



## COI QUERY

<b>Country of Origin/Topic</b>	<b>Iraq</b>
<b>Question(s)</b>	<ol style="list-style-type: none"><li>1. Information on the prevalence of Female Genital Mutilation (FGM) in Iraq, including the Kurdistan Region of Iraq.</li><li>2. Which profiles in Iraq and the KRI are affected by FGM?</li><li>3. What are the social/tribal attitudes towards FGM in Iraq and KRI? If applicable, what are the social or other 'sanctions' for girls/women not subjected to FGM and/or their families?</li><li>4. What kind of attitude towards FGM have the state authorities adopted? Has the legislation any prohibitions or limitations? If so, how are they implemented in practice?</li></ol>
<b>Date of completion</b>	<b>15 March 2019</b>
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## COI QUERY RESPONSE

### 1. Information on the prevalence of Female Genital Mutilation (FGM) in Iraq, including the Kurdistan Region of Iraq

Generally, data on the practice of Female Genital Mutilation/Cutting (FGM/C) in the Middle East countries is limited.<sup>1</sup> An academic paper published in 2017 noted that no largescale prevalence studies have been conducted in the Middle East so far, except for studies on Iran and the Kurdistan Region of Iraq (KRI)<sup>2</sup>, the latter being published in 2010 by the German-Iraqi NGO WADI (Association for Crisis Assistance and Solidary Development Cooperation).<sup>3</sup>

Based on research conducted between 2007 and 2008 in villages as well as urban centers in Erbil, Sulaymaniyah, Garmian and Kirkuk,<sup>4</sup> the 2010 study by WADI revealed that 72 % of women and girls were subjected to the practice of FGM.<sup>5</sup>

Minority Rights Group International (MRG) noted that, outside the Kurdish region, the extent of the practice remains unclear. Some studies carried out by local rights group point out that FGM takes place in other governorates as well, despite the official stance that the practice is limited to the Kurdistan region.<sup>6</sup> In 2012, WADI conducted another study in the Kirkuk Governorate finding a 38 % of prevalence rate. The NGO stated that the survey provided evidence to the assumption that FGM was not only practiced by the Kurdish population but also existed in central Iraq.<sup>7</sup> In its 2016 human rights report, USDOS refers to NGOs data indicating 25 % of women in the central and southern parts of the country had been subjected to FGM/C.<sup>8</sup>

According to the 2013 UNICEF report on FGM, the prevalence of FGM in Iraq is estimated at 8 % with 3.8 million women and girls having undergone the procedure.<sup>9</sup> UNICEF further reported that available data showed that 'FGM/C is only practiced in a few northern regions, including Erbil and Sulaymaniyah, where the majority of girls and women have undergone the procedure; it is 'practically non-existent in other areas of the country.'<sup>10</sup> According to the same study, the percentage of girls and women aged 15-29 years who have undergone FGM/C in the KRI was 58 % (Erbil), 54% (Sulaymaniyah) and 2 % in Dahuk.<sup>11</sup>

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<sup>1</sup> 28 Too Many, Middle East – FGM in Kurdistan, n.d., [url](#); MRG, The Lost Women of Iraq: Family-based violence during armed conflict, 4 November 2015, [url](#), p. 31

<sup>2</sup> Geraci D., Mulders J., Researching Female Genital Mutilation in Western countries of asylum: a case study of Syria, in Researching Female Genital Mutilation/Cutting, Brussels University Press, 2017, [url](#) p. 46

<sup>3</sup> WADI, Female Genital Mutilation in Iraqi-Kurdistan. An empirical Study by WADI, 2010, [url](#)

<sup>4</sup> WADI, Female Genital Mutilation in Iraqi-Kurdistan. An empirical Study by WADI, 2010, [url](#) pp. 2-4

<sup>5</sup> WADI, Female Genital Mutilation in Iraqi-Kurdistan. An empirical Study, 2010, [url](#) p. 5

<sup>6</sup> MRG, The Lost Women of Iraq: Family-based violence during armed conflict, 4 November 2015, [url](#), p. 31

