI. In general Aref, WEO considered that a single woman would be safe in rural as well as urban areas in KRI unless she faces problems with relatives.

7.6 Islamization and women in Iraq

The societal attitude towards women's dress code in KRI is far more flexible than in S/C Iraq according to an international organisation (E) in Erbil. However, women that are IDPs or live in rural areas must conform to these local areas' dress codes and other social norms. When asked if women would feel compelled to conform to the dress codes in Mosul and Kirkuk the international organisation (E) assumed this to be the case. However, if the city neighbourhood in general tolerates non-Islamic dress codes then women can dress more freely. It is assumed that in the cities (in general and not necessarily only in Mosul and Kirkuk) the dress code is more liberal than in city outskirts. Muslim insurgent groups' presence in certain areas would lead to a strong appliance of Islam in the south as well as in the outskirts of Mosul and Kirkuk.

Aref, WEO explained that in general Christian women fare much better than Muslim women in KRI. However Yazidi and other marginalized minority women are generally worse off than Muslim women due to their communities' traditional hierarchy.

An international organisation (E) in Erbil stated that among the main problems facing women in S/C Iraq is the drastic changes in society, especially [Islamic] conservatism. Women are still victims of abduction, rape and other crimes.

When asked whether Islamization is still on the rise in Iraq, an international organisation (A) in Amman responded that a number of political parties have religious agendas but that the population seems to grow weary of this. It was added that it also depends on the security situation in a certain area. In locations where armed groups are active, women will adopt cautious behaviour, but in places where the security situation is under Government control, women have more of a free choice. It was furthermore added, however, that it is difficult to assess whether a forced Islamization process is taking place or not. It is probably easing up a little, especially in Baghdad.

An international organisation (B) in Amman confirmed that there had been a general Islamization of Iraqi society. The organisation pointed to women being forced to adhere to stricter rules on dress

codes and behaviour. This is still ongoing all over Iraq. Professional women have been known to stay home due to threats. There has also been a general tendency among political parties to adhere to Islamic values and portray their political agenda as very Islamic. The political parties have their own militias. Islamization was described as a top-down process. The fact that Islamic groups had filled the power vacuum in recent years served as part of the explanation for this Islamization of society.

The international organisation (B) in Amman also made a reference to the increased religious intolerance during the past years.

8 Orphanages and vulnerable children in Iraq

UNICEF (ISCA) informed that there are about 25 Government-run orphanages all over Iraq; recently UNICEF (ISCA) started receiving reports about illegal private-run orphanages. Private-run orphanages are funded through charity and the owners are mainly interested in earning money. UNICEF (ISCA) found that the private orphanages are the most problematic ones since they are substandard and are difficult to regulate.

When asked what kind of children lives in orphanages UNICEF (ISCA) informed that both orphans and children with parents unable to provide for them stay in orphanages. The Government-run orphanages offer basic services. The children go to school and there are recreational facilities. However, the main problem with orphanages is the lack of emotional care given to the children. The orphanages are normally not overcrowded. When asked if children picked from the streets during round ups by police are put in detention centres if orphanages are full, UNICEF (ISCA) replied that these children are only put in detention centres if and when the homes for the homeless are full.

UNICEF (ISCA) stated that they believe it is better for a child to stay in a family setting rather than in an institution, and assessments have also shown that it is less costly to support a whole family than to support a child in orphanage.

One obvious reason for a child being in an orphanage is poverty. UNICEF (ISCA) explained that many children stay there for a long time, since there is no exit strategy for these children.

For a child that has lost both parents, an international organisation (G) in Erbil stated that it is likely that the extended family will take care of him or her. However, if the adopting family is poor, it is possible that the child might be at risk of abuses, since the child becomes an extra burden on the family.

An international organisation (E) stated that it is only rarely that orphans are not being taken care of. For example, if the child's father had died, and the mother has no one to support her, the mother and the child could be embraced by the mother's family.

UNICEF (ISCA) explained that in Iraq there are many orphans that have been taken in by families as per traditional practice; this arrangement seems to work for children. It is important to understand how this system works and how it is protective of children and/or where it fails to protect some children.

An international organisation (G) in Erbil explained that in general poor communities perceive the Western world as heaven, a place with employment opportunities, housing and education. This may cause parents to send their children abroad to seek asylum, hoping that the child will be getting a better life. Even in more well off and educated families, the child may be sent abroad to seek asylum.

Concerning unaccompanied children UNICEF (ISCA) agreed that some children do travel alone. Their parents may not agree to this decision, but the young person wants to go abroad and stay with relatives in order to have better opportunities.

UNICEF (ISCA) believed that many of the 'unaccompanied' children who seek asylum do actually have guardians somewhere although some of them could be genuine orphans.

An international organisation (E) informed that there is an increase in the number of street children in areas where IDPs live. A main problem related to IDP children is the schooling issue where the language barrier is a problem along with the transportation cost that is considered to be expensive. Many of these problems are related to children of Arab origin.

