

r a s h i d

Research Assessment & Safeguarding of the Heritage of Iraq in Danger



**The Impact of
Fundamentalism and Extremism
on the Cultural Rights of Women in Iraq**

Submission for the United Nations Special Rapporteur
in the field of cultural rights

About us

RASHID International e.V. is a worldwide network of archaeologists, cultural heritage experts and professionals dedicated to safeguarding and promoting the cultural heritage of Iraq. We are committed to developing the history and archaeology of ancient Mesopotamian cultures, for we believe that knowledge of the past is key to understanding the present and to building a prosperous future.

Much of Iraq's heritage is in danger of being lost forever. Militant groups are razing mosques and churches, smashing artifacts, bulldozing archaeological sites and illegally trafficking antiquities at a rate rarely seen in history. Iraqi cultural heritage is suffering grievous and in many cases irreversible harm.

To prevent this from happening, we collect and share information, research and expert knowledge, work to raise public awareness and both develop and execute strategies to protect heritage sites and other cultural property through international cooperation, advocacy and technical assistance.

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Cover image

Photo of the 'Queen of the Night relief' (also known as the 'Burney relief'), located in the British Museum.

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A) Introduction

Iraq, the ancient land of Mesopotamia ('between the rivers'), is a prime source of many of humanity's greatest social and cultural achievements. Within the context of the world's first urban civilization, ancient Iraqis developed sophisticated agriculture, writing on clay tablets in cuneiform script, astronomy, mathematics and major advances in stone, clay and metal technologies.¹ These developments in ancient Iraq underpin modern societies across the globe, all of whom owe a historical debt to their Mesopotamian forebears.²

Yet, where there is light, there is also shadow. In recent years, fundamentalism and extremism, most visibly exemplified by the depredations of Daesh, continue to plague Iraq and neighbouring Syria. Even discounting Daesh, a number of cultural issues persist that threaten the full enjoyment of human rights, especially those of women. This report gives an overview of these issues, assesses their impact on cultural human rights and highlights positive developments.

B) Human Rights Issues

I) Cultural Infraction-Based Violence

In 2007, Du'a Khalil Aswad, a 17-year old Yazidi girl, was stoned to death in Bashika (Nineveh Governorate, Iraq) by her own family in front of a crowd of hundreds of spectators, her body afterwards tied to a car and dragged through the streets.³ This tragic episode occurred for but one pernicious reason: 'honour'.⁴

Homicides motivated by infractions of perceived or actual cultural norms are based on, inter alia, the questionable notion of 'honour', an ambiguous cultural concept rooted in the stated moral superiority of certain values and linked to a strict behavioural code of conduct, with harsh consequences for non-compliance. Its intolerance of deviance makes it a form of fundamentalism, as *"fundamentalism is not simply about terrorism, extremism or even religion. It is, at bottom, a mindset based on intolerance of difference"*.⁵

While unjustified homicides openly violate the right to life, Article 6 (1) ICCPR, the prevalence of cultural infraction-based violence in Iraq has a far more nuanced and insidious effect on the cultural rights of women. Fear of shame and/or death severely curtails female freedom of access to cultural life, Article 15 (1) (a) ICESCR, especially as most violence does not happen pursuant to serious

1 *Matthews: The Archaeology of Ancient Mesopotamia. Theories and Approaches.*, p. 93-94.

2 *Matthews: The Archaeology of Ancient Mesopotamia. Theories and Approaches.*, p. 67.

3 <https://www.theguardian.com/world/2007/dec/13/gender.iraq>

4 <https://www.theguardian.com/world/2007/dec/13/gender.iraq>

5 A/HRC/32/36, para. 90.

violations of the law or universal standards of human decency, but due to actual or apparent cultural 'misconduct', such as extra-marital relations, being raped, 'improper' clothing or consorting with individuals outside of the family.⁶ Fundamentalist interpretations of religion prohibit mixed-religion marriages and displeasure with the choices of young lovers not seldomly escalates to the level of homicide, as with Du'a Khalil Aswad. WADI notes that official statistics show 50-60 cultural infraction-based homicides per year in the KR-I,⁷ but due to under-reporting this is likely only the lower boundary.⁸