<sup>7</sup> WADI, Female Genital Mutilation in Iraq: An empirical study in Kirkuk Province, 2012, [url](#) p. 5

<sup>8</sup> USDOS, Country Report on Human Rights Practices 2016 - Iraq, 3 March 2017, [url](#)

<sup>9</sup> UNICEF, Female Genital Mutilation/Cutting: A statistical overview and exploration of the dynamics of change, July 2013, [url](#) p. 2

<sup>10</sup> UNICEF, Female Genital Mutilation/Cutting: A statistical overview and exploration of the dynamics of change, July 2013, [url](#) p. 30

<sup>11</sup> UNICEF, Female Genital Mutilation/Cutting: A statistical overview and exploration of the dynamics of change, July 2013, [url](#) p. 31



In the summary of its 2013 report on FGM in Iraq, Landinfo observed that Kurdish girls in Iraq have been subject to FGM for generations. However, the issue has become known to the larger outside world only in recent years. Although the practice is widespread in the KRI, education and advocacy campaigns have contributed to a change in attitudes. Generally, Arab girls do not undergo FGM, however, studies showed that women living in Kurdish dominated areas in Kirkuk and Garmian to a certain extent suffer the practice as well.<sup>12</sup>

During a fact-finding mission to the KRI in 2015, the Danish Immigration Service (DIS) was informed by Human Rights Watch that FGM is found particularly in the part of KRI bordering Iran, but is practiced all across KRI.<sup>13</sup>

Following the revelation of high rate prevalence in the Kurdistan region in 2010, public debate ensued and efforts of activists led to the criminalisation of FGM in 2011 by the Kurdistan Regional Government (KRG). The implementation of this legislation,<sup>14</sup> however, has remained a major challenge and FGM has continued to be practiced on significant numbers of girls and women.<sup>15</sup>

In 2015, a survey revealed a sharp decrease in rates of FGM in Northern Iraq, mainly due to awareness campaigns run by NGOs and the 2011 law banning the practice in the KRI.<sup>16</sup> Minority Rights Group International reported that up until 2015 modest progress was made in raising awareness of the health and legal consequences of FGM, reducing the prevalence of the practice in some communities. However, 'due to the fact that FGM is now illegal and bears criminal consequences, activists say that the practice has now gone underground. Communities continue to practice it, but deny it when asked about it by activists.'<sup>17</sup>

A report commissioned by UN Women and Oxfam and published in December 2018 stated that although less than 10 % of the total female population in Iraq has undergone FGM, its prevalence in the Kurdistan Region is alarming. Mentioning data from a 2016 survey of the High Council of Women Affairs on FGM Prevalence in the Kurdistan Region, the UN Women-Oxfam report stated that 44.8 % of women had undergone FGM and 10 % of girls reported having been submitted to the practice. Among these, 67.6 % of women and 16.7 % of girls who suffered the practice live in Erbil.<sup>18</sup>

As of 2017, FGM in the northern region of Iraq was still estimated to be prevalent despite the 2011 law.<sup>19</sup>

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<sup>12</sup> Norway: Landinfo, Iraq – Female Genital Mutilation, 2013, [url](#) p. 3

<sup>13</sup> Denmark: DIS, The Kurdistan Region of Iraq (KRI); fact finding mission, 26 September to 6 October 2015, 12 April 2016, [url](#) p. 62

<sup>14</sup> Kurdistan Regional Government, The Act of Combatting Domestic Violence in Kurdistan Region – Iraq. Act No. 8 2011, available at Human Rights Monitoring Project, Monitoring report on the implementation of Domestic Violence Law in Kurdistan Region, December 2013, [url](#)

<sup>15</sup> MRG, The Lost Women of Iraq: Family-based violence during armed conflict, 4 November 2015, [url](#), p. 31.

<sup>16</sup> Heartland Alliance, UNICEF, Kurdistan Regional Government, Baseline and Intervention Strategy Survey for the Eradication of Female Genital Mutilation in the Kurdistan Region of Iraq, 2015, [url](#) p. 8

<sup>17</sup> MRG, The Lost Women of Iraq: Family-based violence during armed conflict, 4 November 2015, [url](#), p. 33.