UNICEF (ISCA) stated that girls' attendance to school is low in some areas. Survey results (WFP 2008 survey) show that the reasons for the low attendance for girls is that the school is too far from home, the cost related to schooling is too high, inadequate conditions of the school (lack of proper WESH facilities), only mixed schools available, culture barriers and domestic work. Girls have tendency to drop out earlier than the boys from primary education.

UNICEF (ISCA) warned that although the enrolment figures are high in some rural areas [...], reports from their implementing partners working in selected areas show that the actual attendance reaches only 20%. The group of children from rural areas, with low attendance are classified as the most vulnerable group. UNICEF (ISCA) further explained that in areas of unstable security, education becomes less of a priority to IDPs.

8.1 Registration of orphans in Iraq

When asked if the GoI has a central database where orphans are registered, UNICEF (ISCA) stated that the Government claims to have such a database; however UNICEF (ISCA) does not have access to it.

An international organisation (G) in Erbil confirmed that children are being registered by the individual orphanage; but found it unlikely that this registration is centralised.

UNICEF (ISCA) is supporting MoLSA to reunite children from orphanages with their parents or families. So far only a few children live in foster homes.

8.2 Orphanages in Kurdistan Region of Iraq (KRI)

An international organisation (G) in Erbil stated that there are orphanages in all three Northern Governorates. These orphanages are all governmental. The international organisation (G) supports and assists these orphanages through its cooperation with other international organisations and NGOs. It was added that an orphanage just recently opened in Erbil. This orphanage has good facilities and recreational activities, and the children are attending school outside the orphanage.

When asked what the main reasons are for children staying at an orphanage, the international organisation (G) explained that some children have lost both their parents, while others come from very poor families who are not able to keep their child for economic reasons. This implies that some parents send their child to an orphanage hoping that the child will be better provided for than when living with the parents.

Aref, WEO stated that the Government runs some orphanages in KRI. There is evidence of sexual abuse by guards and of some children being forced to take up work instead of attending school properly. According to Aref, the guards are violent and the orphanages lack well-trained staff with vocational training. Some orphans are sent to juvenile detention centres when the orphanages are full.

UNICEF (ISCA) stated that even though Arabic schools are supported by the KRG, the number of schools and classes of Arabic are still too low. However, this is due to the lack of Arabic speaking teachers.

8.3 Children in detention in Iraq

According to an international organisation (E) in Erbil there are reports about juveniles being detained by the ISF and MNF-I. Legally speaking, children between nine and 18 age years old are considered juvenile.

According to UNICEF (ISCA) about 300 children under the age of 18 are currently under detention in GoI facilities. In addition, there are 38 children held in American custody, a reduction from 900 at the beginning of 2008.

When asked if detention centres may be used as orphanages, an international organisation (G) in Erbil stated that it had no knowledge of this taking place.

9 Freedom of expression in Kurdistan Region of Iraq (KRI)

Concerning freedom of expression a human rights NGO in Erbil explained that two journalists were assassinated in Kirkuk last year. The journalists had each published an article concerning human trafficking and President Barzani's connections to Israel. The article on trafficking stated that the *Asayish* as well as the military [*Peshmerga*] had been involved in human trafficking. The two journalists were assassinated shortly after the publication of their articles in early 2008.

According to an international organisation (F) in Erbil many assaults against journalists in KRI are never reported to the UN. Even the Kurdistan Journalist Syndicate has reported higher numbers [than the UN] in a report covering the period from July-December 2008. In spite of this, an international organisation (F) informed that KRG Minister of Human Rights has stated that international reports on human rights violations in KRI are exaggerated.

The *Hawlati* journalists explained that *Hawlati* is an independent newspaper that was established in 2000. It was the first independent newspaper in KRI. The paper had a hard time surviving during the civil war, both financially and politically. At the time there was nothing in the constitution that protected public journalism. There was no press law. *Hawlati* was the only newspaper that was published in the two regions (Erbil and Sulaymaniyah) during the civil war.

The *Hawlati* journalists explained that in the beginning it was difficult to run an independent newspaper and added: "We had no experience after 30 years of the previous regime. During that time there was no local newspapers, only those connected to the *Ba'ath* party. Therefore it was difficult for us to penetrate to the public at first and convince people of our independence. Through our work, we have proven that we are really independent".

The *Hawlati* journalists considered the *Hawlati* newspaper as brave. The journalists said that they have to take into account that anything may happen to them as journalists, and added that "the problems in our society are bigger than what we have told you until now. We only report on things that have been said as a way to publicly avoid problems".

The *Hawlati* journalists informed that newspaper was just in the middle of a court case. President Talibani has filed a lawsuit against *Hawlati*. The reason for this law suit is that the newspaper published an article informing about President Talibani's and President Barzani's private fortunes. This news was just a translation from an American article that had been printed in an American newspaper. It informed that President Talibani had US\$ 400 million and President Barzani had two billion US\$ on private accounts.

