



## Preventing Violence Against Women: The Case of Iraq

Dr Simon Mabon and Ludovica Di Giorgi

In a recent discussion at Westminster, Angelina Jolie, the actress and co-founder of the Preventing Sexual Violence Initiative (PSVI) spoke of the need to do more to combat the threat that ISIS poses to women. Jolie argued that “The most aggressive terrorist group in the world today knows what we know, knows that it is a very effective weapon and they are using it as a centrepiece of their terror and their way of destroying communities and families, and attacking and dehumanising”.<sup>1</sup>

Definitions of violence are notoriously difficult to agree upon, with a range of different constituent parts, including the physical and psychological, the direct and indirect, the cultural and the symbolic. Increasingly, international legal definitions have sought to frame violence against women within the context of discrimination and the violation of human rights.<sup>2</sup> In 1992, the Committee on the Elimination of Discrimination against Women noted that ‘states may [...] be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation’.<sup>3</sup>

A UN handbook on legislation on violence against women stresses the need to move beyond legislations that will provide a freedom from something,<sup>4</sup> to legislation that facilitates more positive freedoms to do something, allowing women to live a fuller life, free from persecution, discrimination and violence. This legislation needs to be all encompassing, across all facets of society, from politics to family life, yet all too often, states fail in their responsibilities. Reflecting this position the 2008 programme, ‘UNiTE to End Violence against Women’, which aimed to facilitate ‘a world free from violence against all women and girls’<sup>5</sup> by 2015.

Yet across Iraq, women are not only subjected to violence from ISIS and in the 12 years since the removal of Saddam Hussein, they have increasingly become the battlefield. Once at the forefront for women’s rights in the Arab world, in a 2013 poll conducted by the Thomson Reuters Foundation, Iraq ranked 21<sup>st</sup> out of 22 states.<sup>6</sup> As Nadjie al Ali argues, women are often used symbolically as a way to reject the previous political order<sup>7</sup> and in the post Saddam transition their exploitation and violence against them has played a role in facilitating this transition.

In Iraq, successive governments have failed to meet their legal requirements with regard to the treatment of women. This briefing outlines the conditions facing women across Iraq. It argues that more is required to ensure that women are protected across the region. In doing this, perceptions of the UK can be shifted, as well as going some way to challenge narratives of victimhood that can increase violence.

### The Iraqi Case

Since the invasion of Iraq in 2003, conditions across the state have deteriorated.<sup>8</sup> The fragmentation of power away from the core has made it increasingly difficult to ensure the protection of women across Iraq. Even if the erosion of these social dynamics started before 2003 as a consequence of the sanctions imposed

<sup>1</sup> Anita Singh, “Angelina Jolie: ‘Islamic State using rape as a centrepiece of their terror’”, *The Telegraph*, September 2015, <http://www.telegraph.co.uk/news/celebritynews/11851625/Angelina-Jolie-Islamic-State-using-rape-as-a-centrepiece-of-their-terror.html>

<sup>2</sup> United Nations, “Handbook for Legislation Against Women”, <http://www.un.org/womenwatch/daw/vaw/handbook/Handbook%20for%20legislation%20on%20violence%20against%20women.pdf>

<sup>3</sup> Committee on the Elimination of Discrimination against Women, general recommendation No. 19 (1992) on violence against women, para. 9.

<sup>4</sup> Parallels can be made here with Isaiah Berlin’s concepts of negative and positive freedoms, i.e. the freedom from something and the freedom to do something.