<sup>18</sup> UN Women, Oxfam, Gender Profile – Iraq, December 2018, [url](#) pp. 40-41

<sup>19</sup> WADI, Female Genital Mutilation (FGM) in Iraqi-Kurdistan: Still an unresolved problem, 28 December 2017, [url](#); USDOS, Country Report on Human Rights Practices 2017 – Iraq, 20 April 2018, [url](#) p. 41



The latest survey on the issue of FGM in Iraq is the 2018 Multiple Indicator Cluster Survey (MICS) Iraq conducted by the Iraqi Central Statistical organization (CSO), the Kurdistan Regional Statistics Office (KRSO) together with UNICEF and the Iraqi Ministry of Health. Key findings of this survey showed that 7.4 % of women aged between 15 and 49 underwent FGM in Iraq. The majority of FGM procedure occur in Kurdistan region (37.5 %), compared with 0.4 percent in central and southern Iraq.<sup>20</sup>

A joint fact-finding mission to KRI conducted by DIS and Landinfo in April 2018 confirmed that the practice is most common in the Kurdish region of Iraq. Interviewed by DIS-Landinfo, a project coordinator at WADI stated that the rate of FGM has been reduced by half in the KRI due to the 2011 law and the impact of their work. This source explained that their team is still actively engaged in awareness activities with communities in northern Iraq and that the prevalence of the procedure can still be noted in areas that have not been reached by their advocacy work, including villages in northern Sulaymaniyah, the Garmian district and in villages in Erbil.<sup>21</sup>

According to this source, in tribal areas, such as Ranya, Qaladze, Peshdar, Chamchamal and Erbil, FGM, forced marriage and child marriage take place, and cases of domestic violence (such as beating of wives and children) are also common.<sup>22</sup> WADI further added:

‘Many children are born at home or in other private houses rather than at hospitals. There are cases where mutilation takes place at birth. Sometimes the mothers are mutilated too, during delivery, by the midwives who are secretly ordered by the mothers-in-law if it is discovered that she had not been already circumcised. This also happens in the villages between Kirkuk and Sulaimania, as well as Sulaimania city (in general girls are mutilated between the ages 4 to 12). The women, who perform the FGM, are afraid of going to prison, because it is illegal which is why they often try to hide their deeds.’<sup>23</sup>

In 2017, the advocacy group Stop FGM Middle East reported the case of a six-year-old girl who died in the Kurdistan region after being mutilated. The organisation stated that, although FGM is banned in the KRI and the number of women being subject to the procedure is dropping significantly, many girls are still affected by this practice.<sup>24</sup>

## 2. Which profiles in Iraq and the KRI are affected by FGM?

No clear and updated data is available on profiles affected by FGM in Iraq, including the Kurdistan region. However, information provided above suggests that Kurdish women are the most affected by the FGM practice in Iraq.

The aforementioned 2012 research by WADI on FGM in the Kirkuk Governorate showed that FGM rate varied significantly among ethnic groups. The practice was most common among Sunni Muslims (40.9 %), but also practiced by Shiites (23.4 %) and Kakai’s, while no information on FGM practiced by Christians and Yezidi in northern Iraq was available.<sup>25</sup> Among the women surveyed by WADI in Kirkuk

<sup>20</sup> CSO, KRSO, UNICEF, Iraqi Ministry of Health, Multiple Indicator Cluster Survey (MICS), 2018, [url](#) p. 53

<sup>21</sup> Denmark: DIS and Norway: Landinfo, Women and men in honour-related conflicts, 9 November 2018, [url](#) pp. 35-36

<sup>22</sup> Denmark: DIS and Norway: Landinfo, Women and men in honour-related conflicts, 9 November 2018, [url](#) p. 42

<sup>23</sup> Denmark: DIS and Norway: Landinfo, Women and men in honour-related conflicts, 9 November 2018, [url](#) p. 36

