

# Like Sun and Water: How Women Hold the Keys to Kurdistan's Future

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*A veil does not protect a women's chastity. An education does.*

- Jamil Sidqi al-Zahawi, Iraqi poet (1863-1936)

Iraqi Kurdistan is a region overflowing with high expectations. With the 2003 U.S. invasion of Iraq and the subsequent dethroning of Saddam Hussein's brutal regime, the Kurds' largest security threat was eliminated. Since then, Iraq's Kurds have been eager to prove to the world their national potential, and on many fronts they have succeeded. The U.S.-led Operation Provide Comfort, which created a safe haven that protected the Kurds from the wrath of Iraq's central government, was designed to serve Washington's containment strategy in crippling Saddam Hussein's regime, but, to the surprise of many, it had the unintended consequence of being one of the most successful nation-building projects in American history, catapulting Iraq's Kurdish region into de-facto state status.<sup>i</sup> Decades of insurgency against Iraq's central government, the 1988 Anfal genocide, and a "fratricidal" civil war between Kurdistan's two dominant political parties, the Patriotic Union of Kurdistan (PUK) and the Kurdistan Democratic Party (KDP), dealt Iraqi Kurdistan a dilapidated infrastructure, thousands of civilian casualties and a war-weary population. But in the decades after the 2003 invasion, the Kurds created "the other Iraq," a relatively stable and economically prosperous alternative to the sectarian warfare waging in the south. As Iraq became weaker and rife with violence, the Kurds became stronger and attracted international investment. Although some experts claim the impending U.S. withdrawal from Iraq will be accompanied by ethnic conflict between Iraq's Arabs and the Kurds, a large scale confrontation seems unlikely. Today, it appears that nothing can prevent the Kurds from succeeding in their gargantuan nation-building task. There is one issue, however, that has been left unaddressed and threatens to thwart Iraqi Kurdistan's developmental potential: women.

Since Iraqi Kurdistan gained de facto state status in 1991, Kurdistan became home to a large number of international and local NGOs aimed at advancing women's rights and reducing the number of women targeted in gender crimes. However, the prevalence of gender violence, especially honor killings that seek to "cleanse" a family or tribe's honor by killing a woman, has increased sharply. There

were 22 reported honor-motivated assassinations of women in 1994, but that number jumped to 166 in 1997 and has not shown signs of receding. There were 163 women killed in honor crimes in 2009.<sup>ii</sup> Such statistics are puzzling due to the perceived improvement of the Kurdish region as a whole over the last 20 years. With the threat of Saddam gone, economic investment at an all-time high, and a functioning regional government, shouldn't the status of Kurdish women improve? Why have Kurdish women been the regional "big losers?" The reality is that the safe haven in Kurdistan failed to protect many Kurdish women, especially those residing in rural areas that were most effected by the genocide and wars. Economic, social, cultural and political factors are all at play, but key contributors to the rise in honor killings have been a resurgence of tribalism and a "re-traditionalization" of gender norms following the Anfal genocide in 1988 and Kurdistan's 1994-1997 "fratricidal" civil war. Scars from Kurdistan's bloody history continue to oppress women in the form of a strict patriarchal, honor-obsessed culture, but such wounds are not irreparable. In fact, empowering women is a necessary factor in ensuring Kurdistan's prosperity and regional model for democracy.

#### WHERE ARE THE WOMEN?

In recent years, there has been a newfound appreciation for the role that women play in breaking the cycle of poverty and stabilizing fragile societies, especially after conflict. Development experts now see women as critical to economic progress, healthy civil society and good governance, particularly in developing countries.<sup>iii</sup> Education and better access to income for women are considered vital grassroots development goals. Empower girls, and you empower a nation. In fact, women's empowerment is considered so essential to alleviating poverty that many experts view it as underpinning all of the 2015 U.N. Millennium Development Goals.<sup>iv</sup> Shrinking gender gaps in literacy levels, political participation, income and access to healthcare in developing countries across Asia, Latin America and Eastern Europe have benefited entire societies by improving living standards, increasing social entrepreneurship and attracting foreign investment.<sup>v</sup>

Although Kurdistan has been praised for its rapid economic growth following decades of oppression, Kurdish women have yet to benefit from better economic and educational opportunities. According to an Iraq-wide survey taken in 2006, 90 percent of Kurdish women between the ages of 15 and 49 years are unemployed.<sup>vi</sup> Low levels of employment may be due to low levels of female literacy and education, particularly in rural areas where many women may drop out to take over housework or are forced into early marriage. Forty-three percent of women in Iraqi Kurdistan, compared to 19.3 percent of men, and only 25.3 percent of girls

aged 17 years attend school, compared to 38.9 percent of boys. Kurdistan's economic success will be severely impeded if half of its population continues to be denied access to education and work opportunities. But besides the negative economic side-effects, and perhaps more importantly, the inability of Kurdish women to attend school and become financially independent, prevents them from having autonomy over decisions that affect them and their children. Without economic and social empowerment, Kurdish women's position in society is based almost solely on her honor, indirectly contributing to high levels of honor-based violence. Educating women, especially in rural areas that show the lowest levels of school attendance, would potentially change the way society views women, placing more value on their minds than on their chastity. If Kurdistan is serious about improving its economic prosperity and status in the region, it cannot afford to ignore its women.