On March 15, 2009 the Judge ordered a verdict against *Hawlati* newspaper and the former Chief Editor with a total fine of approximately US\$ 12,000 (13 million Iraqi Dinars). The judge considered the article as defamation. *Hawlati* is of the belief that courts are not independent and are under the influence of the ruling parties. The day the verdict fell the court retained the former editor until the newspaper paid three million Iraqi Dinars. If the newspaper did not pay the amount, the former editor would have been imprisoned for two years. However the current editor will apply to an appeal court to avoid paying the rest of the amount. Furthermore, the editor and his journalists think this kind of law is another way to boycott freedom of press". In total the *Hawlati* newspaper has faced four or five lawsuits. It has received two verdicts. Two journalists have received six months sentences – but conditional, not obliged to spend time in prison.

In the case against President Talibani, the *Hawlati* editor in chief and his staff fear that the judge handling the case is not brave enough to give them a fair ruling. The newspaper expects the case will end with a fine.

When asked where the ‘red lines’ go for what a newspaper can and cannot print, the *Hawlati* journalists responded that there is in particular two issues one cannot report on. The first ‘red line’ is personal information about the ruling political elite. In KRI that means the Talibani and Barzani families. The *Hawlati* Journalists stated: “one cannot print anything negatively about them – not even regarding their personal background”. The *Hawlati* journalists did not however, regard all issues connected to the ruling political elite as personal. The *Hawlati* journalists were of the opinion that Talibani’s and Barzani’s personal fortunes and their activities are not entirely private affairs but rather of public interest.

The ‘second red line’ is related to very sensitive religious issues regarding the Prophet Mohammed. One cannot say anything critical of him [the Prophet], because neither the society nor the KRG would tolerate that.

However, the *Hawlati* journalists added that there are other religious issues they can write about. For example, *Hawlati* has published articles campaigning against FGM, polygamy and honour crimes. The journalists do not consider these issues to be too sensitive to address, and explained that “these are red lines that we have passed already”.

The *Hawlati* newspaper is a biweekly paper that publishes between 11,000 and 12,000 copies per issue. The paper does not get any financial support from any party. In KRI there are about 15 to 20 local newspapers which all depend on a political party or a private person. These papers get advertisements from the companies that belong to these parties or persons. These papers are also in a position to pay their journalists better compared to what *Hawlati* can afford. In this way *Hawlati* is squeezed. The educational level is in general very low in KRI, which makes it difficult for people to really be aware of the connection between a newspaper and its owner. This means that many people do not think about [the fact] that the paper they read has a political colour and therefore have vested interests in putting a certain angle on a news story.

When asked what may happen to the journalists or the editor if they cross any of the two stated ‘red lines’, the *Hawlati* journalists explained that gunmen have on one occasion come to their office and threatened them. These gunmen were allegedly *Peshmerga* soldiers. Also it happens that the journalists receive face-to-face threats and threats on their mobile phones through text messages saying they will be killed if they publish such a story again. The *Hawlati* journalists informed that there is no law protecting them from such threats.

The *Hawlati* paper has been through approximately 50 legal issues. Most of them have ended with a fine, or they have been obliged to publish a letter of apology for what they had written. As mentioned above, only two *Hawlati* journalists have received conditional sentences – both for six months. One journalist had a lawsuit filed against him because he had written a story stating that the previous Prime Minister Omar Fattah had not paid his phone bill.

Some of the cases the *Hawlati* paper is involved in ended in reconciliation. The two parties reach an agreement. To avoid cases we have to find a fine balance on what to report and what not to report, the journalists stated.

The *Hawlati* journalists also mentioned an incident where a journalist was beaten after having taken pictures of a bombing incident. His camera was taken away from him. It was added that two journalists have been arrested for calling some rich men in power for ‘*Faraos of Egypt*’ and released after two or three days.

The *Hawlati* journalists stressed that the ‘red lines’ in Iraq are different from Denmark and Norway. “There is no transparency in Iraq, KRI included. We do not know where President Talabani gets his money from, and we do not know the size of KRG’s budget”, the *Hawlati* journalists concluded.

10 Political opposition in Kurdistan Region of Iraq (KRI)

An international organisation (F) in Erbil explained that there are four political opposition parties in the Kurdish National Assembly: Kurdistan Islamic Union (KIU), Kurdistan Toilers Party (KTP), Kurdistan Socialist Party and Komala. In 2008 these four parties submitted a report of recommendations to the KDP/PUK about reforms. These recommendations were totally rejected.

There is no real opposition to the Government, and the Toilers Party and the Socialist party have received a letter from the Government that they should not align with the Islamist parties in the forthcoming elections. This was considered to be a normal reminder for the two mentioned parties, but now they will take part in the forthcoming election as one coalition with one list. The KIU is very powerful in Dahuk and the second [most] popular party in the Governorate. In Sulaymaniyah, Erbil and Halabja the KIU is not very powerful but still has a noticeable popularity.

Permission from the Ministry of Interior is needed to organise political demonstrations. In many cases the permission will not be given in time. The international organisation (F) in Erbil explained that according to a draft law in Parliament three participants in any demonstration are to forward their personal details to the Minister of Interior and they will be held personally responsible for any irregularities and unrest resulting from anyone in the demonstration. In reality the KDP and PUK are against any activities organised by others.

It was added that a KIU student organisation was refused to hold a demonstration at the Sulaymaniyah University a few months ago. In another case the head of the Information Department in KIU's branch in Zakho District (near the border to Turkey) was arrested by the *Asayish* because the party wanted to establish a TV station in Zakho.

