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# GENDER AND STATEHOOD IN THE KURDISTAN REGION OF IRAQ

ZEYNEP N. KAYA



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# Gender Equality and the Quest for Statehood in the Kurdistan Region of Iraq

Zeynep N. Kaya

## About the Author

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## Abstract

The Kurdistan Region of Iraq has made greater strides towards gender equality than the federal government of Iraq, with CEDAW principles and the Women, Peace and Security agenda internalised to a greater extent in regional laws and regulations. Women's rights activism and some policymakers' willingness to realise change have played important roles in this. However, discriminatory rules and practices still exist, and changes are not fully implemented and monitored in the Region. This paper argues that the Kurdistan Region's policies of gender equality are linked to its dependence on multilateral organisations and Western states, as well as its government's aspiration to gain international legitimacy for statehood. Long-term international involvement in the Kurdistan Region has strengthened Kurdish autonomy, integrated international actors into administrative, political, economic and social life, and created the perception that external connections are helping the Region achieve its ultimate goal of independence.

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## Introduction

Iraq's unique political landscape has allowed international principles to be adopted to different extents within the single state. The Kurdistan Regional Government (KRG) has introduced more laws and regulations addressing gender equality than the federal government. This paper examines the reasons behind this and argues that intersecting factors at local and international levels have played significant roles. International involvement influenced the Kurdistan Region and the rest of Iraq differently and led to different types of international links. Crucially, it increased Kurdish self-rule in Iraq. This differential impact has shaped the incorporation of principles of gender equality in different ways within Iraq.

One way of assessing gender equality is to examine the extent to which gender norms of the Convention on the Elimination of Discrimination against Women (CEDAW) and the United Nations (UN) Women, Peace and Security (WPS) agenda are embedded in legal texts and policies. CEDAW, an international treaty adopted in 1979 by the UN General Assembly, defines what constitutes discrimination against women and suggests ways to end it. The WPS agenda, which encompasses the UN Security Council Resolution 1325 (Resolution 1325) and the seven resolutions that followed it, addresses the impact of armed conflict on women and emphasises women's role in conflict prevention and resolution.<sup>1</sup> The incorporation of CEDAW and WPS principles into a constitution and other legal documents is not a full indicator of gender equality, but it is a sign of some degree of commitment at policy level.

Iraq, including the Kurdistan Region,<sup>2</sup> became a signatory to CEDAW in 1986 but with reservations, particularly in relation to its family law that regulates marriage, divorce and inheritance. What is curious, however, is the discrepancy between the KRG and the Iraqi government in their adoption of CEDAW and WPS principles. In 2014, the KRG and the Iraqi government together launched the Iraqi National Action Plan (I-NAP) to implement the WPS agenda for the period 2014–2018.<sup>3</sup> Still, laws and regulations at the regional level in the Kurdistan Region are more compatible with these principles than at the national level. This doesn't mean that all laws and

<sup>1</sup> Resolution 1325 (2000) is the main UN resolution that brings together gender-related norms under the context of peace and security, see: Sanam N. Anderlini, *What the Women Say: Participation and UNSCR 1325* (Cambridge, MA: MIT Centre for International Studies, 2010).

<sup>2</sup> The Kurdistan Region, composed of the governorates of Erbil, Duhok and Sulaymaniyah, is often referred to as a 'de facto state', see: Yaniv Voller, 'Countering Violence against Women in Iraqi Kurdistan: State-building and Transnational Advocacy', *International Journal of Middle East Studies* 46/2 (2014), pp. 351–372; or as a 'quasi state', see: Denise Natali, *The Kurdish Quasi-State: Development and Dependency in Post-Gulf War in Iraq* (New York: Syracuse University Press, 2010).

<sup>3</sup> Available at: [http://www.peacewomen.org/sites/default/files/iraq\\_nap.pdf](http://www.peacewomen.org/sites/default/files/iraq_nap.pdf). Iraq is the first state in the Middle East with such a plan. However, the Plan remains limited in sufficiently addressing issues related to the WPS agenda. Zeynep N. Kaya, 'Women, Peace and Security in Iraq', *Middle East Centre Report* (London: London School of Economics, August 2016). Available at: <http://eprints.lse.ac.uk/67347/1/WPSIraq.pdf>.

institutional rules in the Kurdistan Region are gender equal in the way defined by international women's rights documents and new laws are not always properly implemented. While the KRG has developed a more explicit strategy for improving women's status through legal reform, it is hard to ascertain whether this strategy is genuine or instrumental. It is worth exploring the underlying factors in order to understand why the KRG appears to be more committed to pursuing a women's rights agenda, at least at policy level.

This paper argues that this is not simply because the Kurdistan Region is more progressive than Iraq as a whole when it comes to women's rights, as advanced by the official rhetoric. The nationalist quest for statehood and desire for increased international legitimacy also provide suitable motivation for the KRG to adopt a more explicit policy of gender equality. The Kurdistan Region's international links to multilateral organisations and Western states have provided a facilitating context for such a motivation to be pursued.

## Gender Equality in the Kurdistan Region

There is a long history of women's rights activism in both Iraq as a whole and in the Kurdistan Region, as well as long-standing momentum from below to enact change, and a willingness to realise this change among certain sections of policymakers. A number of women's organisations actively addressed women's unfair treatment under Hashemite rule. Several were also active under the Ba'ath regime, during which Iraqi women's status improved as they were admitted to universities, government offices and the labour force. The 1970 Provisional Constitution declared men and women equal under the law.<sup>4</sup> These advances took place, according to some experts, in order to recruit women into authoritarian structures, and women's organisations remained under strict regime control.<sup>5</sup>

Later in the 1990s, the Ba'ath regime's increased reliance on conservative tribal and religious groups, combined with the impact of war and international sanctions, led to the beating back of advances made in previous decades.<sup>6</sup> The 2003 intervention, followed by sectarian violence, political instability and economic deprivation, further disadvantaged women in both private and public domains.<sup>7</sup> Article 41 of the new Iraqi Constitution provided a legal context for discrimination against women under the pretext of religious affiliation.