<sup>5</sup> Unite to End Violence Against Women, UN Secretary General’s Campaign, 2008, <http://endviolence.un.org/about.shtml>

<sup>6</sup> “POLL: Women’s rights in the Arab World”, *Thomson Reuters Foundation*, November 12, 2013, <http://www.trust.org/spotlight/poll-womens-rights-in-the-arab-world/>

<sup>7</sup> Suadad al-Salhy and Isabel Coles, “Iraq women lament costs of U.S. invasion”, November 2013, <http://www.reuters.com/article/2013/11/12/us-arab-women-iraq-idUSBRE9AB00J20131112>

<sup>8</sup> These issues are discussed here: <http://fpc.org.uk/fsblob/1651.pdf> and also in a forthcoming book: *The Origins of ISIS* (London: I.B. Tauris, 2016).



on Saddam Hussein's regime, since the US-led invasion, the situation has dramatically worsened. The decline in security and stability has led to people turning to alternative sources for security, with this often being sectarian militias. The rising power of militias such as the Badr Corps, the Jaysh al Mahdi, and ISIS, offered them the opportunity to project their values upon society, targeting those that disagreed with them and using women as a means of doing this.<sup>9</sup>

Victims of honour killings and discrimination, in the years following the US-led invasion, an increasing number of women were targeted in what will become a recurring theme: as a result of what are perceived to be 'Islamic teachings'.<sup>10</sup> In 2008, graffiti in the city of Basra read 'Your makeup and your decision to forego the headscarf will bring you death'.<sup>11</sup> The rise in religious conservatism is also coupled with the inability of the state to stop violence and discrimination against women, along with an almost non-existent accountability for 'honour crimes'. According to the Ba'athist-era 1969 Iraqi Penal Code and subsequent amendments, 'honour', is seen to be a mitigating factor and the lack of help and support for victims of these crimes is reinforced by a wide ranging social stigma surrounding domestic violence in general, along with the risk of reprisals when reporting an attack.<sup>12</sup> This rising religious conservatism was also reflected in Iraqi law. In 2014, an overwhelming majority of the Iraqi Council of Ministers voted in favour of a draft for a new personal status law, which implicitly legalises rape, prostitution and paedophilia as long as they are committed within a Shari'a-based marriage.<sup>13</sup>

Despite efforts to ensure female representation in the Iraqi parliament through a quota system that allows women to retain 25% of seats in parliament<sup>14</sup>, this did not manifest in reality. According to female lawmakers, most of the women MPs 'did little more than rubber stamp the decisions of their party leaders, all of whom are men.'<sup>15</sup> Furthermore, former Prime Minister Nouri al-Maliki did not appoint any women to senior cabinet positions and the Ministry of Women's Affairs, a mostly ceremonial, poorly-funded department, was the only ministry headed by a woman.<sup>16</sup>

### Women Under ISIS

In attempt to improve their situation, Iraqi women mobilized, speaking out against a number of policies and creating a network of underground safe houses<sup>17</sup>, but since the emergence of ISIS, the situation has dramatically worsened. Under ISIS, women have been subjected to strict and sometimes competing interpretations of Shari'a law, some of which have been condemned even by Saudi clerics.<sup>18</sup>

<sup>9</sup> "Under ISIS, Iraqi women again face an old nightmare: violence and repression", *Organization of Women's Freedom in Iraq*, February 2015, <http://www.owfi.info/EN/article/under-isis-iraqi-women-again-face-an-old-nightmare-violence-and-repression/>

<sup>10</sup> "IRAQ: Islamic extremists target women in Basra", *Irin News*, January 2008, <http://www.irinnews.org/report/76065/iraq-islamic-extremists-target-women-in-basra>

<sup>11</sup> Ibid.

<sup>12</sup> UNAMI, "Human rights report, 1 January – 30 June 2009",

[http://www.ohchr.org/Documents/Countries/IQ/UNAMI\\_Human\\_Rights\\_Report15\\_January\\_June\\_2009\\_EN.pdf](http://www.ohchr.org/Documents/Countries/IQ/UNAMI_Human_Rights_Report15_January_June_2009_EN.pdf). UNAMI elaborates on this: 'The Iraqi Penal Code of 1969 and its amendments consider "honourable motives" while committing a crime to be a mitigating factor. For instance, it is possible for a person convicted pursuant to articles 405 and 406 of the Penal Code to receive a sentence of up to one year for a crime of homicide if the crime was committed to 'wash the family's honour.' Additionally, a husband who kills his wife when caught in the act of adultery can receive a sentence of only up to three years imprisonment. His testimony in court is sufficient evidence to prove adultery.'