Most Kurdish politicians acknowledge that human rights abuses against women, particularly honor killing, are holding Kurdistan back. The Kurdish political elite, including KRG President Masoud Barzani, Prime Minister Barham Salih and former Prime Minister Nechirvan Barzani, have condemned violence against women as a "backward tradition" and promised to place combating gender violence at the forefront of their political agendas.<sup>vii</sup> Indeed, women's rights legislation has enjoyed relative success in Kurdistan compared to that of its neighbors. A law passed in June 2011 that creates a special criminal court to address domestic violence cases and considers any form of domestic violence a crime received unanimous support in the Kurdistan Parliament, which has more female MPs than most Western nations.<sup>1</sup> Kurdish law equates honor killing with murder and does not allow reduced sentences for criminals charged with honor crimes, unlike the Iraqi central government, which, in its constitution, essentially condones honor killing.<sup>2</sup> However, recent legislative victories have failed to change the culture of honor killing in Kurdistan, as most laws have proven difficult to implement and fail to include a grassroots component.

What makes women's rights laws difficult to implement in Kurdistan are not competing militias attempting to impose Islamic law on populations in bids for control as in southern Iraq, but a deeply rooted patriarchal culture and tribal tendencies brought back to life after the creation of the safe haven. Unlike in southern Iraq, Islamists, while worrisome to some Kurdish lawmakers, play a marginal role

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<sup>1</sup> Law on Domestic Violence passed by the Kurdish Parliament June 22 2011; also charges offenders with \$1-5 million Iraqi Dinars or six months to three years in jail. <<http://www.krg.org/articles/detail.asp?lngnr=12&smap=02010200&nrnr=73&nr=40524>>.

<sup>2</sup> Iraq's Revolutionary Command Council Order Number 6 of 2001 considers the killing of one's wife or a close female relative (muhamaram) for honor reasons a mitigating factor under law; also Article 42 of Iraq's 2005 Constitution states that no law shall be passed that conflicts with Islamic Law, leaving many women's rights laws vulnerable to strict interpretation.

in Kurdish politics, which has historically been marked by secularism. However, like southern Iraq and most post-conflict societies, Kurdistan experienced a “re-traditionalization” of gender norms and an increased reliance on identity, or in this case, tribal politics, in the aftermath of the Anfal genocide and especially the 1994-1997 civil war. In this way, Kurdistan mirrors many fragmented, war-torn communities. Honor killings and other forms of gender violence are symptoms of the persistence of tribal justice mechanisms and a culture that values tribal honor more than the life of a woman. A large-scale paradigm shift is needed to root out the “re-traditionalization” of gender norms and restore Kurdish women’s livelihood. Investing in women’s education is the best way to cement women’s rights gains and promote long-term solutions to gender-based violence.

### THE HONOR CODE: HONOR-BASED VIOLENCE IN IRAQI KURDISTAN

Honor killing in Iraqi Kurdistan gained the attention of the international media in 2008 when a mob of 2,000 men stoned to death 17-year old Du’a Khalil Aswad for falling in love with a man outside her tribe. Her murder was broadcasted on YouTube and depicts local police passively watching the crime.<sup>viii</sup> For many Kurdish women, falling in love with someone outside their tribe or family is considered haram (shameful) and is clearly a dangerous activity. The KRG responded to this incident by creating the Directorate for Combating Violence against Women within the Ministry of the Interior, tasked with investigating honor crimes and reaching out to at-risk women. Although the directorate has performed its duties, evidence suggests that women still feel unprotected. According to an Iraq-wide survey, only 46.8 percent of Kurdish women feel protected by the police, and 52.9 percent believe violence against women in Kurdistan is increasing, while 63.9 percent believe it is increasing in southern Iraq.<sup>ix</sup> As stated above, approximately 160 honor killings have been reported each year since 1997, with the actual number likely much higher due to lack of reporting and the ability of attackers to disguise killings as suicides. Some researchers claim that since the creation of the safe haven up to 6,000 women have perished as a result of honor crimes.<sup>x</sup>