Another example of this is the case of the writer Suzan Jamal,⁹ who published an article titled '*Quran violates my rights*' in the women magazine '*Tawar*' in autumn 2012. The following day all copies of the magazine had been collected from the market and re-printed without the article, despite Ms Jamal being a member of the editorial board. She received threatening e-mails discouraging her from continuing to write and which forced her to resign from the editorial board. In May 2013 Ms Jamal published a translation of the book '*One million questions and answers about sex*' and significant controversy ensued. She and her family received numerous death threats, were harassed on Facebook and condemned by an Imam in Chamchamal during Friday prayer. Ms Jamal first sought police protection and now lives in exile.

Social Media is on the rise in Iraq, as in the rest of the world, and this has created new spaces for women to participate in cultural life, but also contributes to the spreading of rumors, defamatory statements, doctored images and provides an outlet for the desire of some to 'dishonour' others.¹⁰ This may include hacking of personal accounts, distribution of personal information, threats and stalking.¹¹ A plausible rumor, true or not, may engender violence based on perceived cultural infractions and, in a culture which considers the 'honour' and the reputation of women to be their most valued assets, poses a severe danger to their lives.¹²

II) Self-immolation

Closely related to violence motivated by cultural infractions, self-immolation is a similarly motivated act, but carried out by the victim herself. Victims so internalise the cultural strictures calling for bodily harm to redress cultural misconduct that they burn themselves, either dying or remaining scarred for life. Explanations given to friends and family usually involve accidental causes or an act of god, but rarely the true reason: shame. In some cases the intentional burning of women is misclassified as self-immolation.

6 *Immigration and Refugee Board of Canada*: IRQ105424.E, p. 1-2.

7 Kurdistan Region of Iraq

8 *Immigration and Refugee Board of Canada*: IRQ105424.E, p. 2.

9 <http://www.rudaw.net/sorani/kurdistan/250520139> - <http://archive.penusakan.com/hewal/14220-2013-05-16-11-58-47.html>

10 *Begikhani*: Women and Honour: Cyber Violence against Women in Kurdistan, p. 2.

11 *Begikhani*: Women and Honour: Cyber Violence against Women in Kurdistan, p. 2.

12 *Begikhani*: Women and Honour: Cyber Violence against Women in Kurdistan, p. 2.

The General Directorate of Combating Violence Against Women in Kurdistan, a government office, recorded 113 cases of self-immolation in 2013 and 84 cases in 2014.¹³ The Sulaimaniyah Directorate of Combating Violence Against Women counted 19 cases in 2014 (Sulaimaniyah, excluding Chamchamal, Raparin and Garmiyan), 25 in 2015 (Sulaimaniyah, excluding Chamchamal, Raparin and Garmiyan) and 12 in 2016 (Sulaimaniyah, excluding Raparin and Garmiyan).¹⁴ Each of these cases represents an investigation which was assessed by a judge and allowed to proceed by judicial order, based on preliminary evidence and an allegation.

III) Female genital mutilation (FGM)

Female genital mutilation (FGM) “comprises all procedures involving partial or total removal of the external female genitalia or other injury to the female genital organs for non-medical reasons.”¹⁵

The world was virtually unaware of female genital mutilation occurring in Iraq until a WADI Mobile Team was confronted with the practice during a visit to rural villages in 2004.¹⁶ Subsequent interviews of patients by WADI Mobile Teams yielded a prevalence rate of 58.7% (n=1544).¹⁷ However, this appears to be a case of opportunity sampling.

The 2015 ‘Baseline and Intervention Strategy Survey for the Eradication of FGM/C in the Kurdistan Region of Iraq (KR-I)’ conducted through interviews of mothers by Heartland Alliance International, UNICEF and the Kurdistan Regional Government in Dohuk, Arbil, Sulaimaniyah and Halabja Governorates is the most comprehensive and representative study specifically on FGM in the KR-I to date and found a prevalence rate of 44.8% (n=5990) among the mothers themselves, but only 10.7% of those surveyed indicated that their daughters (aged 4-14) had undergone FGM as well.¹⁸ The 2011 MICS-4 survey included FGM as an indicator and discovered a prevalence rate of 42.8% among women aged 15-49 (n=9134) in the KR-I and 1.2% in the same age group in the rest of Iraq (n=46060).¹⁹ Among the living daughters of these women 25.7% (n=6653) in the KR-I had suffered FGM and 4.8% (n=2106) in the rest of Iraq.²⁰ These numbers are in line with the HAI/UNICEF/KRG study. The higher prevalence rate among daughters is likely due to the expanded age range in MICS-4.