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<sup>4</sup> Lucy Brown and David Romano, 'Women in Post-Saddam Iraq: One Step Forward or Two Steps Back?', *NWSA Journal* 18/3 (2006), pp. 51–70.

<sup>5</sup> *Ibid.*

<sup>6</sup> 'Iraqi Women in Armed Conflict and Post-Conflict Situation', *Shadow Report submitted to the CEDAW Committee at the 57<sup>th</sup> Session*, February 2014. Available at: [http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/IRQ/INT\\_CEDAW\\_NGO\\_IRQ\\_16192\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/IRQ/INT_CEDAW_NGO_IRQ_16192_E.pdf).

<sup>7</sup> Nadje Al-Ali and Nicola Pratt, *What Kind of Liberation? Women and Occupation of Iraq* (Berkeley: University of California Press, 2009).

Women in the Kurdistan Region faced similar issues to women in other parts of Iraq. Many Kurdish women's rights activists worked in collaboration with those based in Baghdad. However, the situation of Kurdish women was worse off compared to those in other parts of Iraq before 2003, especially before the 1991 international intervention. This was due to conflicts between Kurdish forces and the Baghdad regime, limited government provision for infrastructure, education and health services, and general economic deprivation in the Region.<sup>8</sup> Kurdish women's rights activists and government officers often mention the suffering of the Kurdistan Region at the hands of the Ba'ath regime in the past, which left the Region in relative deprivation economically and socially. After 2003, the situation of Kurdish women changed. Relative security and higher levels of gender mainstreaming in legal documents meant that Kurdish women appeared to be in a better position. Unfortunately, however, so-called 'honour' killings, self-immolation and female genital mutilation cases continued, especially in rural Kurdish areas. Kurdish women still face widespread violence and are seen to hold an inferior position in society.

Today, local women's organisations use the principles of international treaties and resolutions endorsed by Iraq to apply pressure on the government to update laws and regulations and to ensure their implementation. This is accompanied by pressure from international actors for institutional and legal reform. For instance, Resolution 1325 has been an important instrument for framing demands to maintain the gender quota and to push for greater involvement by women in decision-making and national reconciliation.<sup>9</sup>

According to the I-NAP and the Shadow Report,<sup>10</sup> submitted by local non-governmental organisations (NGOs) for the CEDAW Committee in 2014, the KRG has a more advanced track record of gender-equal laws and rules. Testament to this are the higher gender quotas at the parliamentary, legislative, provincial and governorate levels (30 percent as opposed to 25 percent at the national level) since 2009,<sup>11</sup> which led to larger female representation in the Kurdistan parliament (Figure 1), as well as a higher number of amended and new law articles in line with international norms on women's rights.

The KRG established a number of new institutional bodies to specifically address women's issues and support gender mainstreaming in policy-making in the Region. It created a special directory to follow-up on cases of violence against women and instituted special domestic violence courts in all three Kurdistan governorates. The High Council of Women's Affairs was established with the aim of enhancing the status of women through advising the government on gender mainstreaming policies and developing appropriate strategies.<sup>12</sup>

<sup>8</sup> Brown and Romano, 'Women in Post-Saddam Iraq'.

<sup>9</sup> Nicola Pratt, 'Iraqi Women and UNSCR 1325: An Interview with Sunduz Abbas, Director of the Iraqi Women's Leadership Institute, Baghdad, January 2011', *International Journal of Feminist Politics* 13/4 (2011), p 615.

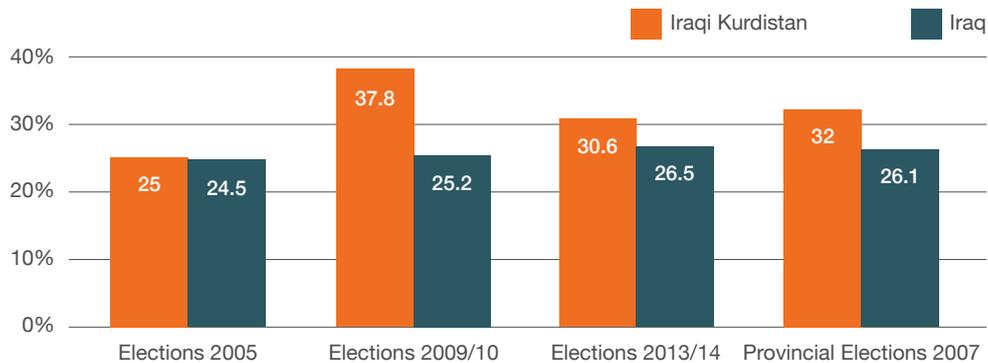
<sup>10</sup> CEDAW Shadow Report.

<sup>11</sup> Gender quota was the outcome of the Iraqi women's organisations' work in Baghdad.

<sup>12</sup> 'Statebuilding and Gender in the Kurdistan Region of Iraq', *LSE Middle East Centre Workshop Report* (London: London School of Economics, 2014), p. 4. Available at: <http://www.lse.ac.uk/middleEast-Centre/publications/other/StatebuildingGenderKRI.pdf>.

### Figure 1. Percentage of Seats Occupied by Women

Source: Department of Human Development Statistics, Iraq Human Development Report (Central Statistical Organization, 2014).