Such horrific crimes occur due to the persistence of a strict honor code placed on Kurdish women. Defending the honor of a tribe or family is carried out by ensuring that its women are pure or “clean,” meaning that they do not engage in “bad deeds” such as extramarital or pre-marital relationships with men.<sup>xi</sup> The application of the honor code extends beyond Kurdish society and is not limited to Islamic cultures, although Islamic rhetoric is often used to justify honor-crimes. The honor code is part of a global phenomenon that propagates norms legitimizing the control of women’s behavior by men and places restrictions on women’s activi-

ties. A woman can lose her honor for a wide range of activities: adultery, suspected promiscuity, expressing romantic feelings for a man her family does not approve of, appearing too “modern,” refusing an arranged marriage or being raped.<sup>xii</sup> As Kurdistan has become more technologically advanced, sending text messages to an unapproved male can also be an offense. Murders for such “crimes” are based on gossip or rumors, and it is the woman who typically is violently punished. Often, the only form of reconciliation that is able to restore lost honor requires the murder or banishment of the woman who is seen to have damaged her community.<sup>xiii</sup> Thus, any activity that is deemed dishonorable is essentially life – threatening. The importance of this honor code is elevated during societal upheaval, especially war.

Honor-based violence includes a wide range of offenses such as physical violence, assaults, killing, coerced suicide or self-immolation, severe restrictions on movement and education, starvation, forced marriage of women, and other forms of coercion and abuse. The most severe form of honor violence is murder and is regarded as widespread by human rights organizations and the United Nations, which in 2002 submitted a report documenting the continuing occurrence of the practice in Bangladesh, Brazil, Britain, Ecuador, Egypt, India, Iran, Iraq, Israel, Italy, Jordan, Pakistan, Morocco, Sweden, Turkey, Uganda and the United States. The United Nations Assistance Mission for Iraq (UNAMI) has characterized honor killings as a serious concern in Iraqi Kurdistan.<sup>xiv</sup>

Unlike domestic violence, honor-based violence occurs within a framework of collective family structures and communities and involves an act aimed at restoring honor to the family or community in a perceived or actual situation when that honor has been threatened. Thus, preserving a community’s honor hinges on the control of women’s sexual and social behavior. Because this norm carries with it the possibility of violence and even death, it acts as a disciplining mechanism to all women in a society and reinforces control exerted by men over women in all sectors of society.<sup>xv</sup>

The basis for determining which behaviors are considered honorable or dishonorable lies within tribal culture, and the tribe (ashirat) is the basis for social and political unity in Iraqi Kurdistan.<sup>xvi</sup> Power and property descends through a patrilineal system. Endogamy, marriage inside the same extended family, clan and tribe, is central to this socio-political organization. According to a study by Khatu Zin Centre for Social Activities, women are married off at a young age and are often exchanged between families. According to the Women’s Information and Cultural Centre, there are currently an estimated 18,000 girls who were promised in marriage when they were children.<sup>xvii</sup> The studies also note that marriage is not an individual choice but rather a collective affair, “arranged and imposed by male members of the group.” In this way, the system of endogamy is embodied in

patriarchal structures and is a “form of control through which male domination is upheld, women’s segregation enforced and traditional and tribal norms and values preserved.”<sup>xviii</sup> In the past, laws were administered by the tribal elders, *rishspi* (white beards), and the tribal head’s words were taken for law. A woman who steps outside the bounds her tribe threatens the security of the whole tribe, and must be punished according to tribal law.

Attention has been given to honor killings through the 1979 Convention to Eliminate All Forms of Discrimination against Women (CEDAW) and in 2002 when the United Nations General Assembly adopted a resolution on “working towards the elimination of crimes against women committed in the name of honor.” The resolution encourages member states to investigate and punish honor crimes as well as to “raise awareness of the need to prevent and eliminate crimes against women committed in the name of honor, with the aim of changing the attitudes and behavior that allow such crimes to be committed.” The United Nations Security Council passed Resolution 1325 in 2000, which addressed the disproportionate impact armed conflict has on women and acknowledged domestic violence, including honor killings, as a byproduct of war.

But Kurdistan is not an independent state, and therefore cannot ratify CEDAW or UNSCR 1325. Although Bagdad is party to CEDAW, when Saddam Hussein signed the treaty in 1986, as with many other international agreements, he had no intention of adhering to it.<sup>xix</sup> Furthermore, when Iraq ratified CEDAW, it entered several reservations with reference to shari’a (Islamic law), namely Article 2 on the abolition of existing laws which discriminate against women, Article 9 on equal rights to nationality, Article 15 on the equality of men and women before the law and Article 16 on equal rights in marriage and family relations.<sup>xx</sup> Similarly, although the central government of Iraq is party to U.N. Resolution 1325, the UN Security Council has failed to include references to women or gender in 87 percent of its resolutions relating to Iraq, suggesting that women are not viewed as an important component of restoring post-invasion Iraq.<sup>xxi</sup> Therefore, Kurdistan appears to be on its own in reducing honor killings and including women in the development process.