13 <http://www.bgtakrg.org/en/index.php/statics>

14 This data was provided directly to RASHID International by the Sulaimaniyah Directorate of Combating Violence Against Women and remains on file.

15 *OHCHR et al.*: Eliminating Female Genital Mutilation – an interagency statement, p. 4

16 *HAI/KRG/UNICEF*: Baseline and Intervention Strategy Survey for the Eradication of FGM/C in the Kurdistan Region of Iraq (KR-I), p. 12.

17 *WADI*: Female Genital Mutilation in Kurdistan – an empirical study, p. 2.

18 *HAI/KRG/UNICEF*: Baseline and Intervention Strategy Survey for the Eradication of FGM/C in the Kurdistan Region of Iraq (KR-I), p. 18.

19 *CSO/KRSO/UNICEF*: MICS-4 Iraq, p. 160.

20 *CSO/KRSO/UNICEF*: MICS-4 Iraq, p. 161.

A 2007/2008 WADI study of women in Arbil and Sulaimaniyah Governorates and the Administration of Garmiyah yielded a prevalence of 72.7% (n=1408).²¹ The study further indicates a varying mutilation rate among different age groups - between 57% in the group of 14-19 and 95.7% of those aged 80-89, but gives no sample size for these sub-groups, complicating assessment of the true size of the effect.²²

Human Rights Watch published a prevalence rate of 40.7% (n=521) in the district of Chamchamal based on a survey performed by the now defunct Ministry of Human Rights, conducted in 2009 among girls and women aged 11 to 24 and further included numerous individual cases researched by HRW.²³ To date, WADI's survey of FGM in Kirkuk remains notable as the only FGM specialist research performed outside the KR-I and shows a prevalence rate of 38.2% (n=1212) among females aged 14 or older in Kirkuk Governorate.²⁴ This appears to refute the assumption that the KR-I is an "FGM Island in the Middle East" and indicates that FGM is possibly far more widespread in Iraq and elsewhere than is currently believed, possibly due to a culture of silence.²⁵

FGM and its irreversibility perfectly exemplify fundamentalist patterns of thought - a permanent choice to force another human being to conform to a specific code of conduct based on sexual and reproductive values with no tolerance for divergence. Accordingly, 'religion' (63.3%) and 'tradition' (61.7%) are most often cited by those who had FGM carried out on their daughters (n=640).²⁶

While most often associated with its impacts on the right to health, Article 12 (1) ICESCR - such as severe pain, shock, excessive bleeding, urinary and menstrual problems, infections, infertility, HIV, psychological consequences, labia fusion, excessive scarring, birth complications and death²⁷ - FGM poses a unique and pervasive challenge to the cultural rights of women.

This begins with the negative aspect of Article 15 (1)(a) ICESCR, the right *not* to participate in certain cultural practices and Article 18 (2) ICCPR, the right to be free from religious coercion. Yet even where such participation is voluntary, the young age at which women undergo FGM (the mean age in the Kurdistan Region of Iraq is 4.7 to 5.6 years)²⁸ and the social pressure involved are not conducive to informed consent. It is worth noting that proponents of FGM in the KR-I are overwhelmingly female, with only 3% of respondents in the Baseline Survey citing male pressure.²⁹ The negative impacts on female sexuality literally and figuratively cut off access to one of the most elementary expressions of humanity. Accompanying conditions such as PTSD make it difficult for

21 WADI: Female Genital Mutilation in Kurdistan – an empirical study, p. 5.

22 WADI: Female Genital Mutilation in Kurdistan – an empirical study, p. 5.

23 Human Rights Watch: "They Took Me and Told Me Nothing" - Female Genital Mutilation in Iraqi Kurdistan, 2010, p. 40.

24 WADI: Female Genital Mutilation in Iraq: An empirical study in Kirkuk Province, p. 12.

25 WADI: Female Genital Mutilation in Iraq: An empirical study in Kirkuk Province, p. 6.

26 HAI/KRG/UNICEF: Baseline and Intervention Strategy Survey for the Eradication of FGM/C in the Kurdistan Region of Iraq (KR-I), p. 25.