The international organisation (F) in Erbil explained that private Islamic schools are illegal in KRI. People have been arrested for establishing such schools in accordance with instructions from the Ministry of Al Awqaf (Religious Affairs).

When asked to identify the political opposition in KRI, the editor of *Hawlati* mentioned two types of opposition:

- The internal opposition within the two major [political] parties KDP and PUK.
- Opposition to the regime – outside the [political] parties.

Regarding the internal opposition within the political parties KDP and PUK, the *Hawlati* journalists explained that recently four members of the Politbureau in the PUK resigned in protest. They did not leave the party, but they resigned from the Politbureau because they felt that its power was too much in the hands of President Talibani. According to the *Hawlati* journalists it is not easy for these four members to leave the party so they take precautions in doing so.

According to the journalists the parties control everything in the Kurdish provinces, and the journalists appreciate that there is some internal opposition as this might help the system to slowly change. They think it is positive that party-members object to Talibani's authoritarian leadership in the PUK.

The *Hawlati* newspaper is very careful in the way they report on the internal rift within the KDP and PUK in order to maintain neutral.

To show how corrupted the Government is, *Hawlati* published an article on 8 March 2009 that informed that the PUK every month take more than 30 million US\$ monthly out of the Sulaymaniyah Governorate's budget. The money is allegedly spent on their own puppet organisations in order to control them. The journalists mean that this sort of payment was a way to buy loyalty, in other words corruption.

This spending has been possible because there is no transparency in the system. No one knows the size of the Governorate's budget. The lack of transparency is what *Hawlati* try to shed light on.

According to the *Hawlati* journalists, PUK do not care if this information is published in a newspaper or not. Further, the four Politbureau members are not afraid to have this published either. They can feel relatively safe as they have a lot of information on others in the party system that they could reveal if someone should decide to make problems for them. The more internal problems there are within PUK, the more will eventually be revealed as long as there is internal division.

When asked why people do not react more strongly to such a story of corruption, the editor said that the parties know Kurdish people's psychology. People mainly fear outside powers like Turkey and Iran and GoI. Therefore they let KRG be – they do not react so strongly as long as it gives people protection. Besides, a lot of people benefit from PUK's distribution of money to organisations and loyal groups. It was added that it is still difficult to report on political demonstrations.

Political opposition parties can only organize a political demonstration after receiving a permission to do so. To apply, the party needs to be registered as a party. The Communist party is not registered. It has applied to be registered as a political party, but has not succeeded. A member of the Communist party is not arrested merely for being a member, but they have been arrested under demonstrations.

11 Kurdistan Workers Party (PKK) dissidents in Kurdistan Region of Iraq (KRI)

When asked whether there are any PKK dissidents in KRI, the *Hawlati* journalists said that they did not think so. It was added that Kurdish journalists are not allowed to go to the Qandil Mountains where PKK members have sought refuge.

The *Hawlati* journalists did not think that ordinary PKK supporters were in high risk of being arrested in KRI unless they were active members. It could of course happen, but is not very likely.

12 Kidnappings in Iraq

An international organisation (A) in Amman stated that kidnappings and other violations still occur in mixed areas. Kidnappings seem to be both for money and for political reasons. However, the reasons can be difficult to separate.

SSI, Amman confirmed that kidnappings still take place [in Iraq]. The reason can be either money or political, religious or ethnic affiliation. If the reason is one of the latter there is usually not a demand for ransom, but the victim will rather be tortured or killed. It was added that people do not trust the police.

Returnees from Europe are self-illuminating targets for kidnappers. The reason being, that they are perceived to have money. SSI, Amman explained that after having lived in Europe for a while people walked, talked and dressed differently. They are targeted because they are perceived to have money and are easy to spot. The returnees are also considered easy targets since they usually enjoy very little support from tribes or the receiving community in general.

Kidnappings still go on according to an international organisation (B) in Amman. Often victims of kidnappings are not even sure of whom the perpetrators actually are. Victims are mainly minorities; Sunnis, Christians and Sabean-Mandeans. However, the number of Iraqi refugees in Jordan, claiming to have been victims of kidnappings, is going down. Those claiming to have been victims of kidnapping are being thoroughly interviewed by an international organisation in Amman, and this organisation confirmed that many of the alleged kidnappings [claimed by asylum seekers] are false.

12.1 Kidnappings of women

An international organisation (A) in Amman informed that kidnappings of women are still taking place in Iraq. The reasons for the kidnappings vary. Some may be politically motivated while others can be pure criminal acts. For whatever reason a girl or a woman is kidnapped, her reputation is most likely to be ruined after such a crime. Everyone will think that she has been raped and that will ruin her reputation and make her an outcast. Very few families would like to report a kidnapping of a woman for that reason. It is also unlikely that the victim reports that she has been raped, as [public knowledge of her] having been raped will damage her reputation and probably increase the chance of her getting killed by a family member. The only way to save her reputation is that no one knows of the kidnapping and that she marries as soon as possible. It may also happen that a kidnapping of a girl or a woman can be a means of settling personal scores with another family. Targeting women might also be a symbolic act meant to install fear in the community/family.