## CONTINUUM OF VIOLENCE: THEORIES OF POST-CONFLICT GENDER NORMS

War is always brutal, but the scars it leaves in its wake are often overlooked. In every post-conflict society, a continuum of violence transcends the simple diplomatic dichotomy of war and peace, with women bearing the brunt of the burden. Wars in the post-Cold War era are waged in drastically different ways

than they were during the early and mid-twentieth century. Since the 1990s, most wars occur within the boundaries of sovereign states and are marked by high civilian casualties. Civilians were half the casualties in World War II; they were 90 percent in recent conflicts.<sup>xxii</sup> The specter of slaughter of neighbor by neighbor – in the Balkans, Afghanistan, Rwanda, Uganda, Iraq and elsewhere – wreaks havoc on the very fabric of a society.

Particularly during civil wars, ethno-nationalist rhetoric has been employed by charismatic leaders and war lords in order to gain political power, pitting entire ethnic, religious or tribal communities against each other. The chilling logic of ethnic cleansing dictates that security can only be achieved once the “enemy community,” be it a tribe, religious or ethnic group, is completely eliminated. This method of war has become common in recent conflicts: between Bosnian Muslims, Serbs and Croats in the 1991-1995 breakup of Yugoslavia, between Hutus and Tutsis in the 1994 Rwandan genocide, between Kosovar Albanians and Serbs in 1999, and between Sunni and Shia in Iraq’s civil war. In such conflicts, the systematic erasure of “the other” – members of a rival group, and especially its women who carry with them the possibility of producing offspring – becomes central to survival.<sup>xxiii</sup> Thus, it is not surprising that rape has come to be regarded as a “powerful weapon of war” by the UNSC, as communities in conflict zones often construct women as the “iconic representations” of cultural and/or ethnic national identity. Rape is used not only to attack and humiliate the “enemy woman,” but also to attack and humiliate the entire “enemy community.”<sup>xxiv</sup> The potential of this type of violence may operate to push women back into the home, while women who experience actual violence may be too scared to admit it due to the repercussions for their “reputation,” leading to the possible killing by their own male relatives who claim to be protecting family honor. Thus, gender-specific crimes become instruments of destruction in political contests between “imagined communities.”

After conflicts cease, communities continue to view women as the “bearers of tradition” or representations of their communities, especially in the context of national liberation movements or the creation of new nation states. Thus, gender roles can become “re-traditionalized” as a result of conflict as men seek to protect the women of their new nation by restricting their rights.<sup>xxv</sup> Research has shown that this process has taken place in many post-war societies, particularly the former Yugoslavia whose post-war years have been characterized by a backlash to pre-communist gender norms along ethnic lines.<sup>xxvi</sup> A similar situation exists today in post-war Iraq. Pre-U.S. invasion, the status of Iraqi women was the envy of many of its neighbors, and these women boasted one of the highest literacy levels in the Middle East. But during the 2006-2007 U.S. surge, Sunni tribes and Shia Islamists became empowered, and today, women are subject to a strict patriarchal



form of control imposed by militants, and many fear the progress of Iraqi women is seriously threatened. Scholar of Peace-building and Development Donna Pankurst elaborates on the backlash to traditional gender roles:

“The ideological rhetoric is often about ‘restoring’ or ‘returning to something associated with the same status quo before the war, even if the change actually undermines women’s rights and places women in a situation that is even more disadvantageous than it was in the past. This is often accompanied by imagery of the culturally specific equivalent of the woman as ‘beautiful soul,’ strongly associating women with cultural notions of ‘tradition,’ motherhood, and honor.”<sup>xxvii</sup>

The ethic of cultural or ethnic purity lingers even after hostilities cease and pinpoints women as clear markers of identity. Purity is a dangerous ethic for women. In conservative societies, men’s honor is seen as depending on woman’s purity to the degree that women who seek to escape this strict code, or who inadvertently fall or are dragged into it, may be killed by their menfolk with impunity.<sup>xxviii</sup> As the number of offenses deemed dishonorable steadily grows, the number of women killed in an attempt to protect a community’s honor steadily increases. Thus, post-conflict women continue to suffer from the persistence of an ideology that uses them as symbols of national community. In the Kurdish context, a traditional backlash that characterized the post-insurgency and post-Saddam years had fatal repercussions for Kurdistan’s women.