<sup>13</sup> Put forward by Justice Minister Hassan al-Shimari (and approved by 21 out of 29 ministers), the draft lowers the age of legal marriage for women to 9 years old and for men to 15 (Article 16), permits polygamy (Article 104), adds fatherly consent for marriage even for women over 18, and gives the husband the right to sexual intercourse even without the wife's consent (Article 101) among other things. Even if it has been defined by many as the "Jaafari Law", Grand Ayatollah Ali al-Sistani himself condemned it. For more information on this matter, see: Rana Harbi, "Iraq's post US-invasion laws: Death knell for women's rights", *Al-Akhbar*, March 2014, <http://english.al-akhbar.com/node/19100>

<sup>14</sup> Isobel Coleman, "Are Quotas for Women in politics a Good Idea?", *The Atlantic*, January 2012,

<http://www.theatlantic.com/international/archive/2012/01/are-quotas-for-women-in-politics-a-good-idea/251237/>

<sup>15</sup> Al-Salhy and Coles, op. cit.

<sup>16</sup> Zainab Salbi, "Why women are less free 10 years after the invasion of Iraq", *CNN*, March 2013, <http://www.owfi.info/EN/article/under-isis-iraqi-women-again-face-an-old-nightmare-violence-and-repression/>

<sup>17</sup> Ibid.

<sup>18</sup> Haleh Esfandiari, Safia Al Soulhail, Kahina Bouagache, Hanin Ghaddar, Zakia Hakki et al., "Barbarians: ISIS's Mortal Threat to Women", *Viewpoints* 60(2014), p. 2.



The life of women under ISIS rule is set out in a manifesto formally titled ‘Women in the Islamic State: Manifesto and Case Study’, issued by the Al-Khanssaa Brigade.<sup>19</sup> Girls can be married at the age of 9 and they receive a religious education until the age of 15. A critique of the typical Western lifestyle, which prevents women from studying *fiqh* (Islamic Jurisprudence) and the Qur’an, is also present, and Muslim women who seek worldly knowledge are portrayed as dupes of Western civilization.<sup>20</sup> Additionally, a kind of reversed-feminism appears to be in operation, with women being ‘celebrated’ as central to the working of the Caliphate through keeping the household running, even if restricted in many aspects of their life by ISIS governance.<sup>21</sup>

Strict regulations are imposed upon all aspects of every day life, from clothing to travelling. Women are forced to wear the *niqab* and male guardians risk punishment if women do not comply with the prescribed dress code. In addition, women are forbidden from travelling without a *mahram* (male relative).<sup>22</sup> A testimony provided by a former member of the morality police details how this was enforced:

“I would tour the markets, take part in raids, and take women who were violating the dress code to the headquarters,” she said. “First we’d warn them, but if they continued, they would be lashed. Twenty, or 40 lashes for her, and the man responsible for her.”<sup>23</sup>

This climate of fear is also enhanced by the systematic use of sexual violence. Even in the first days after the falling of Mosul last June, members of the group started going door to door to take ‘women who are not owned’ for *jihad al-nikah* (sexual jihad/ sexual slavery),<sup>24</sup> increasingly using sexual violence as a weapon of war. Male members of ISIS have also allegedly forced their sisters to marry ISIS fighters in an attempt to improve their position within its ranks.<sup>25</sup>

According to several testimonies, men and women are separated while held captive and are called upon to convert to Islam. The women who comply are forcibly married to ISIS fighters, while the price for refusing was to be sold into sexual slavery.<sup>26</sup> A market for the sale of such women was set up in the al-Quds neighbourhood of Mosul and women are priced according to several factors, including age, ethnicity and beauty.<sup>27</sup> Teenage girls were sold for prices ranging from ‘as little as a pack of cigarettes’ or for a few hundreds of dollars.<sup>28</sup> In an attempt to regulate this, ISIS released a document to impose price controls over the sale of women, depending on their age or religious and ethnic affiliation.<sup>29</sup>

Noor, a 14-year-old Iraqi girl, was sold 15 times, passed from one ISIS fighter to another; each time, she was raped. She eventually managed to escape, and testified that “the worst moments were when one man

<sup>19</sup> “Quilliam Foundation, <http://www.quilliamfoundation.org/wp/wp-content/uploads/publications/free/women-of-the-islamic-state3.pdf> Granted, it should be noted that this is done for propaganda purposes.