It was added that the disputed areas tend to be the area of Iraq where the risk of a woman being kidnapped is the highest, because of the presence of armed groups, political tensions and the lack of law and order. The international organisation (A) in Amman stressed that in general the problem of kidnappings is highly underreported all over Iraq due to the shame connected with it.

13 Forced recruitment into militias and suicide actions in Iraq

Concerning forced recruitment to terrorists or insurgent [groups] an international organisation (E) in Erbil stated that this does not occur in KRI. However, forced recruitment is assumed to happen in insecure areas of Iraq.

IOM, Amman had not heard of forced recruitment into armed groups and suicide attacks, and considered that there are plenty of voluntary recruits that are willing to be recruited.

An international organisation (B) in Amman knew of a few cases of forced recruitment to militias and insurgent groups. The organisation informed that Shias had also been victims of forced recruitment. Concerning forced recruitment of children the international organisation (B) in Amman referred to the 2008 report of the Special Rapporteur. It was added that the organisation does not know of cases where persons had been forcibly recruited to suicide missions.

When asked if there is any forced recruitment into terror or insurgent groups, an international organisation (A) in Erbil said “no, not in KRI nor in the disputed areas or in Iraq at large”. However, it was pointed out that forced recruitment did take place during 2004-2005. But, it was added, that it happens that militias force people to report on the Americans or others.

An international organisation (E) in Erbil explained that IDP women could be subject to recruitment by armed groups due to lack of employment. The international organisation (E) had received such reports from some areas from S/C Iraq. It was added that some children are reported to undertake some “services” for armed groups, which could be exploitation and this is happening in insecure areas, e.g. Baghdad.

According to Argoshy, forced recruitment does not exist in KRI any more. Argoshy mentioned, however, that forced recruitment definitely takes place in the disputed areas. Members of insurgent groups are arrested in KRI, and people involved in planning terror actions will according to Argoshy be arrested “within two weeks”.

14 Homosexuals in Iraq

A Medical Doctor employed at an international organisation (G) in Erbil explained that harassment of homosexuals does take place in KRI. It was added, however, that homosexuals are not discriminated against in public life. Homosexual relationships are mostly hidden and as long as it is kept a secret and out of the public sphere, the community will not interfere. It was emphasised that a homosexual would not be killed just because he is a homosexual. However, the family will do its utmost to hide that a member of its family is a homosexual. The Medical Doctor added that lesbianism is completely hidden.

IOM, Amman stated that homosexuality is a taboo in all of Iraq and that there is no information on the conditions in which homosexuals live. Homosexuality is a very personal and sensitive issue and it is a cultural dilemma. What people do in their homes is considered as a private matter. IOM, Amman emphasized that it is a Western idea to “come out of the closet”, i.e. you just do not display your homosexuality publicly in Iraq, and IOM, Amman added that this goes for any other Islamic country.

An international organisation (B) in Erbil concurred that homosexuality is considered to be shameful in KRI and that life is difficult for a homosexual.

The *Hawlati* journalists informed that although homosexuality is illegal by law, homosexuals will not be prosecuted unless they are known to be homosexually active.

According to the *Hawlati* journalists, harassment of homosexuals does happen. Most likely homosexuals will be avoided by other people because homosexuality is regarded as highly immoral in the society.

The *Hawlati* journalists mentioned that a [medical] doctor who had written an article on homosexuality was imprisoned for six months for ‘immoral behaviour’. AI reports that the doctor was jailed for six months and fined by a court in Erbil on 24 November 2008. He was charged under Article 403 of the Iraqi Penal Code, which concerns publication of material deemed immoral. The doctor was released following local and international protest.²⁷

²⁷ Amnesty International, MDE 14/006/2009, April 2009, p. 45.

15 Former *Ba'ath* party members in Iraq

Asked about the implementation of the Justice and Accountability Law ('de-Ba'athification law') an international organisation (B) in Amman answered that this had not yet been implemented. The law is still being debated in [the Iraqi] Parliament. A council of seven Director Generals from various ministries has been established to present recommendations on the implementation of the law. Since corruption is rampant the international organisation (B) in Amman assumed that some former *Ba'ath* party members had been able to return to their positions, but that the majority has not.

Regarding the situation for former *Ba'ath* party members, IOM, Amman stated that almost everyone in Iraq used to be a member of this party in order to advance in their careers or just to get a job. Most of the more prominent members of the party have left Iraq a long time ago, and IOM considered that whether or not a person has been a member of the party is not really relevant anymore. This is not an issue today as time has passed by. However, if there are specific issues related to a *Ba'ath* party case one must take this into consideration when deciding if a certain member is at risk of persecution or not. Sometimes prior *Ba'ath* party membership is abused in settling private scores.

An international organisation (B) in Amman suggested that relatives of former *Ba'ath* party members had been forced to join militias to prove their loyalty to the Shias.

The chairman of a local NGO in Erbil informed that under the Saddam Hussein regime a Yazidi could not exceed the *firqa* level in the *Ba'ath* party, i.e. the lowest senior level.