The Kurdish government has also introduced amendments to the Iraqi Personal Status Law and the Penal Code at the regional level, reinforcing provisions on gender mainstreaming. For example, restrictions have been introduced to the law on polygamy, limiting a husband's ability to have multiple wives. The Law Against Domestic Violence, adopted in 2011, holds perpetrators accountable for their actions, including acts perpetrated by husbands against their wives, and offers more protection for the victims. It removes mitigating circumstances that alleviate the punishment of perpetrators of so-called honour killing and bans female genital mutilation. Moreover, in order to tackle violence against women in a more systematic way, the KRG developed and ratified a national strategy.<sup>13</sup>

However, these measures did not lead to meaningful changes on the ground. There is a significant time gap between the adoption of new policies and laws and their implementation. The reference to Shari'a Law in the Iraqi Constitution is not specifically defined, which leads to different interpretations of Islamic rules, making legislation difficult. Male judges, who do not always implement the new laws that provide gender equality and fairness, govern most courts.<sup>14</sup> Although the Kurdish law treats honour killing in the same way as any other murder, the practice continues and women's organisations believe it is increasing. Kurdish government's statistics for 2013 reveal that 236 women suffered injuries from having been burned and another 113 from self-immolation. The forensic institute in the Kurdistan Region reported the death of 1,748 women by burning, shooting or suffocation in 2013.<sup>15</sup>

<sup>13</sup> Kurdistan Regional Government Supreme Council for Women Affairs, *National Strategy to Combat Violence against Women in Kurdistan, 2012–2016*. Available at: [http://www.ekrg.org/files/pdf/strategy\\_combat%20violence\\_against\\_women\\_English.pdf](http://www.ekrg.org/files/pdf/strategy_combat%20violence_against_women_English.pdf).

<sup>14</sup> Author interview with the General Director of Legal and Human Rights Protection, Ministry of Human Rights, KRG, Erbil (April–May 2014).

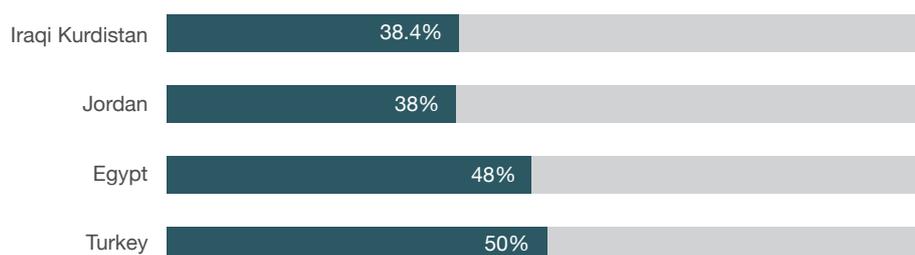
<sup>15</sup> Kvinna till Kvinna Foundation, *Fact Sheet: Violence against Women in Iraq* (Johannesnov, Sweden, 2014). Available at: <http://kvinna-till-kvinna.se/en/files/qbank/217b4c71837fac172fabebfc299f755b.pdf>.

Kurdish women's participation in political and public life still remains limited. Even though there are more women in the Kurdish parliament and in local councils, the number of women occupying executive positions is still very small. In the current 2014 Kurdish government, among twenty-one ministers, only one is a woman (Municipalities and Tourism). Most female representatives rely on nomination by male party leaders and reflect the party's attitude towards women's issues, being unwilling or unable to initiate change.<sup>16</sup> In 2014, of 250 judges, only 12 were female (two in Duhok, four in Erbil and six in Sulaymaniyah).<sup>17</sup>

A RAND report shows that the Kurdistan Region had a smaller labour force (for both women and men) in 2012 compared to some countries in the region, such as Turkey and Egypt (Figure 2). The report links this outcome to the low participation of Kurdish women in the labour market (Figure 3).

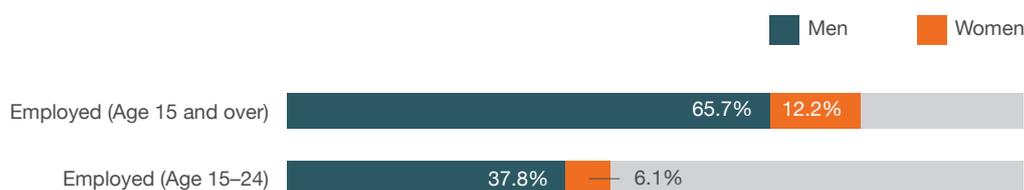
### Figure 2. Percentage of Population in Labour Force in the Kurdistan Region (aged 15 and older)

Source: RAND, *Capacity Building at the Kurdistan Region Statistics Office (2012)*.



### Figure 3: Percentage of Employed and Unemployed Labour Force in Iraqi Kurdistan\*

Source: RAND, *Capacity Building at the Kurdistan Region Statistics Office (2012)*.



\* Participation in the labour force is lower among those aged 15–24 due to school attendance.

<sup>16</sup> Author interviews with Kurdish academics, Erbil (April 2014).

<sup>17</sup> Email correspondence with a Kurdish female judge (June 2015).

In 2012, the illiteracy rate<sup>18</sup> among women (aged 15 and above) was significantly higher in the Kurdistan Region, 36–40 percent, compared to Iraq as a whole (24 percent).<sup>19</sup> Data from 2013 reveals a slightly improved picture: 29–33 percent in Duhok, 25–29 percent in Erbil and 21–24 percent in Sulaymaniyah of women (aged 12 and above) were illiterate; whereas the average illiteracy rate in Iraq as a whole increased to 28 percent.<sup>20</sup> However, the difference between the 2012 and 2013 data can be attributed to a change in the way that data is counted and a change in how age groups are measured. A combination of reasons could explain the relatively lower levels of literacy among women in the Kurdistan Region: the relative deprivation of northern Iraq and limited provision of public services for Kurds under the Ba‘ath regime in the past, the long conflict between the regime and Kurdish military forces until the 1990s, internal conflict between Kurdish factions in the mid-1990s and the international sanctions that followed the Gulf War in 1991. Although the Kurdistan Region received international aid in the 1990s, this support came mainly in the form of relief and infrastructure, rather than social, educational and economic development and therefore did not lead to better education in the long-term. Indeed, data from 2010 shows that the illiteracy rate was higher not only among women but across the Kurdish Region as a whole.<sup>21</sup>