### THE KURDISH CONTEXT: GENOCIDE, CIVIL WAR, SANCTIONS, AND THE AFTERMATH

Iraq’s Kurds lived under a brutal counter-insurgency campaign from Iraq’s central government for the better part of the 20th century, which peaked with Saddam’s genocidal Anfal campaign in 1988. While Iraq’s Kurdish population had always been subject to persecution and repression from Baghdad, Iraqi dictator Saddam Hussein became particularly concerned about his “Kurdish problem” with the onset of the Iran-Iraq war in 1980.<sup>xxix</sup> In a bid for survival, some Kurdish armed forces, or *peshmerga*, aligned themselves with Iran in that war, giving Hussein the pretext, motivation and cover to target his Kurdish minority.<sup>xxx</sup> The Iraqi dictator decided that the best way to put an end to the Kurdish rebellion once and for all was to wipe out rural Kurdish life.<sup>xxxi</sup> Beginning in 1987, Ali Hassan al-Majid, then Baghdad’s Secretary General of the Northern Bureau of the Ba’ath Party, implemented with bureaucratic precision a policy of forced relocation, mass executions, gassing and bombing that would claim 4,500 or 90 percent of villages in rural Kurdistan and 182,000 Kurds, most of whom were unarmed and many of whom were women and children.<sup>xxxii</sup> While the genocidal Iraqi offensive, known as



the Anfal campaign, was billed as a counterinsurgency mission, Iraqi forces under the control of Al-Majid targeted not only armed Kurdish rebels but every civilian residing in so-called “prohibited zones,” or areas the central government deemed strategically valuable, near the Iranian border.<sup>xxxiii</sup> Kurds were targeted not because they posed a military threat to the regime, but simply because they were Kurds.

Although the Anfal campaign peaked in brutality during the late eighties, beginning in 1975, Iraqis established a six to 12 mile-wide “prohibited zone” along the border with Iran, destroyed every village in that zone and relocated Kurdish inhabitants to *mujamma'at*, large army controlled collective settlements, or to southern Iraq.<sup>xxxiv</sup> According to the Ba'ath Party newspaper *Al-Thawra* (“The Revolution”), 28,000 families (as many as 200,000 people) were deported from prohibited zones during the summer of 1978 alone.<sup>xxxv</sup> Kurds claim more than half a million were forcibly relocated to the south. In 1982, prohibited areas were expanded inward and resettlement policies intensified. Because Iraq sought to move all the Kurds it could not control, any Kurd residing in rural areas was a target. In 1983, Hussein famously rounded up 8,000 Kurdish men and boys from the Barzani tribe, whose members helped Iranians secure the Iraqi border town Haj Omran, and loaded them onto buses heading south where nearly all were executed and thrown into mass graves. The women, known as the Barzani widows, still remain desperate to learn the fates of their men.<sup>xxxvi</sup>

In May 1987 Iraq became the first country ever to attack its own citizens with chemical weapons.<sup>xxxvii</sup> In the absence of U.S. condemnation of chemical weapons use by the Iraqis during the Iran war, Hussein felt emboldened to use them against his primary internal threat, the Kurds. The regime's continuous chemical attacks on Kurdish villages caught the international spotlight with the gassing of Halabja on 16 March 1988. Known as the “Kurdish Hiroshima,” the Iraqi border town underwent three days of attacks from mustard gas and the nerve gases sarin, tabun and VX, immediately killing more than 5,000 Kurds and sending the rest of Halabja's population fleeing to the Iranian border.<sup>xxxviii</sup> Although Halabja was the most deadly single gas attack, it was one of at least forty chemical assaults ordered by al-Majid, earning him the nickname “Chemical Ali.” Surviving Kurds fled attacks, only to be rounded up in holding pens where many died of starvation and disease or were simply deported in mass executions. Al-Majid's forces looted and firebombed villages to the point where they were uninhabitable, wreaking havoc on Kurdistan's rural infrastructure.<sup>xxxix</sup> Thus, in the zones that Hussein deemed strategically valuable, Kurdish life became extinct.

Previously, Baghdad had justified its campaign of destruction against the Kurds as necessary in its bloody war with Iran, but al-Majid's final offensive of the Anfal campaign came five days after an armistice ending that war. Beginning 25

August 1988, he used aircraft, fixed-wing helicopters, tanks and tens of thousands of Iraqi troops to attack the remaining Kurdish villages and sent 65,000 survivors flooding into Turkey.<sup>xl</sup> All the while, Iraq's central government continued to claim that their actions were justified.<sup>xli</sup> Iraq's Defense Minister, General Adnan Khairallah argued that, "They all wear the Kurdish costume, and so you can't distinguish between one who carries a weapon and one who does not." Baghdad acted out of the belief that the collective could be punished for individual acts of rebellion, and Kurdistan's rural population paid the price.