16 Health care and medical treatment in Iraq

ICRC Erbil sub-delegation informed that GoI as well as KRG have shown interest in delivering a high standard of health care. In 2009 the ICRC developed its level of partnership with the Iraqi Health Authorities in favour of the transfer of expertise in the field of emergency health care. A training programme addressed to emergency health care specialists throughout Iraq is about to be launched, where ICRC will train 500 staff (1/3 doctors and 2/3 nurses) over the next two years. The training will take place in two Ministry of Health emergency hospitals, one in Sulaymaniyah in KRI and one in Najaf in South Iraq. In 2008, ICRC assisted 77 hospitals and 26 Primary Health Care Centres with medical and surgical supplies throughout Iraq. ICRC assists hospitals in urban areas and Primary Health Care Centres in rural areas.

According to ICRC Erbil sub-delegation, specialized care exists in main urban centres, which the population cannot always access easily for economic and/or security reasons (e.g. in disputed areas). In the disputed areas, ICRC coordinates assistance activities with both KRG and GoI to implement the projects.

IOM, Amman referred to its Medical Evacuation Programme (MEP). MEP is supporting Iraqi patients who cannot be treated inside Iraq. MEP covers Baghdad in particular, but also other parts of the country. IOM, Amman added that the organisation can assist foreign countries on these issues [i.e. questions regarding medical treatment in Iraq].

A Medical Doctor employed at an international organisation (G) in Erbil explained that there is a quality control lab located in Baghdad, which means that all officially imported medicine is supposed to go through the lab in Baghdad. The hospitals will always be able to get the medicine they need as the medicine is being supplied by the [Iraqi] Ministry of Health.

According to the Doctor every person who has a chronic disease is provided with a booklet, issued by a specialist at a hospital, to receive medicine. These booklets have been present in the Iraqi healthcare system for a long time. It was added that any person with a chronic disease can consult a specialist in a consultation clinic in a governmental hospital for free. The patient will only pay a small amount for an entry ticket to the consultation clinic.

16.1 Health care and medical treatment in Kurdistan Region of Iraq (KRI)

A Medical Doctor employed at an international organisation (G) in Erbil explained that in general each northern Governorate accommodates four hospitals, i.e. two general, one paediatric and one maternal hospital. In addition there are also district-level hospitals in each Governorate. Furthermore, there are also primary health care centres, including maternal health care centres scattered throughout KRI. Most of the primary health care centres are run by medical doctors, the rest are run by paramedical staff.

The Doctor stated that a major problem is that public hospitals in KRI are overcrowded. However, everyone can receive treatment, though sometimes one may have to await treatment for a certain time. The quality of the public hospitals varies. It was added that the health care system in KRI is likely to be heading towards more privatization, and for this to happen an insurance-based system has to be established.

The Doctor added that a second central problem is insufficient medicine supply in general and low quality of medicine. Most of the medicines available in the local market have not undergone quality

control testing. Due to the embargo that was put on medicine during the Saddam's regime, smugglers started to buy medicine of a poor quality from small unauthorized suppliers and producers. Medicine is continuously being brought into KRI and there is no quality control on the medicine being sold by the pharmacies. Much of the medicines available in private pharmacies have a nice wrapping but it could be of a very low quality. And good quality medicine may have a very poor wrapping. In addition one cannot trust that the prescribed medication is correct as the medicine might have been diluted or it is simply of a poor quality. On the other hand, it was emphasized that correct storage of medicine is no longer a problem neither for pharmacies nor hospitals. It was added that recently, international pharmaceutical companies have entered KRI market (for example MEPHA, Pfizer and Bayer). These products are of a better quality, but three to four times more expensive.

PAO, Erbil agreed that two major problems related to health care in KRI are the poor quality of medicine and overcrowding, and PAO, Erbil explained that there is no systematic quality control. All medicine is provided through the Ministry of Health. 17% of the imported medicine in Iraq ends up in KRI. PAO, Erbil added that since this does not cover all needs, there is corruption connected to the importation of medicine. Illegal importers are either very close to one of the two major political parties or they may be member of one of these parties. There is a problem of corruption in the Ministry of Health. Employees at the Ministry are suspected to take bribes from medical companies. It was added that the medicine which is properly imported comes through Baghdad. The main problem with the legally imported medicine is that it is beyond or close to its expiry date when it arrives to KRI.

According to PAO, Erbil another major problem is that there is no awareness of health issues in KRI. The health system is very old and does not match the current needs. There are many private hospitals, but there is a lack of specialized doctors. In the public hospitals it is difficult to get specialist care. These recommend patients to go to the private hospitals, where the same doctors work in the afternoons. In this way, the private hospitals earn more money. It was added that well off people would rather go abroad for treatment.

A Medical Doctor employed at an international organisation (G) in Erbil stated that medicine for diabetes patients is available for free. Most diabetes patients will however, buy the medicine on the local market to avoid the long queues at the hospitals. On the other hand many patients consult private clinics where medicine is available and still cheap. Such consultations are also inexpensive, a visit to a private clinic costs approximately 10 US\$. Private clinics flourish and being diagnosed with diabetes in KRI is generally not a problem. Medical treatment for chronic illnesses such as hypertension, asthma and peptic ulcer are generally also available.

