

**In the Name of God, Most Gracious and Most Merciful
In the Name of the People
The Parliament of Kurdistan- Iraq**

In accordance to the rules of Clause 1 from Article 56 of Act No. 1 from 1992, amended, and based on what is proposed by legal number of the Parliament members, the Parliament of Kurdistan – Iraq, in its regular session No. 28, dated 21/6/2011 passed the following Act:

**Act No. 8 from 2011
The Act of Combating Domestic Violence in Kurdistan
Region- Iraq**

Article One:

The following terminologies are understood as to the meanings listed opposite to each of them:

First: The Region: Kurdistan Region- Iraq.

Second: Family: a group of individuals bound to each other by marriage or blood to the fourth degree and whoever is included in the family legally.

Third: Domestic Violence: Every act and speech or threat of doing so based on gender within family relationships constituted on marriage or blood to the fourth degree or whoever is legally included in the family, which may harm an individual physically, sexually and psychologically and deprive his/her freedom and liberties.

Fourth: The Court: The Court of Combating Domestic Violence.

Article Two:

First: any person, bounded to a family relationship, is prohibited to commit a domestic violence act including physical, sexual and psychological violence within the family. The following acts are regarded as examples of domestic violence acts:

- 1- Forced marriage.
- 2- Al-Shighar (Exchange) Marriage and Marriage of Minors
- 3- Marriage in exchange for Ransom (blood money).

- 4- Female Genital Mutilation.
- 5- Forced Divorce
- 6- Cutting off kinship Relationships and disowning members of family
- 7- Husband forcing wife to engage in prostitution.
- 8- Forcing family members to work or quit their jobs without their willingness.
- 9- Forcing children to work or beg and drop out from school.
- 10- Suicide due to domestic violence.
- 11- Abortion due to domestic violence.
- 12- Battering the children and family members under any justification.
- 13- Assaulting, insulting and cursing the family members, showing perception of inferiority to them, hurting them, putting psychological pressure on them, violating their rights and forced wife and husband sexual intercourses.

Second: The victim of domestic violence shall have guarantees to protect him/her from violence.

Third:

- 1- In cases of domestic violence, law suit are initiated by the victim or who will act legally for him/her through reporting the act to the court, or the responsible investigator in police station or public prosecutor.
- 2- The workers in health, education sectors and official centers may report on the cases to help the victims of domestic violence.
- 3- The procedures pertaining to investigation and trial in cases of domestic violence remain confidential.

Article Three:

First: a competent court specialized in seeing cases of domestic violence shall be formed according to Judiciary Law of the Region, No. 23 from 2007.

Second: The Ministry of Labor and Social Affairs must provide shelter to the victims of domestic violence.

Third: Including issues of domestic violence to the services of Social Safety Net.

Fourth: The Ministry of Health in coordination with the Ministry of Labor and Social Affairs should provide health care and rehabilitation for the victim of domestic violence.

Fifth: The Directorate General of Combating Violence against Women is the competent authority to follow up on domestic violence issues.

Sixth: The Ministry of Interior shall form a special division in the police with mainly female police staff to deal with issues of domestic violence.

Seventh: the component Ministries and official institutions shall promote the culture of combating domestic violence.

Article Four:

First: The competent court shall issue (Protection Order), if necessary or when requested by a family member or who represents him/her as temporal procedure to protect the victims of domestic violence, providing that the order should contain the duration of the protection and the court shall have the right to extend this duration whenever is necessary.

Second: The requester of the protection shall have the right to waive on it as per the circumstances and the court shall ascertain the waiver is submitted according to the willingness of the victim and it is on his/her favor.

Third: Protection Order shall include the following:

- 1- A pledge from the defendant promising not to stand against the victim or any other family members.
- 2- Transferring the victim to the closest hospital or health center for treatment when necessary or when requested by the victim.
- 3- Preventing the defendant from entering the family house by an order from the court to a duration which the court sees appropriate when there is a risk on the plaintive or any other family member.

Fourth: in case of violation of the protection order, the offender is imprisoned for no more than 48 hours or to pay a fine for no less than 300,000 (Three Hundred Thousand Iraqi Dinars).

Article Five:

The court shall refer the parties of the lawsuit to a competent committee formed from experts and specialized individuals to reconcile between them before having the court deciding on the case, and this only allowed in the cases that reconciliation could be made for, providing that this should not affect the procedures pertaining to the protection speculated in this law.

Article Six:

With not defying any other more sever penalties speculated in the applicable laws in Kurdistan Region:

First: Whoever incites on doing Female Genital Mutilations shall be fined for no less than 1000,000 (One Million Iraqi Dinars) and no more than 5000,000 (Five Million Iraqi Dinars).

Second: Whoever does or helps doing Female Genital Mutilation shall be imprisoned for nor less than (6) six months and fined for no less than 2000,000 (Two Million Iraqi Dinars) and no more than 5000,000 (Five Million Iraqi Dinars) or shall be punished by one of these two penalties.

Third: Whoever does or helps doing Female Genital Mutilation of minor female shall be imprisoned for nor less than (1) one year and no more than (3) three years and fined for no less than 5000,000 (Five Million Iraqi Dinars) and no more than 10,000,000 (Ten Million Iraqi Dinars) or shall be punished by one of these two penalties.

Fourth: It is considered an aggravating circumstance for the purposes of punishment if the perpetrator is a doctor, pharmacist, Chemist, midwife or one of their assistants and the court shall order banning this person from exercising his/her career for a duration of no more than three years.

Article Seven:

With not defying any other more sever penalties speculated in the applicable laws in Kurdistan Region:

Whoever commits a domestic violence is imprisoned for no less than six months and no more than three years and fined for no less than one million Iraqi dinars and no more than five million Iraqi dinars or punished by one

million Iraqi dinars and no more than five million Iraqi dinars or punished by one of these two penalties.

Article Eight:

The rules of the amended Penalties Code No. 111 from 1969, and the rules of the amended Criminal Trial Procedures Law No. 23 from 1971, and the amendment of Personal Status Law No. 15 from 2008 and other applicable Laws in Kurdistan region are applied in case there no specific provision is speculated in this Law.

Article Nine:

The Council of Ministers and concerned parties shall implement the rules of this law.

Article Ten:

This law is enforced as of the date of its publication in the official gazette (Waqae' Kurdistan).

Muhammad Qadir Abdullah

(Dr. Kamal Kirkuki)

Speaker of the Parliament of Kurdistan- Iraq

Founding Reasons:

Domestic violence is a negative phenomena in contrast to what divine religions and principles of human rights dictate, as the family is the founding base for the society and for the purpose of protecting it from disintegration and protecting its members and also pursuing legal actions to ensure its safety and stability along with preventing domestic violence through legal preventive methods before occurring and also searching for reconciliation and curative solution after occurring, this law is passed.