Hiding under the pretext of imperfect information that could prove extensive chemical weapons use by Saddam against the Kurds, the U.S. government neither punished Iraq for past use of chemical weapons nor threatened punishment for future use.<sup>xlii</sup> The American perspective was marred by its vision of Hussein as an ally against Iran, leading one State Department official to write, "Human rights and chemical weapons use aside, in many respects our political and economic interests run parallel to those of Iraq."<sup>xliii</sup> It was not until the spring of 1991, when a failed Kurdish uprising against Baghdad following Operation Desert Storm led to a mass exodus of 1.5 million Kurds to Turkey and Iran, that the U.S. and its allies took measures to protect the Kurds by passing UN Resolution 688 that established a safe haven for Kurds north of the 36th parallel. By that time, nearly half of Kurdistan's population had become refugees.<sup>xliv</sup>

Although Operation Provide Comfort protected Kurds residing above the 36th parallel from al-Majid's wrath and allowed Kurds to govern themselves for the first time in over 50 years, Iraqi Kurdistan would suffer from a double economic embargo, imposed by both Baghdad and the international community, and a civil war between rival Kurdish factions for the next decade. In the wake of the Gulf War, the international community imposed what was perhaps the harshest sanctions regime in history on the state of Iraq, banning all goods and products from entering or leaving Iraq, except oil, medicine and, "in humanitarian circumstances," food aid.<sup>xlv</sup> The UN sanctions, which included the Kurdish safe zone, resulted in over one million civilian deaths, half of which were said to be children, from starvation and disease. Unable to maintain physical control of the Kurdish region, Saddam used starvation as a weapon of war and imposed an additional economic blockade on the north, depriving the Kurdish economy of fuel, raw material and manufactured goods and cutting all funding for government employees, who made up half the workforce at the time. The poorest population, many of them widows or elderly, made up 60 percent of the total population in northern Iraq and was completely dependent on rations given to them through the UN's Oil-for-Food Program.<sup>xlvi</sup> The UN program destroyed existing markets and created a culture of dependency, making the majority of the population extremely vulnerable to eco-

conomic changes and seriously undermining agricultural development. According to the *Washington Post*, economic devastation became so dire that disenfranchised Kurds attempted to forcibly take control of foodstuffs on multiple occasions.<sup>xlvii</sup> Such widespread hardship increased poverty and economic inequality, damaged Kurdistan's health system, decreased public education, and humiliated the Kurdish population at a time when the region was struggling to recover from genocide. Deteriorating economic conditions were considered a key factor in sparking a three-year civil war between the rival political parties the PUK and KDP, which brought a return of tribe-like politics to Iraqi Kurdistan.

### SAFE-HAVEN?: HONOR AND THE TRIBAL RULE OF LAW IN POST-WAR KURDISTAN

In the aftermath of the Kurdish civil war and the Anfal campaign, a tribe-like mentality gained newfound importance in Kurdish society as Kurds looked for ways to protect themselves against unpredictable outside forces. "Tribe-like" refers to a pre-modern form of political organization characterized by a harsh, survivalist quality and a strict adherence to certain intense primordial or kin-group forms of allegiance.<sup>xlviii</sup> The bonds of kinship must be honored before all other obligations, and anyone who does not behave in this way must be totally dishonored and punished. Tribal logic dictates that if an outside force violates your tribe in some way, you must not only seek revenge, but punish the violator in a way that signals to all other tribes that you are not to be tampered with. Clearly, this system has dire implications for women, who, in the aftermath of the genocide and civil war, symbolized their family or tribe's honor. When a woman violates her tribe's honor code by appearing impure, she must be punished publicly so as to maintain the group's standing. Although severe tribalism does not currently play as large of a role in Kurdish politics as it did in the immediate aftermath of hostilities, the tribal notion that keeping one's women "pure" is a necessity that has not subsided. Particularly in rural areas of Kurdistan where the KRG has less influence, a stronger adherence to tribal ideology as well as lower levels of female education and unemployment create a harsh environment for women.

This is compounded by the fact that a legacy of war has rendered violent confrontation as the primary mechanism in bringing about family or tribal resolution. Unsurprisingly, this led to a rise in honor related deaths, which make up 60-70 percent of all murder cases of women in Iraqi Kurdistan.<sup>xlix</sup> An anecdote compiled by UNAMI explains:

"Society pressure generates violence against women because if you don't show violence, the community looks at you as a dishonored and disrespected person. I was threatened with

death because I wanted to get a divorce from my husband because I was in love with another man. My family refused this because they thought divorce was a shame to them. Our relatives gathered and decided to kill me. I blame this decision on society because many other families around us use violence as a way to solve problems. My father and husband didn't want to murder me, but our relatives and community tried to force them to do so." –Female, 20, Sulaimaniyah City<sup>i</sup>

The disruption of war has left women more vulnerable to this type of violence. The militarization of Kurdish society also fuels honor-based deaths. According to a recent study linking honor crimes and militarism, more than one million people own firearms in Kurdistan, with a large percentage of them located in rural areas where women are most vulnerable.<sup>ii</sup> The report further cited Erbil police as claiming that in 2008, 165 women were shot dead and 12 men and women killed mistakenly by firearms in Erbil alone.<sup>iii</sup> The Erbil Police Director acknowledged that the high number of weapons in Kurdistan is linked to decades of internal war and insurgency against Baghdad.