<sup>24</sup> Stop FGM Middle East, Six year old Girl died in Iraqi-Kurdistan after being mutilated, 30 May 2017, [url](#)

<sup>25</sup> WADI, Female Genital Mutilation in Iraq: An empirical study in Kirkuk Province, 2012, [url](#) p. 20



as well as in the KRI, tradition and religion were mentioned as the main reasons for practicing FGM. The NGO further explained that while Kurdish women tend to call FGM a ‘tradition’, more Arabs and Turkmen consider it mainly as a religious obligation.<sup>26</sup>

The WADI research also showed that the level of educational also plays a role in the FGM rate. The NGO noted that the Kurds and Arabs, forming the large majority of the population, are significantly less educated than the Christians and Turkmen, with level of education among Kurds even slightly worse than among the Arabs.<sup>27</sup>

### **3. What are the social/tribal attitudes towards FGM in Iraq and KRI? If applicable, what are the social or other ‘sanctions’ for girls/women not subjected to FGM and/or their families?**

The UN Women-Oxfam report mentioned data from the 2016 survey of the High Council of Women Affairs on FGM in the KRI, showing that the two most common reasons mentioned for practicing FGM are religion (63.4 % of surveyed women) and tradition (61.8 % of surveyed women). The survey also showed that 24 % of mothers who forced their daughters to undergo FGM reported that they carried out the procedure out of family pressure.<sup>28</sup>

A joint study, conducted by the Department of Community Medicine at the University of Hawler, the College of Nursing in Hawler and the Directorate of Health in Erbil, reported that various participants to the study (religious leaders and academics) attributed the practice of FGM to religion, while others considered it a tradition related to culture or a tradition mixed with the religion<sup>29</sup>. Other reasons that were frequently mentioned by the participants in support of the practice included reducing women’s sexual desire and the need to regulate the sexuality of women as they considered women to have a high sexual desire by nature. Few participants attributed the practice to hygiene, as some believe that women who are not cut might have a bad smell.<sup>30</sup>

In the interview with DIS/Landinfo during their fact-finding mission in April 2018, the project coordinator at WADI stated that it is women, mostly midwives and elderly women, who carry out the FGM. This source further explained that women who perform FGM believe it is required by Islamic rules but they also do it because of cultural tradition, adding that the fact that many mullahs do not distance themselves from FGM is problematic.<sup>31</sup>

A report published in March 2018 by the Institute for International Criminal Investigations (IICI) observed that in Iraq, cultural and societal beliefs are strongly ingrained in a patriarchal and binary view of the roles of men and women. The reported added:

‘Women are the holders of honour, to be protected by dominant men whose role is to protect and uphold their family’s honour and reputation. Great value is placed on a woman’s “purity”

<sup>26</sup> WADI, Female Genital Mutilation in Iraq: An empirical study in Kirkuk Province, 2012, [url](#) p. 20-21

<sup>27</sup> WADI, Female Genital Mutilation in Iraq: An empirical study in Kirkuk Province, 2012, [url](#) pp. 22-23

<sup>28</sup> UN Women, Oxfam, Gender Profile – Iraq, December 2018, [url](#) pp. 40-41

<sup>29</sup> US National Library of Medicine, Knowledge and perspectives of female genital cutting among the local religious leaders in Erbil governorate, Iraqi Kurdistan region, 7 March 2017, [url](#)

<sup>30</sup> US National Library of Medicine, Knowledge and perspectives of female genital cutting among the local religious leaders in Erbil governorate, Iraqi Kurdistan region, 7 March 2017, [url](#)

<sup>31</sup> Denmark: DIS and Norway: Landinfo, Women and men in honour-related conflicts, 9 November 2018, [url](#) pp. 35-36

or virginity. Women's behaviour should strictly align to the community expectations of "honour", and it is the role of the male members of the family to control that behaviour or take "necessary steps" to restore any lost "honour". Other members of the family, the matriarch in particular, may also play a role in maintaining or restoring "honour" (FGM, self-immolation and burning, encouraged suicides, etc.).<sup>32</sup>