<sup>20</sup> Jamaal Abdul-Alim, “ISIS ‘Manifesto’ Spells Out Role for Women”, *The Atlantic*, March 2015, <http://www.theatlantic.com/education/archive/2015/03/isis-manifesto-spells-out-role-for-women/387049/>

<sup>21</sup> “Women of the Islamic State”. Op. Cit., pp 7-8

<sup>22</sup> Mona Mahmood, “Double-layered veils and despair ... women describe life under Isis”, February 17, 2015, <http://www.theguardian.com/world/2015/feb/17/isis-orders-women-iraq-syria-veils-gloves>

<sup>23</sup> Richard Engel, “Three Female ISIS Defectors Describe Life Under Terror Group’s Harsh Rule”, *NBC News*, August 2015, <http://www.nbcnews.com/storyline/isis-uncovered/three-female-isis-defectors-describe-life-under-groups-harsh-rule-n409416>

<sup>24</sup> Zahra Radwan and Zoe Blumenfeld, “Surging Violence Against Women in Iraq”, *Foreign Policy In Focus*, June 26, 2014, Accessed September 13, 2015, <http://fpif.org/surging-violence-women-iraq/>

<sup>25</sup> Esfandiari, Al Soulhail, Bouagache, Ghaddar, Hakki et al, op. cit., p. 3.

<sup>26</sup> UNAMI, “Report on the Protection of Civilians in the Armed Conflict in Iraq: 11 December 2014 – 30 April 2015”, Accessed September 13, 2015, [http://www.ohchr.org/Documents/Countries/IQ/UNAMI\\_OHCHR\\_4th\\_POCReport-11Dec2014-30April2015.pdf](http://www.ohchr.org/Documents/Countries/IQ/UNAMI_OHCHR_4th_POCReport-11Dec2014-30April2015.pdf)

<sup>27</sup> Colum Lynch, “Women and Children for Sale”, *Foreign Policy*, October 2, 2014, <http://foreignpolicy.com/2014/10/02/women-and-children-for-sale/>

<sup>28</sup> Agence France-Presse, “Isis slave markets sell girls for ‘as little as a pack of cigarettes’, UN envoy says”, *the Guardian*, June 2015, [http://www.theguardian.com/world/2015/jun/09/isis-slave-markets-sell-girls-for-as-little-as-a-pack-of-cigarettes-un-envoy-says?CMP=tw\\_t\\_gu&CMP=tw\\_t\\_gu](http://www.theguardian.com/world/2015/jun/09/isis-slave-markets-sell-girls-for-as-little-as-a-pack-of-cigarettes-un-envoy-says?CMP=tw_t_gu&CMP=tw_t_gu)

<sup>29</sup> Abdelhak Mamoun, “EXCLUSIVE: ISIS document sets prices of Christian and Yazidi slaves”, *Iraqi News*, November 3, 2014, <http://www.iraqinews.com/features/exclusive-isis-document-sets-prices-christian-yazidi-slaves/>



would sell me to another. And I would have to hear them debating what my life was worth.”<sup>30</sup> Another woman was forced to undergo surgery to ‘restore her virginity’ every time she was married to a new fighter. She was married to 20 different ISIS’ fighters.<sup>31</sup>