Perhaps a more subtle effect of tribe-like mentality and a decades-long insurgency is an acute suspicion of the law in Iraqi Kurdistan. Throughout Kurdistan's history, formal legal entities were under control of the Ba'athist government, and prosecution often meant torture, unwarranted imprisonment or simply the disappearance of whomever the Ba'athist leadership suspected of disloyalty. In an attempt to escape the omnipresent glare of Baghdad, and perhaps the only path to survival, Kurds looked to informal, or tribal, justice mechanisms rather than formal legal institutions for reconciliation and justice. Interviews with Kurdish officials have confirmed the persistence of a suspicion of the formal legal system.<sup>iii</sup> Thus, in regards to honor crimes, women continue to suffer from the legacy of Ba'athist rule due to a widespread suspicion of formal legal entities that otherwise would have protected them from honor crime perpetrators.

The persistence of tribal structures in Kurdistan manifests itself in the *komelayeti*, a structure run by elderly, religious, political and tribal representatives that assumes the responsibility for hearing disputes and passing judgment and aims to achieve reconciliation (*solih*) between families or groups.<sup>iv</sup> In areas outside Kurdistan's main cities which were disproportionately affected by genocide and war, the *komelayeti* wields a stronger influence. The *komelayeti* may use force, including killing a woman at the demand of a powerful group in order to achieve "peaceful" reconciliation. When a woman is perceived to have dishonored her family, *solih* is often achieved by requiring both families to kill their own daughter or son in order to prevent a spiral of bloodshed and revenge from ensuing.<sup>iv</sup> The intervention of the *komelayeti* also serves to ensure that disputes are removed from community gossip, a crucial function in a society where honor killings are often provoked by gossip and rumors. The *komelayeti* can achieve a political solution by

requiring the accused daughter to “die symbolically” by forcing her to flee the community and sever all contact with her family in order to “remove the dirty stain” created by the alleged incident.<sup>lvi</sup> Thus, the *komelayeti* does not achieve justice but rather through power relations imposes socially and politically acceptable solutions. Formal legal entities are viewed with suspicion because, according to an Erbil lawyer, they are perceived as unable to establish justice, prevent public shame, revenge and further bloodshed, instead accusing one side.<sup>lvii</sup> Hence, in many areas in rural Kurdistan, the *komelayeti* are preferred over judicial institutions.

Tribal justice and bodies such as the *komelayeti*, while capable of offering culturally compatible solutions, are often inconsistent with international human rights policy, especially in regards to women, and weakens the formal rule of law. The inherent weakness of these systems fails to achieve justice, especially for women, for several reasons. Power imbalances can lead to resolutions based on forced acceptance rather than consensus; women are largely excluded from the decision-making process because informal justice mechanisms tend to reflect existing social hierarchies; tribal justice can perpetuate the powerlessness of women in order to obtain desired remedies; the de-emphasis of personal responsibility and elevated position of community and family rule are often pursued at the expense of women (for example, a woman who has been raped can be forced to marry her attacker so as to restore honor to her family); tribal justice systems may not be authentic but based on “fabricated traditions” that exploit vulnerable populations; and, perhaps most importantly, extended periods of armed conflict can reinforce power imbalances, affect how informal justice systems are used and damage traditional justice systems that protected women prior to conflict.<sup>lviii</sup> While an informal justice system such as the *komelayeti* may have been effective prior to the outbreak of war or mass atrocities, after hostilities cease, the dynamics of such systems can be drastically altered.

## IMPLEMENTING THE LAW

Serious impediments, along with the persistence of tribal law, threaten the legitimacy of the legal system, rendering women vulnerable to the control of patriarchal forces outside the state. This is worsened by the fact that many honor crime cases are unreported. A legacy of division pervading the legal system resulting from the KDP-PUK conflict further prevents such laws from being implemented as an alleged honor crime perpetrator from a KDP-administered zone can flee to a PUK-administered zone in the hopes of evading persecution.<sup>lix</sup>