These numbers highlight the fact that higher levels of participation and amended laws do not necessarily translate into substantive representation<sup>22</sup> or improvement in women’s educational, economic and social status. According to Kurdish NGOs and activists, this is due to a lack of awareness about women’s rights, women’s economic dependence, the heavier burden of childcare and family responsibilities on women, and the influence of conservative views of religious and tribal authorities on the role of women in society. They believe that these issues remain due to a lack of incentives at the governmental level to push the gender mainstreaming agenda forward.<sup>23</sup> Kurdish government officials, on the other hand, state that the need to prioritise security, stability and economic development, as well as the limited economic and institutional capacity for implementation and monitoring, have impeded such efforts.<sup>24</sup>

<sup>18</sup> UN’s definition of literacy is the ability to read and write a simple statement related to daily life as well as basic numeric skills.

<sup>19</sup> ‘Women in Iraq Fact Sheet’, *Inter-Agency Information and Analysis Unit* (March 2012). Available at: <http://reliefweb.int/sites/reliefweb.int/files/resources/Women%20In%20Iraq%20Fact%20sheet%20-%20English.pdf>.

<sup>20</sup> ‘Women in Iraq Fact Sheet’, *Inter-Agency Information and Analysis Unit* (March 2013). Available at: <http://www.iau-iraq.org/documents/1864/Woman-Factsheet.pdf>.

<sup>21</sup> ‘Literacy in Iraq Fact Sheet’, *UNESCO* (September 2010). Available at: [http://www.unesco.org/fileadmin/MULTIMEDIA/FIELD/Iraq/pdf/Literacy\\_Day\\_Factsheet\\_Sep8\\_EN.pdf](http://www.unesco.org/fileadmin/MULTIMEDIA/FIELD/Iraq/pdf/Literacy_Day_Factsheet_Sep8_EN.pdf).

<sup>22</sup> Mona Lena Krook, Diana Z. O’Brien and Krista M. Swip, ‘Military Invasion and Women’s Political Participation’, *International Feminist Journal of Politics* 21/1 (2010), p. 75.

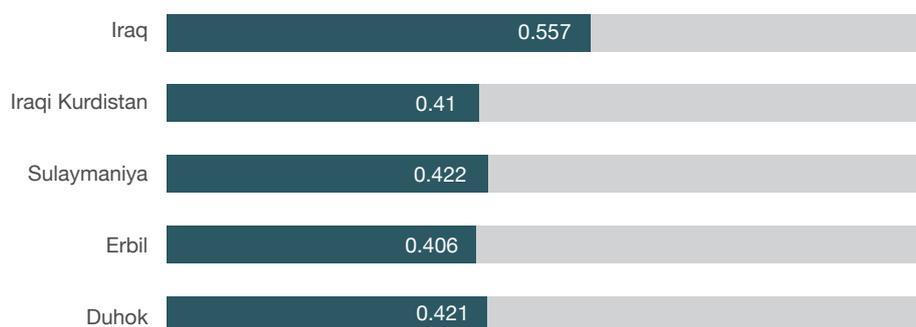
<sup>23</sup> Author interviews with local women’s rights NGOs, Erbil and Sulaymaniyah (April–May 2014).

<sup>24</sup> Author interviews with members of the Department of Foreign Relations, KRG, Erbil (April 2014).

Officials and local NGOs would nonetheless both argue that Kurdish women are in a better position than women in other parts of Iraq today. Several datasets collated by international and national agencies in recent years seem to show this. The Gender Inequality Index (GII), based on reproductive health, empowerment and labour market participation, in the Kurdistan Region is lower than that of the rest of Iraq (Figure 4).

#### Figure 4: Gender Inequality Index<sup>25</sup> in Iraq and the Kurdistan Region

Source: UNDP, *Iraq Human Development Report (2014)*.



According to the Iraqi government's I-WISH survey results in 2012, a large proportion of women in the Kurdistan Region face impediments in public participation, achieve lower levels of educational attainment than men, and experience discrimination and violence.<sup>26</sup> But the survey also shows Kurdish women's perception of their status and circumstances is slightly better than that of women in the rest of Iraq. More women in the Region feel they can participate in politics (Figure 5) and that the gender balance is not favourable towards men.

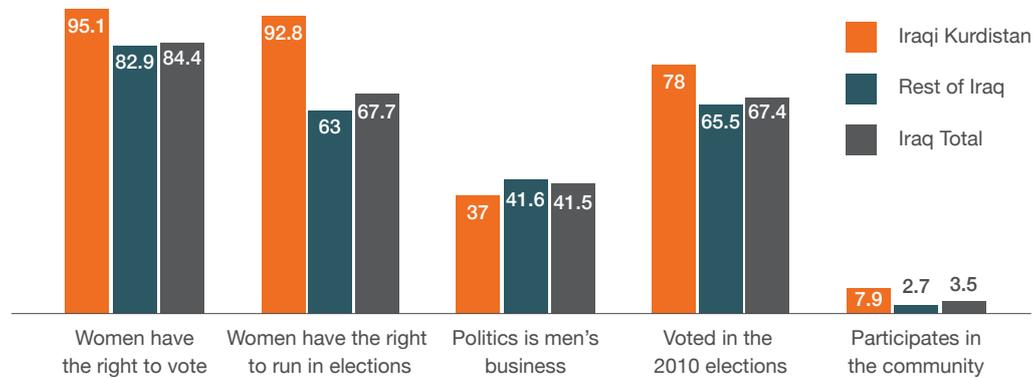
However, UNDP GII and I-WISH data should be understood in the correct context. The instability and violence experienced among communities outside the Kurdistan Region is a significant factor that might have influenced women's perceptions of their experiences and rights. This is especially important considering that Iraqi women's social and economic wellbeing was better before the 1991 Gulf War and particularly deteriorated after the 2003 intervention relative to their Kurdish counterparts.