27 HAI/KRG/UNICEF: *Eliminating Female Genital Mutilation – an interagency statement*, p. 33-35.

28 HAI/KRG/UNICEF: Baseline and Intervention Strategy Survey for the Eradication of FGM/C in the Kurdistan Region of Iraq (KR-I), p. 18.

29 HAI/KRG/UNICEF: Baseline and Intervention Strategy Survey for the Eradication of FGM/C in the Kurdistan Region of Iraq (KR-I), p. 41.

women to meaningfully participate in society. In some cases food preparation and serving is forbidden to un mutilated women, excluding them from a key area of the human way of life.³⁰

IV) Sexual slavery

A defining characteristic of the conduct of Daesh has been the capture, enslavement, rape and sexual abuse of women. The organization WADI reports that over 5000 girls and women were captured by Daesh and “*systematically raped and physically abused nearly to the point of death*”³¹, representing a complete removal from any previous and decent way of life and their culture.

V) Saudi book on banning female driving

Very recently a Saudi book written by senior religious representatives calling for a ban on women driving was translated into Kurdish and published in the KR-I.³² It caused an uproar on Social Media and led to an investigation by the Ministry of Culture of the KR-I.³³

The ability to freely make use of different modes of transportation is absolutely critical to effective participation in any modern culture. Circumstances require individuals to frequently travel locally and many jobs require international travel, including by car. Archaeologists, cultural heritage professionals and other university researchers face insurmountable professional difficulties if they are not permitted to drive to archaeological sites or travel internationally to conferences to present their findings. Denying these rights to women while upholding them for men violates the non-discrimination dimension, Article 2 (2) ICESCR, of the right to participate in cultural life, Article 15 (1) (a) ICESCR.

30 *HAI/KRG/UNICEF: Baseline and Intervention Strategy Survey for the Eradication of FGM/C in the Kurdistan Region of Iraq (KR-I)*, p. 33.

31 <https://wadi-online.org/2016/01/06/assistance-to-yazidi-victims-of-isis/>

32 <http://www.nrttv.com/Details.aspx?Jimare=71003>

33 <http://www.basnews.com/index.php/en/culture-arts/book/345224>

VI) Discrimination in higher education

The Special Rapporteur in the field of cultural rights identified the targeting of higher education by fundamentalist activity as a special area of concern, especially physical attacks on staff and students, gender segregation and ideological modifications to the curriculum.³⁴

RASHID professionals have noted that in Iraq women represent a significant percentage of those graduating with BA and MA degrees in archaeology (22 out of 47 soon-to-be archaeology graduates at the University of Sulaimani are women) and many succeed in becoming employees at local museums and the regional antiquity directorates. Many women serve as government representatives on foreign archaeological missions during their field seasons in Iraq. Representative functions are usually not impeded by gender-related concerns, but fieldwork with foreign missions can be hampered or made nearly impossible by their families who object to the 'dishonourable conditions' of living in mixed-gender excavation houses near archaeological sites. These deeply entrenched cultural views affect even educated professionals and the women themselves.

In 2017 a college at the University of Garmian in the district of Khanaqin in the KR-I posted a note banning all female students from wearing tight and short skirts and trousers while on campus. This resulted in strong reactions on social media and the local news.³⁵ Following this announcement, The KRG Ministry of Higher Education ordered universities to desist from any actions against their students and requested the views of all stakeholders on unifying dress code at universities.³⁶

34 A/HRC/34/56, para 90.

35 <http://www.poli-12.com/?p=5758> - <http://www.dwarozh.net/details.aspx?jmare=45861>

36 <http://www.dwarozh.net/details.aspx?jmare=45933> - <http://www.lvinpress.com/n/dreja.aspx?hewal&jmare=54980&Jor=1>