A recent study found that police and legal representatives demonstrate reluctance to blame each other for the lack of rigorous investigation and poor judi-

cial practice with the outcome being that a number of alleged murders of women in Iraqi Kurdistan roam free.<sup>lx</sup> The study cites the failure of police to intervene and enforce procedures that would protect women, referring to a case in which a woman made repeated (and unheeded) requests for police protection from her ex-husband and even called the police as her ex-husband entered her house with the intent of murdering her. No immediate action was taken and the woman was killed. The study further acknowledges the failure of criminal and legal bodies to investigate honor crimes, the weakness of monitoring mechanisms and follow-up procedures, the enforcement of honor codes by legal entities through “virginity tests”<sup>3</sup> of women and the absence of a witness protection program. The domination of military power is also cited as eroding the legitimacy of police activities and legal institutions and enforcing silence over the community, as in a case in which a *peshmerga* used his power to protect alleged perpetrators of an honor killing. Additionally, implementation varies widely across regions, leading to an uneven application of the law. For example, between 2000 and 2007 in the Dohuk governorate only 10 people were convicted of honor crimes, and suspects were often let free due to “family connections.”<sup>lxi</sup>

Militarism, tribal loyalties and a history of violent confrontation all prevent the Kurdish justice system from functioning properly. “We’re still suffering from the past,” said Jinan Q. Ali, former minister of women’s affairs in the Kurdish regional government. “You can’t say the government and police are not doing their job. To transfer a society from a violent one to a peaceful one won’t happen suddenly.”<sup>lxii</sup> Therefore, the KRG must not only work to strengthen its judicial procedures, but also take measures to root out deep-seated notions of tribal justice so as to ensure that Kurdish women feel protected by their government.

## CONCLUSIONS

Clearly, Iraq’s Kurdish women face striking obstacles rooted in the patriarchal, tribal culture strengthened as a result of conflict and a conservative backlash in Kurdistan’s post-war years. Restrictions placed on rural Kurdish women by the honor code severely impede their ability to educate themselves, participate in the economy and live fulfilling lives. Although recent legislative successes that target honor killing and domestic violence should be commended, passing more laws will mean little to a rural population that does not trust its courts and operates on tribal notions of justice and reconciliation. In the words of one Kurdish activist, “Without changing the way society thinks, changing laws on paper is useless.”<sup>lxiii</sup>

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<sup>3</sup> In investigating a murder case, local courts still check a deceased woman’s virginity so as to prove whether she was guilty of committing adultery or pre-marital sex. Murderers of women who do not pass the virginity test often get shorter sentences because they are seen to have acted with “honorable motivations” in murdering the woman.

For this reason, more attention should be given to women's education and economic empowerment, particularly in rural villages and among lower to middle class women. Education and economic empowerment could act as a counter weight to strong tribal and traditional forces that keep women in the home so as to protect her dignity. Over the long term, such an investment would change the way most Kurds view women. Instead of seeing a woman as something to be protected and preserved, Kurds would begin to see women as potential breadwinners who can contribute to building their nation.

Like much of the Middle East today, Iraq's Kurds have many challenges and difficult decisions ahead of them. Before the Arab Spring, Iraqi Kurdistan was seen as a democratic island, an oasis surrounded by authoritarian rulers who relentlessly abused their populations. KRG President Barzani, who won the hearts of many Kurds after successfully leading the Kurdish insurgency against Baghdad, and his government were trusted by most of the Kurdish population. But in the wake of harsh crackdowns on Kurdish protests calling for an end to government corruption and improvements in basic services, allegations have surfaced claiming Barzani and the KRG have lost legitimacy in the eyes of the Kurdish people. Regional demands for better basic services and civil rights have set a new standard for legitimate governments from which Iraqi Kurdistan is not exempt. More economic and educational opportunities are crucial to maintaining the legitimacy of governments in power, and while the stakes are high for everyone, women have the most to gain or lose from new reforms.

What hasn't seemed to have been lost in the Arab Spring though, perhaps even strengthened, is the Kurdish people's overwhelming sense of hope. Harsh actions of the KRG and its security forces aside, ordinary Kurds remain committed to rebuilding their nation after years of war and genocide. Perhaps a positive side effect of Kurdistan's troubling history has been a strong sense of unity and purpose among its people. What is vital for Kurdistan in the coming years is to ensure that new freedoms are extended to women. If Kurdistan truly desires to be a regional model for democracy and economic prosperity, it cannot afford to sideline women's rights, particularly women's education and economic empowerment. Because, given the right opportunities, Kurdish women can be unstoppable.

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<sup>iv</sup> *Ibid.*

<sup>v</sup> *Ibid.*



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<sup>lv</sup> Begikhani, 2005

<sup>lv</sup> Ibid.

<sup>lvi</sup> Ibid.

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<sup>lxi</sup> Ibid.

<sup>lxii</sup> "Iraqi Women Fighting for a Voice, Activists Confront Dual Powers of Religion and Tribalism." *The Washington Post*. 7 December 2008.

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