<sup>25</sup> The Gender Inequality Index (GII) measures development performance based on gender inequality and looks at three dimensions: reproductive health, empowerment and labour market participation. The GII ranges between 0 and 1, with 0 indicating absolute equality between men and women, and 1 indicating 100% inequality.

<sup>26</sup> 'Iraqi Women Integrated Social and Health Survey (I-WISH)', *Central Statistical Organisation, Ministry of Planning in Iraq*, 2012. I-WISH covered 10,620 households and was conducted in all governorates, districts and villages in Iraq.

**Figure 5: Women's (aged 15–54) View on Participation in Politics (Percentage)<sup>27</sup>**

Source: I-WISH (2012).



The Shadow Report on the implementation of CEDAW in Iraq,<sup>28</sup> prepared and submitted by Iraqi NGOs in 2014, draws attention to the widening gap in gender equality in Iraqi society and the persistence of discriminatory laws and practices within the legal system. The report states that the growth of militancy and extremism, along with deteriorating economic and social conditions since the 2003 intervention, led to a further increase in violence against women and the restriction of women's freedom of movement in public.<sup>29</sup> This was despite the gains made through the political participation of women and local campaigns to prevent violence against women. The I-NAP draws similar conclusions, emphasising the impact of war and conflict. It is hard to confirm whether the I-WISH survey reflects a temporary situation due to ongoing conflict or not, and whether it is an actual reflection of reality on the ground despite a lack of large scale continuous surveys.

## Explaining the KRG's Different Gender Equality Strategy

If we were to assume that the Kurdistan Region has distinct historical, cultural, institutional and political characteristics, it would be easy to explain the difference between the KRG's and the Iraqi Government's gender policies. However, the Kurdistan Region cannot be simply seen as distinct from Iraq as a whole. It has common institutional, economic and social characteristics with the wider country, and shares similar cultural and social values about women's roles in society. Kurdish and Arab women's activism focus on similar issues, such as violence against women and women's empowerment. They both have played important roles throughout history in pushing the

<sup>27</sup> Figure 5 was developed for this paper based on I-WISH data.

<sup>28</sup> 'Iraqi Women in Armed Conflict and Post Conflict Situation', *Shadow Report submitted to the CEDAW Committee at the 57<sup>th</sup> Session*, 2014. Available at: [http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/IRQ/INT\\_CEDAW\\_NGO\\_IRQ\\_16192\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/IRQ/INT_CEDAW_NGO_IRQ_16192_E.pdf).

<sup>29</sup> CEDAW Shadow Report, pp. 7–9.

agenda for gender mainstreaming and increasing awareness of women's rights.<sup>30</sup> Resolution 1325 has been positively received by both groups of women and seen as an important instrument for framing demands in maintaining the quota and in pushing for women's involvement in decision-making, conflict resolution and reconciliation.<sup>31</sup> Kurdish and Arab women's groups formed overarching committees such as the Women for Lasting Peace Initiative, UNSCR 1325 Group and the I-NAP Initiative, and were both involved in drafting the I-NAP.<sup>32</sup>

It is also important to note that Iraqi society, like any other society, is heterogeneous in terms of gender norms. The differential influence of religious, sectarian, ethnic, geographical and class-related factors affecting women across Iraq is well established.<sup>33</sup> Differences within Iraq are not necessarily drawn along Kurdish–Arab lines, and heterogeneity exists not only in the whole of Iraq but also within the Kurdistan Region. There are significant differences between rural–urban, educated–non-educated and working–stay-at-home women, and between family and political ties both in the Kurdistan Region and in Iraq as a whole.

Therefore, it is necessary to explore factors other than the domestic social context and to consider the complex intersection between the local and international. Indeed, transnational feminist literature indicates that processes shaping the way international gender norms are incorporated into domestic contexts are neither purely domestic nor international.<sup>34</sup>

One such factor is Kurdish aspiration for statehood and the KRG's need for international support in order to achieve it. Many Kurds believe that remaining part of Iraq hinders their economic, social and democratic progress.<sup>35</sup> According to a 2015 poll, 82 percent of respondents in the Kurdistan Region supported decentralisation and believed that their Region should become independent. The majority of these respondents are supporters of the Kurdistan Democratic Party (KDP), a party with relatively bad relations with the government in Baghdad compared to the Patriotic Union of Kurdistan (PUK).<sup>36</sup> Indeed, the domestic political context is complex, shaped by long-term rivalry and divisions between

<sup>30</sup> Nadje Al-Ali and Nicola Pratt, 'Between Nationalism and Women's Rights: The Kurdish Women's Movement in Iraq', *Middle East Journal of Culture and Communication* 4 (2011), pp. 339–355; Noga Efrati, 'Negotiating Rights in Iraq: Women and the Personal Status Law', *The Middle East Journal* 59/4 (2005), pp. 577–595; Andrea Fischer-Tahir, 'Competition, Cooperation and Resistance: Women in the Political Field in Iraq', *International Affairs* 86/6 (2010), pp. 1381–1394; Jacqueline S. Ismael and Shereen T. Ismael, 'Living through War, Sanctions and Occupation: The Voices of Iraqi Women', *International Journal of Contemporary Iraqi Studies* 2/3 (2008), pp. 409–424.

<sup>31</sup> Pratt, 'Iraqi Women and UNSCR 1325', p. 612.

<sup>32</sup> Author interview with UN Women representative (March 2015).

<sup>33</sup> Nadje Al-Ali, 'Reconstructing Gender: Iraqi Women between Dictatorship, War, Sanctions and Occupation', *Third World Quarterly* 36/4 (2005), pp. 739–758.

