

Outperforming Baghdad? Explaining women's rights in the Kurdistan Region of Iraq

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The Kurdistan Regional Government has taken action to change discriminatory laws and policies against women – surpassing other parts of Iraq in this area. Dr Zeynep Kaya discusses her research on the driving forces behind progress made toward achieving gender equality in the Kurdistan Region of Iraq, while critically drawing attention to the ongoing challenges that prevent its full realisation.



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Women in the Kurdistan Region of Iraq appear to have more rights, at least on paper, than women in the other parts of Iraq. The Kurdistan Regional Government (KRG) has a more advanced [track record of non-discriminatory laws](#). It has incorporated two important policies relating to women more robustly than the Iraqi federal government, namely the principles of the [Convention on the Elimination of Discrimination against Women](#) (CEDAW) on gender-mainstreaming and the [Women, Peace and Security](#) (WPS) agenda on women's participation in political decision-making in peace and war.

The KRG has amended the Iraqi Personal Status Law and Penal Code, introducing restrictions to polygamy, making violence perpetrated by husbands against wives punishable ([The Law against Domestic Violence 2011](#)) and removing mitigating circumstances that alleviated punishment for the perpetrators of so-called "honour" killing. These changes only apply at the regional level, while original laws still apply in the rest of Iraq. The Kurdish government also ratified a [National Strategy to Confront Violence against Women](#) in 2012. What is more, in terms of political participation, the Kurdistan Region has higher gender quotas at the parliamentary, legislative, provincial and governorate levels – 30% as opposed to 25% at the Iraqi national level since 2009.

How can these divergences in outcomes best be explained? My research found that long-term local and transnational women's rights activism, combined with some degree of incentive for certain Kurdish policymakers to change the laws, led to a greater incorporation of women's rights. Greater safety and security in the Kurdistan

Region compared to the ongoing instability in Iraq (due to the well known ongoing political crises and sectarian conflict), also contributed to the Kurdish government's ability to implement changes to the legal framework. At the same time, we should not forget that there are also international factors that have contributed to this outcome. Significantly, international support after the 2003 intervention in Iraq often came with conditions of institutional and legal reform.

However, these causal explanations assume a clear division between the domestic and international realms when it comes to policy-making and women's rights. My research and fieldwork in the region revealed that factors that intersect local and international levels may better explain why international gender norms defined by CEDAW and the WPS agenda are included in the domestic legal system. However, the way international gender norms are incorporated into domestic contexts [are neither purely domestic nor purely international](#).

The KRG's policies of gender equality are linked to its aspiration to gain international legitimacy for statehood. As a result of the 1991 and 2003 interventions in Iraq, the Kurdistan Region gained *de facto* and *de jure* autonomy and, in this process, it has come to rely on [external political, economic and military support](#). International involvement in the Kurdistan Region has led to ever greater Kurdish autonomy vis-à-vis the government in Baghdad, and it has led to the integration of international actors into the administrative, political, economic and social life of the Kurdish Region. Most importantly, it led to the perception within the Kurdish elite that connections to the outside help the region move closer to its long-term goal of independence. By showing its commitment to international standards of gender equality, the government aims to gain a positive image among key potential international allies. This is a common strategy if such political actors believe that "outside norms could be used to enhance the legitimacy and authority of their extant institutions and [practices](#)."

Kurdish nationalism, as opposed to Iraqi or Arab nationalism, underlies these efforts. The KRG tries to strengthen its international credibility by showing its higher levels of commitment to Western norms than the Iraqi regime, from which it desires to secede. Kurdish officials' emphasis on their [commitment](#) to bring their laws and practices to Western standards is accompanied by their [projection](#) of the Kurdish government as more progressive than the Iraqi government in ensuring democratic governance.

In spite of these developments it would be a mistake to think that work around women's right in the Kurdistan Region is complete or wholly satisfactory. Women in the Kurdistan Region still face serious challenges, such as so-called "honour" killings and gender-based violence. There is a significant time lag between the adoption of new laws and policies and their implementation. Male judges, who do not always fully implement the new laws, govern most courts. Iraqi law also still applies in the Kurdistan Region and this confuses implementation further. Those who find it difficult to marry again in the Kurdistan Region without divorcing their wives can easily cross the border into the rest of Iraq, get married legally to a second, third or fourth wife, and simply bring her back to the Kurdistan Region.

Gender quotas also remain mostly ineffective. Most female representatives rely on nomination by male party leaders and they may have to reflect their party's attitude towards women's issues. Even if there is a substantial number of women in the regional parliament, the number of women with executive positions is very small. Only one out of twenty-one ministries in the Kurdish government is currently led by a woman.

Kurdish NGOs and activists I interviewed stated that this is due to a lack of awareness about women's rights, and the powerful influence of conservative religious views and tribal authorities on women's private and public status. They also emphasised the government's lack of incentive to meaningfully challenge deep-set gender norms and to push for better implementation. Instead it is often sufficient for the government to be seen to act on gender mainstreaming to please the international allies it is courting. In contrast, government officials that I interviewed stated that the need to prioritise security, stability and economic development, as well as the limited economic and institutional capacity, were the main reasons for limited implementation but that they hoped this would improve with time.

Less discrimination against women in laws and regulations in the Kurdistan Region is a significant achievement, but

much needs to be done to change discriminatory rules and practices, and to fully implement and monitor laws in order to make a real impact on the lives of women.

About the author



[Dr Zeynep Kaya](#) is a Research Officer at the Centre for Women, Peace and Security and a Research Fellow at the Middle East Centre, at LSE. Her research focuses on the Kurdistan Region of Iraq where she examines gender equality, the implementation of the Women, Peace and Security agenda and humanitarian responses to internal displacement. Her wider research interests lie in the international relations of the Middle East with a focus on Kurdish politics.

For more information on Dr Kaya's work on this subject: Watch [4 minute interview](#) | Read ['Gender and statehood in the Kurdistan region of Iraq'](#) on LSE Research Online.