However, there has been considerable public awareness over the years over the practice of FGM.<sup>33</sup> According to the 2018 MICS report, 94 % of girls and women in Iraq aged between 15 and 49 think FGM should be stopped.<sup>34</sup>

#### **4. What kind of attitude towards FGM have the state authorities adopted? Has the legislation any prohibitions or limitations? If so, how are they implemented in practice?**

The federal government of Iraq does not have any provision prohibiting the practice of FGM.<sup>35</sup>

In 2011, the Kurdish Parliament passed the Law No. 8 2011<sup>36</sup> against Domestic Violence in the Kurdish Region. The act provides a legal basis for a wide variety of violent acts to be prosecuted as criminal offences. Such violent acts include, among others, forced marriage, marriage of minors, FGM, forcing family members to leave employment, suicide due to domestic violence and battering children and family members. The Domestic Violence Law is valid only in the KRI and does not regulate murder.<sup>37</sup> Article six of the law reads:

'Without prejudice to any heavier punishments provided for in the effective laws of the Region:

One: Anyone promoting female genital circumcision shall be punished with a fine ranging from minimum (1,000,000) one million IQDs and maximum (5,000,000) five million IQDs.

Two: Anyone administering female genital circumcision or participating in the process shall be punished with a prison term ranging from minimum (6) months and maximum (2) years; and/or a fine ranging from minimum (2,000,000) two million IQDs and maximum (10,000,000) ten million IQDs.

Three: Anyone administering underage female genital circumcision or participating in the process shall be punished with minimum (1) year prison term and/or a fine ranging from minimum (5,000,000) five million IQDs and maximum (10,000,000) ten million IQDs.

<sup>32</sup> IICI, Supplement to the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict: Guidance for Practitioners in Iraq, March 2018, [url](#) p. 32

<sup>33</sup> Guardian (The), Majority in Iraqi Kurdistan oppose female genital mutilation, 8 September 2014, [url](#); AFP, Women Strive to End Genital Mutilation in Kurdish Iraq, 2 January 2019, [url](#); Reuters, Female Genital Mutilation falls sharply in northern Iraq: survey, 6 February 2017, [url](#)

<sup>34</sup> CSO, KRSO, UNICEF, Iraqi Ministry of Health, Multiple Indicator Cluster Survey (MICS), 2018, [url](#) p. 54

<sup>35</sup> MRG, The Lost Women of Iraq: Family-based violence during armed conflict, 4 November 2015, [url](#) p. 31

<sup>36</sup> Kurdistan Regional Government, The Act of Combatting Domestic Violence in Kurdistan Region – Iraq. Act No. 8 2011, available at Human Rights Monitoring Project, Monitoring report on the implementation of Domestic Violence Law in Kurdistan Region, December 2013, [url](#)

<sup>37</sup> Denmark: DIS and Norway: Landinfo, Women and men in honour-related conflicts, 9 November 2018, [url](#) p. 14



Four: The punishment shall be severer if the perpetrator was a doctor, pharmacist, chemist or midwife or their assistants. The Court shall also order professional disqualification for maximum three years.<sup>38</sup>

The KRI also established the High Council of Women Affairs, a governmental agency directly linked to the Prime Minister's office, which is responsible for combatting all types of gender-based violence, including FGM.<sup>39</sup>

An extensive awareness campaign to stop FGM– launched by WADI in 2004 – together with the Law No. 8 2011 are believed to have contributed to a change in public attitude as well as to a reduction of the practice of FGM in the Kurdistan region of Iraq.<sup>40</sup>

However, the implementation of the law remains a challenge.<sup>41</sup> Although legal provisions are in place in the KRI and although efforts are being made by local and international agencies, the UN Women-Oxfam report stated that 'more implementation and enforcement measures are needed at the legal level'.<sup>42</sup>