<sup>34</sup> Susan Zwingel, 'How Do Norms Travel? Theorizing International Women's Rights in Transnational Perspective', *International Studies Quarterly* 56/1 (2012), pp. 115–129.

<sup>35</sup> Such sentiments are expressed in the media as well. See for example: 'Is 2016 the Kurdish goodbye to Iraq?', *Rudaw*, 8 January 2016. Available at: <http://rudaw.net/english/kurdistan/080120161>.

<sup>36</sup> 'Lack of Responsiveness Impacts Mood: August–September 2015 Survey Findings', *Greenberg Quinlan Rosner Research*. Available at: [https://www.ndi.org/files/August%202015%20Survey\\_NDI%20Website.pdf](https://www.ndi.org/files/August%202015%20Survey_NDI%20Website.pdf).

Kurdish political factions with contrasting positions vis-à-vis the Iraqi government. This makes it difficult to argue for a single Kurdish position. However, there is also no denying that both political factions, the KDP and the PUK, are pro-independence – despite different visions of what such independence should look like, and how or when it should happen. It is therefore reasonable to assume that a nationalist aspiration for statehood is an ideal shared by most Kurdish political leaders, and society in general.

By showing its commitment to international standards of governance, such as human and democratic rights, the KRG seeks to present the Kurdistan Region as a potential independent state. The KRG seeks to enhance its positive image internationally compared to that of the government in Baghdad from which it hopes to secede. When seeking international support for the resolution of disputes against their counterparts, separatists may adopt a political agenda that includes the governance principles of those from whom they seek support – as the KRG’s adoption of democratic norms of governance,<sup>37</sup> especially if ‘norm-takers believe that new outside norms could be used to enhance the legitimacy and authority of their extant institutions and practices’.<sup>38</sup>

Kurdish nationalism, as opposed to Iraqi or Arab nationalism, underlies these efforts. Separatist nationalists challenge the nation state within which they are located by differentiating themselves from the majority’s identity,<sup>39</sup> building on their ethno-national differences and/or their different civic ideals, which may include a different form of governance. Kurdish officials often state their willingness to bring their legal system and practices to the level of international standards on women’s rights,<sup>40</sup> especially on violence against women,<sup>41</sup> and they have consistently argued that they are doing better than the Iraqi government in ensuring freedoms, democratic governance and minority and religious rights. This has enabled transnational women’s rights networks in the Kurdistan Region to put pressure on the government.<sup>42</sup>

The underlying context that enables the KRG to pursue such a policy is the Kurdistan Region’s links to the Western world. Diane King’s excellent social anthropological study explains the Kurdistan Region’s increasing connection to the outside world and how this has transformed its local–global relations.<sup>43</sup>

<sup>37</sup> Yaniv Voller, ‘Contested Sovereignty as an Opportunity: Understanding Democratic Transitions in Unrecognized States’, *Democratization* 22/4 (2015), pp. 610–630.

<sup>38</sup> Acharya, ‘How Ideas Spread’, p. 248.

<sup>39</sup> Anthony Smith, *Nations and Nationalism in a Global Era* (Cambridge: Polity Press, 1995).

<sup>40</sup> ‘Head of Foreign Relations: KRG supports women’s equal participation in all fields’, *KRG Official Website*, 2007. Available at: <http://cabinet.gov.krd/a/d.aspx?s=010000&l=12&a=21693>.

<sup>41</sup> ‘Interview with Yousif Mohammad Aziz, Minister of Human Rights’, *KRG Official Website*. Available at: <http://cabinet.gov.krd/a/print.aspx?l=12&smap=010000&a=27864>.

<sup>42</sup> Voller, ‘Countering Violence’. Kurdish movements in Syria and Turkey also use norms of gender equality. This gives these movements some popularity in the international arena especially in the face of rising religious fundamentalism in the Middle East. Patrick Cockburn, ‘War with ISIS: Meet with the Kurdish Women’s Militia’, *The Independent*, 25 May 2015. Available at: <http://www.independent.co.uk/news/world/middle-east/war-with-isis-meet-the-kurdish-womens-militia-fighting-for-their-families-west-of-the-syrian-town-of-10274956.html>.

<sup>43</sup> Diane King, *Kurdistan on the Global Stage: Kinship, Land and Community in Iraq* (New Brunswick, New

Throughout the 1991 and 2003 interventions in Iraq, the KRG has come to rely on external political, economic and military support, with international/multilateral organisations and foreign states becoming integral to the Region's political, economic and developmental affairs.<sup>44</sup> Rebuilding state and society relations, democratic institutionalisation, and supporting the development of civil society have been the goals of Western actors in the region. This has created a context where the local population, government offices and ministries work closely with international actors, including UN agencies, foreign state departments and the UN Assistance Mission in Iraq (UNAMI). The KRG has also been working in collaboration with UNAMI and other UN agencies in reforming the legal system and political institutions. The latter monitor the government's progress, provide advice on further reforms and the implementation of the new and existing laws, and put pressure on the government in these areas.<sup>45</sup>

Multilateral organisations and states have redefined the way local NGOs work in the Kurdistan Region by directly funding and supporting the creation of new NGOs that are financially independent from the government. Interestingly, many of the local women's NGOs view the UN as part of the government. Some complain that the UN is channeling funds for civil society through the government, which in turn only supports those organisations of which it approves, thus neglecting those that are critical of its policies.<sup>46</sup> These debates indicate that the UN is perceived almost like a domestic actor. Some NGO representatives believe the UN should put more pressure on the government in removing discriminatory laws, allocating more resources to awareness-raising and monitoring implementation. Those who are critical of the government's insufficient emphasis on women's issues state that the UN should also work more directly with NGOs. On the other hand, UN representatives emphasise the UN's mandate to advise the government when it needs such advice.