The Doctor stated that there is no specific cancer hospital in KRI but there are centres for treatment of cancer in the general public hospitals. There is, however, one small hospital for leukaemia and other blood related diseases. There is a hospital for cancer treatment in Baghdad. However, it is of the same standard as it used to be during the sanctioned regime. A good number of specialists from Baghdad have migrated to KRI or to outside Iraq for security reasons.

The Doctor explained that the following hospital equipment, among others, are available for use and treatment in KRI: CT scan, MRI, mammography, ultrasound machines and conventional x-ray machines. Blood tests are also available. A new private laboratory and imaging facility named Media Diagnostic Centre has recently opened in Erbil. The centre is under the supervision of a

professor who previously taught in the USA. This diagnostic centre is relatively more expensive than the other private centres but it is better equipped and more developed.

It was added that surgery is relatively cheap in private hospitals, and free in the public hospitals. Most private hospitals conduct surgery, and a patient is entitled to choose his or her own surgeon. The surgeons are fairly well qualified. Special surgeries at private hospitals might be rather expensive for ordinary people. Some doctors who work at private hospitals are Government employees who also work in public hospitals during the morning hours.

The Doctor explained that schizophrenia can be diagnosed and treated. Treatment of mental illnesses is, on the other hand, rather difficult since it bears stigma. It was believed however that society is slowly starting to accept mental illness as a disease, and more such cases are now treated than before. However, there is a need for additional psychologists in KRI. There is only one mental hospital in KRI, though many hospitals have psychiatric wards in which a person can be hospitalised and medicated free of charge.

The Doctor summed up, that the main challenges for the health care system in KRI are overcrowded hospitals and the low quality of medicine.

The Governor of Sulaymaniyah explained that the health services are a major challenging issue for the Sulaymaniyah Governorate. “We do not have a problem with building new hospitals. Even in the districts we have opened new clinics. The main problem is medicine. We have new technology and equipment, but there is a lack of medicine. We have to buy medicine through the central Government [GoI], and importation of medicine has to go through tenders. By the time we receive the medicine at our hospitals and clinics, the medicine’s expiring dates are near – or the date has already expired”. The Governor added that the Ministry of Health had to throw away a lot of medicine because the medicine was too old. To illustrate the problem of the poor quality of medicine, the Governor explained that in cases of inflammation, the person would need to take four paracetamols [tablets], instead of one.

16.2 Health care and medical treatment in South/Central Iraq (S/C Iraq)

UNICEF (ISCA) stated that due to the current economic situation, basic health care services may suffer as the Iraqi Government may have to cut in the over all budget which is likely to affect the budget for essential services. Therefore UNICEF (ISCA) was of the opinion that a shortfall in essential services is likely to be seen in the near future.

UNICEF (ISCA) stated that although the Government spends a lot of money on building new hospitals, and on buying new equipment, it has neglected the maintenance. It was added that there is a lack of educated staff capable of using the machines and due to a lack of nurses the hospital is insufficient. However the Government is providing resources for chronic ill patients.

16.3 HIV/AIDS treatment in Iraq

A Medical Doctor employed at an international organisation (G) in Erbil stated that HIV can be diagnosed in KRI. All blood at hospitals blood banks are tested for HIV before being used. However, the Doctor had never seen a case of HIV/AIDS in KRI and added that the disease can bear a severe stigma. On the other hand the Doctor believed that there could be a few cases of HIV/AIDS in KRI.

According to UNICEF (ISCA) HIV prevalence in Iraq continues to be low. However, this may change because of rapid social change, erosion of social norms and values, along with increasing economic hardship. Increasing numbers of young people who are not completing their secondary schooling and are confronted by sectarian violence and continuing insecurity may also compound the issue. Liberalized trade relations and the opening of borders may draw Iraq into the global circuits of drug trafficking. With jobs in short supply, weakening family ties, and parents struggling to cope with the new situation of insecurity and hardship, young people have to explore new ways – and for far too many young people this may involve experimenting with sex, drugs and (regular or occasional) sex work putting them at risk. Available data is sketchy and there is a need for better projections for HIV/AIDS.

