



# *Violence against Women in the Iraqi Society:*

## **A Legal, Judicial and Statistic Study**

Domestic violence in Iraq is by no means a contemporary issue but a phenomenon with deep-rooted historical implications associated with life pressures and commitment to the values and traditions based on the masculinity of all life aspects of the society.

The manifestations of domestic violence continued and aggravated throughout time. For many decades, the Iraqi family has suffered from fragile, confused and insecure environmental circumstances, which made it an incubator for the appearance and growth of new forms of violence in both the family and society, especially after the events of June 2003 when Iraq faced a series of shocks and bad circumstances represented by the control of ISIS terrorist groups over more than one third of the area of Iraq. This was accompanied by waves of displacement of over four million people, a rise in unemployment rates which amounted to 28% in 2017, and a rise in poverty rates which reached 41% in the regions occupied by the terrorist organizations. All of these events were accompanied by the deterioration of the economy and a rise in the federal budget deficit due to the fall of oil prices then. The humanitarian and economic crisis Iraq

faced since 2014 was one of the biggest problems a society can face. This led to a considerable change in many political, economic and social contexts.

Like all humanitarian crises faced by societies, women and girls were greatly influenced more than men. Under such circumstances, the power of the patriarchal system and the values and customs of the societies that live in armed conflict and under occupation returns again inside the community structures as a substitute to the authority structures destroyed during war, which makes women a prey to the violence of the armed conflict from the one hand and the violence of the patriarchal system from the other hand. This increases the vulnerability rate of Iraqi women and girls whether in the scope of the family or the society, in addition to the risk factors of gender-based violence.

The investigation of this phenomenon is within the context of legal sociology of the family, whose core includes the family, law and the judiciary, and the subsequent functions towards the society, whether positively or negatively, including the phenomenon of violence against

women in general and against the wife in particular. In addition, this study derives its importance from being related to one of the most important sociological subjects relating to the family, i.e. violence inside the family.

Conducting any research paper in the social sciences and law and about any phenomenon, including the topic of marital violence and its effect on the family and society in Iraq, requires investigation from several different aspects, the first of which is by defining violence and stating its forms and types and the reasons and motives behind it. The study focuses on the Iraqi family and its specificity, taking into account the exceptional circumstances faced by the Iraqi family in light of the economic, social and political upheavals, which is covered under the title “The Conceptual and Legal Framework of Violence Against Women” in which we adopt the descriptive approach in studying this part.

Part Two of the study, in which we adopt the analytical approach, is specified to stating the attitude of the Iraqi judiciary towards the phenomenon of violence against wives. It includes a collection of about one hundred judicial decisions from all the Iraqi criminal courts and personal status courts to state the judiciary’s attitude towards this crime in light of the absence of a law of protection from domestic violence. In these decisions, the Iraqi judiciary issued decisions of conviction of the husband, pursuant to the texts of the Iraqi Penal Code No. 111 of 1969 as amended, or separation or custody and other decisions made, pursuant to the texts of the Iraqi Personal Status Law No. 188 of 1959.

The final part of the study adopts the statistical

approach by collecting the scientific material quantitatively and thus reflects the results of scientific research with charts and statistical figures and tables. This is the most important aspect of the study which took most of the time as it represents the statistical aspect by organizing forms to be distributed to three groups: GBV women survivors, judges and service providers working in non-governmental organizations as well as some of the Ministry of Labor and Social Affairs employees working in the field of protection of women from domestic violence. The final results are concluded by analyzing the data resulting from answering the questions posed to these three groups.

The study is concluded by a set of recommendations directed to many authorities assigned with the task of combating domestic violence and women protection, including the Iraqi Council of Representatives, the Supreme Judicial Council, Ministry of Interior, Ministry of Higher Education and Ministry of Education, Ministry of Planning, Ministry of Culture, and finally the Iraqi family. If we want a strong society, we should start from its foundation which is the family, and its members: the husband, the wife and sons. A wife is not an unproductive female to be degraded in this way. Rather, she is the one who completes the life march of societies. The reason for the existence of life is a result of joining the efforts of both the husband and wife. Therefore, the society has to view the wife as an active member rather than a stigma used for purposes and then left aside. The dignity of the society is achieved only by establishing life justice and eliminating all the compelling circumstances facing human beings to protect them from anything that drives them to violate the rights of others.