Overall, representatives of international organisations and UN agents confirmed that they found it easier to carry out work in the Kurdistan Region than the rest of Iraq, due to the relative safety of the Region and thanks to the KRG's receptiveness. Although the Region is now under significant threat from Islamic militant groups and the war in Syria, it still remains a relatively peaceful part of Iraq. Another discourse heavily criticises the Iraqi regime's regressive policies and its treatment of the Kurds. This view interlinks with Kurdish nationalist aspirations and leads to the belief that remaining part of Iraq is a hindrance to progress.<sup>47</sup> This is in line with the Kurdish nationalist narrative and the rejection of political Islam, that are embedded within most of the discourses and goals of Kurdish women activists.<sup>48</sup>

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Jersey: Rutgers University Press, 2013).

<sup>44</sup> Natali, *The Kurdish Quasi-State*.

<sup>45</sup> Author interviews with UNAMI and UN Women officials, Erbil and via Skype (January–April 2014).

<sup>46</sup> Author interviews with local women's NGO representatives, Erbil and Sulaymaniyah (April–May 2014).

<sup>47</sup> Author interviews with the General Secretary of High Council of Women's Affairs and KDP Members of Parliament, Erbil (April–May 2014).

<sup>48</sup> Al-Ali and Pratt, 'Between Nationalism and Women's Rights'; Brown and Romano, 'Women in Post-Saddam Iraq'.

The level of criticism of international actors is relatively low in the Kurdistan Region compared to at the national level. Although a degree of criticism of the 2003 intervention and what followed can be observed, the majority of those interviewed during fieldwork in the Kurdistan Region had a positive perception of the intervention.<sup>49</sup> Some of them even rejected the concept of ‘invasion’ and preferred the term ‘liberation’. Such sentiment is less evident in other parts of Iraq.<sup>50</sup> Many Iraqis would agree with the view that the 2003 intervention created divisions in society, led to extremism and internal military conflict, destroyed state institutions, and created insecurity and violence,<sup>51</sup> all of which negatively affected women’s rights.<sup>52</sup> The intervention and the structural, legal and political faults in the new Iraqi Constitution<sup>53</sup> contributed to the chaos that ensued in Iraq, while the Kurdish Region enjoyed relative stability and security accompanied by increased autonomy. For the KRG, the intervention led to some level of independence from Baghdad, which came at the cost of external dependence and remaining part of Iraq.<sup>54</sup> For the new Iraqi regime, it meant further loss of control over the northern part of the country.

New laws and amendments in the Kurdistan Region have not had a significant positive impact on women’s lives, owing to a lack of implementation and monitoring. Representatives of NGOs that focus on women’s rights criticise the government for not pushing harder on both accounts and for not changing or eliminating remaining discriminatory laws and practices in the Penal Code and Personal Status Law.<sup>55</sup> Government officials blame the Iraqi government’s lack of incentive. They state that the amendment of laws or the implementation of new ones by the Kurdish parliament sometimes remain limited and ineffective because they are overruled by Iraqi national laws.<sup>56</sup>

Kurdish officials also argue that the Region’s economic dependence on the government in Baghdad limits their ability to make progressive institutional and structural changes.

<sup>49</sup> According to Krajewski, some Kurds approve of international intervention as a method of spreading the ideals of democracy, see: Jenna Krajewski, ‘The Iraq War Was a Good Idea, If You Ask the Kurds’, *The Atlantic*, 20 March 2013. Available at: <http://www.theatlantic.com/international/archive/2013/03/the-iraq-war-was-a-good-idea-if-you-ask-the-kurds/274196/>.

<sup>50</sup> F. Gregory Gause III et al., ‘The Future of the Middle East: Strategic Implications for the United States’, *Middle East Policy* 14/3 (2007), pp. 1–28.

<sup>51</sup> Toby Dodge, *Iraq’s Future: The Aftermath of Regime Change* (London: Routledge, 2005); Zaid Al-Ali, *The Struggle for Iraq’s Future: How Corruption, Incompetence and Sectarianism Have Undermined Democracy* (Croydon: Yale University Press, 2014).

<sup>52</sup> Deniz Kandiyoti, ‘Between the Hammer and the Anvil: Post-Conflict Reconstruction, Islam and Women’s Rights’, *Third World Quarterly* 28/3 (2007), pp. 503–517; Al-Ali and Pratt, *What Kind of Liberation?*; Pratt, ‘Iraqi Women and UNSCR 1325’; Al-Ali, ‘Reconstructing Gender’; Ismael and Ismael, ‘Living through War, Sanctions and Occupation’.

<sup>53</sup> Saad Jawad, ‘The Iraqi Constitution: Structural Flaws and Political Implications’, *LSE Middle East Centre Paper Series 1* (London: London School of Economics, 2013). Available at: <http://www.lse.ac.uk/middleEastCentre/publications/Paper-Series/Iraqi-Constitution.aspx>.

<sup>54</sup> Natali, *The Kurdish Quasi-State*.

<sup>55</sup> Author interviews with local women’s rights NGOs, Erbil and Sulaymaniyah (April–May 2014).

<sup>56</sup> Author interview with the High Council of Women’s Affairs representatives, Erbil (April 2014). The I-NAP also states that despite changes in the legal provisions at regional level, implementation of these new laws and changes remain limited due to discriminatory national laws.

Due to a lack of funding, government institutions responsible for gender mainstreaming are not able to work effectively, to allocate staff for policy implementation, to train staff on gender, to support and protect vulnerable women, or to undertake a wide range of awareness-raising activities or capacity-building training. In other words, they use the dispute over budget between the two governments to highlight Baghdad as an impediment to their progress and to justify their demand for separation.