C) Positive Developments

I) Legislation

In 2008 the Kurdistan Parliament passed Law No. 6 of 2008 that addresses the problem of defamation in the context of social media.³⁷ However, it is difficult to adequately document these cases and authorities' responses still leave something to be desired.³⁸

In 2011 the Iraqi Kurdistan Parliament adopted Law No. 8 of 2011, the Combating Domestic Violence in Kurdistan Act,³⁹ one of the most advanced family laws in the Middle East. It includes an expansive definition of domestic violence in Article 1 (Third) and prohibits any such domestic violence in Article 2 (First). Criminal sanctions include imprisonment of 6 months to 3 years plus a fine of 1-5 million Iraqi dinars for acts of domestic violence (Article 7) and 1 to 3 years of imprisonment plus a fine of 5-10 million Iraqi dinars for performing FGM on a minor, as well as weaker penalties for inciting FGM or performing it on adults (Article 6). However its application in practice is challenging. Only 50.4% women in the Baseline Survey (n=5990) had heard of the law.⁴⁰ Until 2015 no prominent conviction under the FGM provisions was known.⁴¹ RASHID has not discovered evidence of any since, though 3 cases are pending in Erbil.

II) Stop FGM in Kurdistan Campaign

The 'Stop FGM in Kurdistan Campaign' was launched a few years ago by a "network of local and international organizations, human rights activists, artists and journalists" and was successful in breaking the culture of silence surrounding FGM in the KR-I.⁴² Its efforts to raise awareness of the consequences of FGM and its campaigning against the practice using mass media are highly laudable. Mass media showed itself to be the best channel for communicating anti-FGM messages in the KR-I Baseline Survey, with 88.4% having been exposed to eradication messages on TV, with 4.5% reading about them in the newspaper and 6.0% hearing about them in the radio (n=5990).⁴³

37 *Begikhani: Women and Honour: Cyber Violence against Women in Kurdistan*, p. 2.

38 *Begikhani: Women and Honour: Cyber Violence against Women in Kurdistan*, p. 2/3.

39 http://www.ekrg.org/files/pdf/combat_domestic_violence_english.pdf

40 *HAI/KRG/UNICEF: Baseline and Intervention Strategy Survey for the Eradication of FGM/C in the Kurdistan Region of Iraq (KR-I)*, p. 38.

41 *HAI/KRG/UNICEF: Baseline and Intervention Strategy Survey for the Eradication of FGM/C in the Kurdistan Region of Iraq (KR-I)*, p. 44.

42 <http://www.stopfgmkurdistan.org/>

43 *HAI/KRG/UNICEF: Baseline and Intervention Strategy Survey for the Eradication of FGM/C in the Kurdistan Region of Iraq (KR-I)*, p. 35.

III) Social media

In March 2017 Lanja Xawe, a female legal graduate of University of Sulaimani, launched the campaign #KurdishWomenEmpower, which encouraged women to use profile pictures of themselves on social media, in defiance of the threats and blackmail that many women receive for using their own images.⁴⁴ Several news outlets reported on the campaign.⁴⁵

IV) Car parade to protest banning female driving

On 11 May 2017 Sulaimani women organised a car parade to protest publication of the Saudi book promoting a ban on driving for females.⁴⁶ The parade included more than 200 women and was backed by the NGO Asuda and different government directorates, including the Minister of the Interior, the Sulaimani Directorate of Traffic, and Sulaimani Asaysh.⁴⁷

V) Zoroastrian organization

A few years ago a Zoroastrian organization, led by a female activist, was founded in the KR-I which promotes religious tolerance and is attempting a revival of the Zoroastrian religion.⁴⁸

44 <http://www.rudaw.net/english/kurdistan/11032017>

45 <http://www.nrttv.com/Details.aspx?Jimare=64513> - <http://snnc.co/Magazine/News.aspx?id=7292&MapID=39>

46 <http://www.nrttv.com/Details.aspx?Jimare=71057>

47 <https://www.facebook.com/asudakurdistan/posts/1547198695325134>

48 <http://www.worldreligionnews.com/religion-news/first-zoroastrian-temple-opens-in-kurdistan>

D) Annex: Sources

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