According to the project coordinator of WADI interviewed in April 2018 by DIS-Landinfo, barriers for the implementation of Law No. 8 2011 are represented by the 'patriarchal mentality of the society as well as the discriminatory mindset of the judges towards women'. This source further explained that lower ranks of police officers do not take women seriously when they report abuses, which prevents many women from seeking protection within the legal system.<sup>43</sup> WADI added that, in the case of FGM, local authorities do not often cooperate with their teams and that cooperation depends on 'the mood of the mayors of the sub-districts'. The same source stated that some local authorities blamed WADI of giving women 'ideas' and bringing shame to the society, adding that a staff member of WADI was arrested during a seminar in Erbil because of the content addressed during the seminar.<sup>44</sup>

In an interview with APF published on January 2019, the head of the Kurdish Regional Government's anti-FGM unit stated that the 2011 law in practice is not being used because girls do not file a complaint against their mothers or fathers.<sup>45</sup>

On 5 February 2019, WADI issued a press release welcoming the announcement by KRG to eliminate the practice of FGM by 2028. The NGO explained that such announcement was made during an expert meeting on FGM organised by the United Nations Populations Fund (UNFPA) in Egypt, where representatives of the Kurdistan Regional Government and UNFPA stated their goal to reduce female genital mutilation to zero within the next five to ten years. According to WADI, as part of this

<sup>38</sup> Kurdistan Regional Government, The Act of Combatting Domestic Violence in Kurdistan Region – Iraq. Act No. 8 2011, available at Human Rights Monitoring Project, Monitoring report on the implementation of Domestic Violence Law in Kurdistan Region, December 2013, [url](#) p. 7

<sup>39</sup> US National Library of Medicine, Knowledge and perspectives of female genital cutting among the local religious leaders in Erbil governorate, Iraqi Kurdistan region, 7 March 2017, [url](#)

<sup>40</sup> Diyaruna, Iraqi women strive to end genital mutilation, 2 January 2019, [url](#); Guardian (The), Majority in Iraqi Kurdistan oppose female genital mutilation, 8 September 2014, [url](#); Denmark: DIS and Norway: Landinfo, Women and men in honour-related conflicts, 9 November 2018, [url](#) pp. 35-36

<sup>41</sup> MRG, The Lost Women of Iraq: Family-based violence during armed conflict, 4 November 2015, [url](#), p. 31

<sup>42</sup> UN Women, Oxfam, Gender Profile – Iraq, December 2018, [url](#) p. 41

<sup>43</sup> Denmark: DIS and Norway: Landinfo, Women and men in honour-related conflicts, 9 November 2018, [url](#) p. 15

<sup>44</sup> Denmark: DIS and Norway: Landinfo, Women and men in honour-related conflicts, 9 November 2018, [url](#) pp. 35-36

<sup>45</sup> APF, Women Strive to End Genital Mutilation in Kurdish Iraq, 2 January 2019, [url](#)



government plan, the Ministry of Religious Affairs, the Ministry of Education and the Ministry of Health will play an active role and the measures will be implemented with the help of UNFPA. The NGO further added that the 'struggle was not easy in the beginning. Not only the Kurdish Regional Government (KRG), but also the UN initially denied the existence of the practice'.<sup>46</sup>

On 6 February 2019, marking the International Day of Zero Tolerance for Female Genital Mutilation, UNFPA issued a statement reaffirming their commitment to put an end to FGM in Iraq. UNFPA stated that UN is working on awareness campaign together with government institutions and local NGOs 'in some identified areas of the Kurdistan Region of Iraq, where FGM still occurs on a higher rate'.<sup>47</sup>

Interviewed by the Kurdish news website Kurdistan 24, on 6 February 2019, a project-coordinator at WADI stated that in order to eradicate FGM it is important to focus on the implementation of the Law No 8 2011, adding that 'There still has not been one case where it has been prosecuted'.<sup>48</sup>

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<sup>46</sup> WADI, Press Release: Day of Zero Tolerance: Iraqi Kurdistan Government pledges to eliminate FGM, 5 February 2019, [url](#)

<sup>47</sup> UNFPA, Statement: Protecting Girls in Iraq from Female Genital Mutilation, 6 February 2019, [url](#)

<sup>48</sup> Kurdistan 24, Activists in the Kurdistan Region continue the fight to eradicate FGM, 6 February 2019, [url](#)





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