However, it is necessary to put these views into context. When the Iraqi Constitution was approved in 2005, issues surrounding oil and disputed territories in the Kirkuk area were left unresolved. The Constitution stipulates that Baghdad must give 17 percent of national oil revenues to the Kurdistan Region. The KRG argues that this provision excludes the newly discovered oil fields, over which it claims full control, and from which it has been exporting oil illegally according to the government in Baghdad. As for the territorial dispute, the KRG claims an area that exceeds the official boundaries of the three governorates under its control, particularly in the oil-rich Kirkuk region. In their failure to resolve these issues, both the governments in Erbil and Baghdad share responsibility.

Although the issue of budget transfer is a significant problem for the KRG, another reason why funds allocated to gender-focused projects and to the proper implementation of the new rules are decreasing could be the widespread corruption and mismanagement of regional income by the government.<sup>57</sup> The political crisis is partly due to President Masoud Barzani's refusal to leave office despite the end of his term. Issues such as cronyism, corruption, unemployment and irregular salary payments are causing significant levels of discontent among the population, which has led to protests in many parts of the Kurdistan Region.<sup>58</sup>

There are also downsides to international involvement. The prescriptive nature of international norms and the Western liberal peace discourse on institutional restructuring and civil society engineering negatively affect the will of locals.<sup>59</sup> Iraqi human rights activists raised issues with the UN's implementation of 1325 in Iraq, particularly with regards to

<sup>57</sup> Kawa Hassan, 'Kurdistan's Politicized Society Confronts a Sultanistic System', *Carnegie Middle East Centre*, August 2015, [http://carnegieendowment.org/files/CMEC\\_54\\_Hassan\\_11.pdf](http://carnegieendowment.org/files/CMEC_54_Hassan_11.pdf).

<sup>58</sup> *Ibid.*

<sup>59</sup> Nicola Pratt and Sophie Richter-Devroe, 'Critically Examining UNSCR 1325 on Women, Peace and Security', *International Journal of Feminist Politics* 13/4 (2011), pp. 489–503; Alejandro Bendana, 'From Peacebuilding to State Building: One Step Forward and Two Steps Back?', *Development* 48/3 (2005), pp. 5–15. In different contexts, international practice elsewhere has been criticised; UN's institutional hierarchy and sexism, international actors' cultural assumptions about women's status and lack of awareness of how gender inequality affects society and their reluctance to implement CEDAW and the WPS agenda in transitional processes conflict-affected and fragile states. Helen O'Connell, 'What Are the Opportunities to Promote Gender Equity and Equality in Conflict-Affected and Fragile States? Insights from a Review of Evidence', *Gender & Development* 19/3 (2011), p. 458; Barbara Miller, Milad Pournik and Aisling Swaine, *Women in Peace and Security through United Nations Security Resolution 1325* (Washington DC: Institute for Global and International Studies, 2014). For criticisms of US interventions in Iraq and Afghanistan, see: Al-Ali and Pratt, *What Kind of Liberation?*; Kandiyoti, 'Between the Hammer and the Anvil'.

women refugees, trafficking of women and addressing poverty amongst women.<sup>60</sup> These are valid criticisms and certainly constitute part of the discourse among NGOs and political activists in the Kurdistan Region.

Also significantly problematic are the all too familiar issues related to NGO funding. NGOisation, a phenomenon that refers to the allocation of funds to civil society for the advancement of liberal and global agendas, is not unique to the Kurdistan Region. For instance, USAID (the American government agency responsible for non-military foreign aid) handed out cash to some women NGOs to produce and distribute advertisements in favour of the new Iraqi Constitution.<sup>61</sup> Also, after the initial years of the intervention, international funding to local NGOs in Iraq and Iraqi Kurdistan has decreased. Since late 2011, government funding has also ceased. These factors limit the ability of NGOs to sustain their work. Third, high levels of corruption amongst local women's rights organisations is subject to much discussion amongst the wider population in the Kurdistan Region. There are questions surrounding the amount of funds are allocated to NGOs and how they are used. Finally, local NGO activities are highly politicised and geographically divided. Kurdish women's rights NGOs tend to be linked to one of the main political parties, especially in the Erbil and Sulaymaniyah governorates.

## Conclusion

The Kurdistan Region and Iraq as a whole share similar social, economic, institutional and normative characteristics. Despite this, the KRG has internalised the principles set out by CEDAW and the WPS agenda to a greater extent than the Iraqi government. The Kurdistan Region has higher female quotas at the parliamentary, governorate and legislative council levels. It has also made a number of amendments to law articles that are discriminatory towards women and introduced new legal regulations to increase compliance with international women's rights.

The Kurdistan Region's international links, combined with its aspiration to increase its credibility as a potential independent state are factors that led to the KRG following slightly different gender equality policies from the Iraqi government. Conditionality of international aid and the need for international support incentivised the KRG to undertake such policies. Nationalist efforts to depict Iraqi Kurds as more progressive and democratic than Iraqi Arabs has underlined this process. Long-term international involvement in the Kurdistan Region of Iraq had three consequences: firstly, it increased Kurdish autonomy from the government in Baghdad; secondly, it integrated international actors into the domestic administrative, political, economic and social life of the Kurdistan Region; and, thirdly, it promoted the perception that external connections would help the Kurdistan Region achieve its long-term goal of independence.

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<sup>60</sup> Pratt, 'Iraqi Women and UNSCR 1325', pp. 612–613.

<sup>61</sup> Shahrzad Mojab, 'Women's NGOs Under Conditions of Occupation and War', *Solidarity* 129 (July–August 2007). Available at: <https://www.solidarity-us.org/node/576>.

Examining the relationship between the Kurdistan Region's international links and its policy decisions provides important insights into why gender equality varies between the regional and national levels in Iraq. Intersecting factors at local and international levels provide the facilitating context for the introduction of a greater number of gender equality laws in the Kurdistan Region. This is a significant achievement but much still needs to be done to change remaining discriminatory rules and practices in the region, and to properly implement and monitor laws in order to make a real impact on the lives of women.

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