Abbreviations

AI – Amnesty International

AQI – Al Qaeda Iraq

CCS – Chaldean Culture Society

DCVW – Directorate for Combating Violence against Women

DDM – Department of Displacement and Migration

DIS – Danish Immigration Service

DRC – Danish Refugee Council

EU – European Union

FGM – Female Genital Mutilation

GoI – Government of Iraq

HRW – Human Rights Watch

ICRC – International Committee of the Red Cross

IDP – Internally Displaced Person

IFA – Internal Flight Alternative

IHT – International Herald Tribune

INGO – International Non-Governmental Organisation

ISF – Iraqi Security Forces

KDP – Kurdistan Democratic Party

KIU – Kurdistan Islamic Union

KRG – Kurdish Regional Government

KRI – Kurdistan Region of Iraq

KTP – Kurdistan Toilers Party

MHR – Ministry of Human Rights

MNF-I – Multi-National Forces in Iraq

MoLSA – Ministry of Labour and Social Affairs

NDI – National Democratic Institute

NGO – Non-Governmental Organisation

NPA – Norwegian People's Aid

PAO – Public Aid Organization

PKK – Kurdistan Workers Party

PUK – Patriotic Union of Kurdistan

S/C Iraq – South/Central Iraq

SSI – (United Nation) Security Section Iraq

UAE – United Arab Emirates

UK – United Kingdom

UN – United Nations

UNAMI – United Nations Assistance Mission for Iraq

UNHCR – United Nations High Commissioner for Refugees

UNICEF ISCA – United Nations Children’s Fund, Iraq Support Centre in Amman

US – United States

USAID – United States Agency for International Development

WEO – Women Empowerment Organisation

Consulted sources

A human rights NGO, Erbil.

A Medical Doctor employed at an international organisation (G), Erbil.

A chairman of a local NGO, Erbil.

Ali, Nazim Ahmed, Board of Trustees, Public Aid Organization (PAO), Erbil.

An international organisation (A), Amman.

An international organisation (B), Amman.

An international organisation (A), Erbil.

An international organisation (B), Erbil.

An international organisation (C), Erbil.

An international organisation (D), Erbil.

An international organisation (E), Erbil.

An international organisation (F), Erbil.

An international organisation (G), Erbil.

Aref, Susan, Director, Women Empowerment Organization (WEO), Erbil.

Argoshy, Izmat, General Director, KRG security forces (*Asayish*), Erbil.

Aziz, Abdul Mohammed, Consultant, UNHCR, Iraq Operation, Amman.

Delic, Amer, Associate Resettlement Officer, UNHCR, Branch Office Jordan, Amman.

Fakhry, Flamina W., Sec. Lieutenant, Directorate for Combating Violence against Women (DCVW), Erbil.

Hogg, Madalena, Refugee Status Determination Officer, UNHCR, Branch Office Jordan, Amman.

Ibrahim, Fakhir, Protection Assistance Center Manager, Public Aid Organization (PAO), Erbil.

International Committee of the Red Cross (ICRC), Erbil sub-delegation, Erbil.

International Committee of the Red Cross (ICRC), Iraq support delegation in Amman, Amman.

International Organization for Migration (IOM), Amman.

Ismail, Kahin, Protection Officer, UNHCR, Iraq Operation, Amman.

Jamal, Kajaw, Deputy Editor, Hawlati newspaper, Sulaymaniyah.

Kaiwan, M., Responsible for KRG checkpoints, Agency of Kurdistan Protection [and] Security, Ministry of Interior, Erbil.

Latif, Khanim R., Director, ASUDA for Combating Violence against Women, Sulaymaniyah.

Majed, Dana Ahmed, Governor of Sulaymaniyah, Sulaymaniyah.

Maruf, Zhelamo Abdulqadir, Captain, Directorate for Combating Violence against Women (DCVW), Erbil.

Muhammed, Safeen Admin, Hawlati newspaper, Sulaymaniyah.

Pattholla, Naghada Khairlla, Sergeant, Directorate for Combating Violence against Women (DCVW), Erbil.

Rafiq, Ari, Manager/Social Researcher, Directorate for Combating Violence against Women (DCVW), Erbil.

Ranawat- Ricciarelli, Giulia, Senior Protection Officer, UNHCR Branch Office Jordan, Amman.

Rashid, Tavga O., General Director, Kurdistan Regional Government, Ministry of Human Rights, Erbil.

Rauf, Kamal, Editor in Chief, Hawlati newspaper, Sulaymaniyah.

Sabir, Shwan, Board of Trustees, Public Aid Organization (PAO), Erbil.

United Nations (UN) Security Section Iraq (SSI) in Amman, Amman.

United Nations Children's Fund (UNICEF), Iraq Support Centre in Amman (ISCA), Amman.

Zuber, Ahmad Abdulla, Judge, Chief of Judicial Council of Iraqi Kurdistan Region and Chief of Court of Cassation of Iraqi Kurdistan Region, Erbil.

Shamoun, Polis, Association President, Chaldean Culture Society (CCS), Ankawa.

Reports, news articles, newsletters and surveys

Amnesty International, *Trapped by Violence, Women in Iraq*, March 2009 (Index: MDE 14/005/2008).

British Broadcast Corporation, *BBC News, Iraqis 'more upbeat about the future'*, Published: 2009/03/16.

International Herald Tribune, *Widows bear brunt of Iraqi violence*, February 24, 2009.

International Organization for Migration, *IOM Emergence Needs Assessments: Three years of Post-Samarra Displacements in Iraq*, February 22, 2009.

OXFAM International, *In Her Own Words: Iraqi women talk about their greatest concerns and challenges, A Survey*, 2009.

United Nations High Commissioner for Refugees, *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers*, April 2009.

Amnesty International, *Hope and Fear, Human Rights in the Kurdistan Region of Iraq*, London April 2009.

International Committee of the Red Cross, *Women in War*, March 2009.

International Committee of the Red Cross, *Situation of Female Headed Households in Baghdad*, ICRC Document – EXTERNAL – 2008.