Many women recall also being prepared for ‘marriage’, which, in some cases, involved full body searches. Some victims were as young as 11. Women were forced to smile while ISIS fighters were taking photographs<sup>32</sup> to facilitate their sale and were repeatedly raped, both by fighters and so-called ‘doctors’.<sup>33</sup> This behaviour was set out in an ISIS pamphlet from October 2014, providing explicit guidance on how to behave towards captives and slaves.<sup>34</sup>

The case of the Yazidi women is perhaps the most prominent. According to *The New York Times*:

*A total of 5,270 Yazidis were abducted last year, and at least 3,144 are still being held, according to community leaders. To handle them, the Islamic State has developed a detailed bureaucracy of sex slavery, including sales contracts notarized by the ISIS-run Islamic courts. And the practice has become an established recruiting tool to lure men from deeply conservative Muslim societies, where casual sex is taboo and dating is forbidden.*<sup>35</sup>

There appears to be no limit as to what is sexually permissible, with the only exception seemingly being sexual intercourse with a pregnant slave; even child rape is condoned.<sup>36</sup> Prisoners are left with few options and a choice between complying with ISIS’ treatment and being returned to their family only to be a victim of honour killing,<sup>37</sup> as a consequence of the stigmas surrounding rape in Iraqi society.

### The Female ‘Foreign Fighter’

Despite the conditions across Iraq and under ISIS, an increasing number of Western women have travelled to Iraq and Syria to join ISIS and marry fighters. From manifestos directly targeting women, to entire sections of its magazine *Daqib* dedicated to the ‘sisters of the Islamic State’, Western women are responding to their plea, with around 550 women travelling to the lands of ISIS as stated by the Institute for Strategic Dialogue.<sup>38</sup> The group has explicitly targeted women, realising that it is impossible to populate the caliphate without them.

The major push factors appear similar to their male counterparts. According to a study conducted by the Institute for Strategic Dialogue, the most common of these factors are: feelings of cultural or social isolation; feelings of lack of belonging within the Western culture; feelings that the *umma* is being violently persecuted; anger or frustration at the perception that the international community is not responding to this persecution; an idealisation over the building of a utopian Caliphate; and a romanticisation of the experience<sup>39</sup>.

<sup>30</sup> “What will it take to stop Isis using rape as a weapon of war?”, *Organization of Women’s Freedom in Iraq*, February 2015,

<http://www.owfi.info/EN/article/what-will-it-take-to-stop-isis-using-rape-as-a-weapon-of-war/>

<sup>31</sup> Louis Doré, “A woman was forced to ‘restore her virginity’ 20 times after abuse before marriage to Isis fighters”, *The Independent*, May 2015,

<http://www.independent.co.uk/news/world/middle-east/a-woman-was-forced-to-restore-her-virginity-20-times-after-abuse-before-marriage-to-isis-fighters-10238357.html>

<sup>32</sup> Human Rights Council, “Report of the Office of the United Nations High Commissioner for Human Rights on the human rights situation in Iraq in the light of abuses committed by the so-called Islamic State in Iraq and the Levant and associated groups”, *United Nations General Assembly*, March 2015, [http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/a\\_hrc\\_28\\_18.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/a_hrc_28_18.pdf)

<sup>33</sup> *Ibid.*

<sup>34</sup> Amelia Smith, “ISIS Publish Pamphlet On How to Treat Female Slaves”, *Newsweek*, September 2014, <http://europe.newsweek.com/isis-release-questions-and-answers-pamphlet-how-treat-female-slaves-290511>

<sup>35</sup> Rukmini Callimachi, “ISIS Enshrines a Theology of Rape”, *The New York Times*, August 2015,

<http://www.nytimes.com/2015/08/14/world/middleeast/isis-enshrines-a-theology-of-rape.html>

<sup>36</sup> *Ibid.*

<sup>37</sup> Esfandiari, Al Soulhail, Bouagache, Ghaddar, Hakki et al, op. cit., p. 4.

<sup>38</sup> Carolyn Hoyle, Alexandra Bradford and Ross Frenett, “Becoming Mulan? Female Western Migrants to ISIS”, *Institute for Strategic Dialogue*, 2015, [http://www.strategicdialogue.org/ISDJ2969\\_Becoming\\_Mulan\\_01.15\\_WEB.PDF](http://www.strategicdialogue.org/ISDJ2969_Becoming_Mulan_01.15_WEB.PDF), p. 8.

<sup>39</sup> Erin Marie Saltman and Melanie Smith, “Till Martyrdom Do Us Part’: Gender and the ISIS Phenomenon”, *Institute for Strategic Dialogue*, 2015, [http://www.strategicdialogue.org/Till\\_Martyrdom\\_Do\\_Us\\_Part\\_Gender\\_and\\_the\\_ISIS\\_Phenomenon.pdf](http://www.strategicdialogue.org/Till_Martyrdom_Do_Us_Part_Gender_and_the_ISIS_Phenomenon.pdf), pp 9-13.



Once they arrive in the territory controlled by ISIS, unmarried women stay in a women's hostel called *maqgar*, whereas married women are given a house. Their life is outlined in the brigade's manifesto, namely a domestic life, revolving around taking care of the house and family. Despite their describing life under ISIS as idyllic, the reality of being a foreigner is reflected by their difficulty in learning Arabic and bonding with other migrants,<sup>40</sup> but rarely with native Syrians and Iraqis.<sup>41</sup> Furthermore, stories of the reality of the everyday life have emerged via social media, with complaints of intermittent electricity, shortages of clean or hot water, bitter Syrian winters and even complaints about healthcare or the treatment<sup>42</sup> reserved for widows.<sup>43</sup>

Although women are not technically considered 'fighters', this should not downplay their importance. They operate on a different battlefield and can encourage attacks on the West by those who are unable to travel. They support male fighters, and, most of all, they are an important asset with regard to recruiting fellow Westerners to join the group.<sup>44</sup>

### Concluding Remarks

The situation facing women across Iraq is grave. Caught in the middle of a sectarian conflict, played out between powerful militias, with very little recourse to the state for protection, if we are serious in our attempts to combat the group, a more holistic response to the crisis in Syria and Iraq is required. To prevent further escalation, it is imperative that the situation is improved. While the new Prime Minister, Haider al Abadi has sought to remove the sectarian divisions plaguing the Iraqi political situation, establishing institutions and legislation that protects women and children is essential. One of the key driving factors in ISIS (and indeed most extremist groups) is a narrative of victimhood. In improving the life of women in Iraq, the power of this narrative of victimhood is eroded. Speaking out against the treatment of women, coupled with helping to facilitate an improvement in their quality of life will go some way towards this. Furthermore, by increasing awareness of life under ISIS, the push and pull factors impacting on female foreign fighters will be reduced.

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Dr Simon Mabon is a Foreign Policy Centre Research Associate and Lecturer in International Relations in the Department of Politics, Philosophy and Religion at Lancaster University

Ludovica Di Giorgi is a research assistant at the Richardson Institute and a student in the Department of Politics, Philosophy and Region at the University of Lancaster.

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<sup>40</sup> The friendships that they make, however, appear very strong, which contributes to increase their sense of belonging.

<sup>41</sup> This also indicates that they tend to spend most of their time with other *muhajirat*. For more information, see: Hoyle, Bradford and Frenett, op. cit., pp 24-25.

<sup>42</sup> Even if according to most women you are honoured and you do not have to pay for anything if you are the wife of a *Shaheed*, some complained about being forgotten once they became widows. More info at: Saltman and Smith, op. cit., pp 48-50 and Nabeelah Jaffer, "The secret world of Isis brides: 'U dnt hav 2 pay 4 ANYTHING if u r wife of a martyr', *the Guardian*, June 24, 2015, <http://www.theguardian.com/world/2015/jun/24/isis-brides-secret-world-jihad-western-women-syria>

<sup>43</sup> Saltman and Smith, op. cit., p. 49.

<sup>44</sup> Hoyle, Bradford and Frenett, op. cit., p. 38.