

## **Schnellrecherche der SFH-Länderanalyse vom 15. Januar 2015 zu Irak: Zwangsheirat**

Fragen an die SFH-Länderanalyse:

1. Was droht einer Frau in der KRG-Region und im Irak, welche sich einer Zwangsheirat widersetzt?
2. Gibt es hierzu rechtliche Bestimmungen?
3. Gibt es interne Fluchialternativen?
4. Ist es möglich, ohne die Zustimmung der Eltern heimlich zu heiraten?
5. Wie ist die Situation für Frauen, die ein uneheliches Kind gebären?

Die Informationen beruhen auf einer zeitlich begrenzten Recherche (Schnellrecherche) in öffentlich zugänglichen Dokumenten, die uns derzeit zur Verfügung stehen.

### **1 Was droht einer Frau in der KRG-Region und im Irak, welche sich einer Zwangsheirat widersetzt?**

Im schlimmsten Fall droht einer Frau, die sich im Irak und auch in der *Kurdistan Regional Government* (KRG)-Region einer Zwangsheirat widersetzt Ehrenmord. Gewalt gegen Frauen hat im Irak seit 2003 wieder zugenommen. Nicht zuletzt mit dem Einmarsch der Terrororganisation Islamischer Staat (IS) hat sich die Situation der Frauen drastisch verschlechtert. Doch bereits im Oktober 2013 gelang es dem Justizminister Hassan al-Shimmari die umstrittene Gesetzesvorlage zu einem neuen Zivilstandgesetz vom Ministerrat absegnen zu lassen. Damit soll der Status der Frauen verschlechtert werden. In der sogenannten *Ja'afari* Gesetzesvorlage ist vorgesehen, dass Mädchen ab neun Jahren verheiratet werden dürfen, dass Vergewaltigung in der Ehe erlaubt ist und dass Frauen die Bewilligung ihres Ehemannes brauchen, um das Haus verlassen zu dürfen.

Frauen und Mädchen sind unter anderem Opfer von häuslicher und sexueller Gewalt, Zwangsheirat oder Ehrenmorden. Die Täter werden kaum strafrechtlich verfolgt. Die Frauen und Mädchen wehren sich selten aus Angst vor den Tätern, der Familie oder der Gemeinschaft. Sie fürchten einem Ehrverbrechen zum Opfer zu fallen. Oft werden Opfer zu Täterinnen gemacht und inhaftiert, da sie sich «unmoralisch» verhalten hätten.

Im Irak, auch in der KRG-Region, müssen sich die Frauen den männlichen Familienmitgliedern unterordnen. Die Ehen sind meistens arrangiert und Frauen haben kaum die Möglichkeit eigene Pläne, welche den Vorstellungen der männlichen Familienangehörigen widersprechen, umzusetzen. Das moralisch korrekte Verhalten und der Erhalt der Jungfräulichkeit der unverheirateten Frauen sind bedeutend für die Familien-ehre. Zwar hat die strengere strafrechtliche Verfolgung von Ehrenmördern einen gewissen Rückgang von Ehrenmorden zur Folge. Heute werden Ehrenmorde häufig als

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Selbstmorde oder Unfälle ausgegeben; Selbstmorde junger Frauen und Mädchen haben zugenommen.

Frauen haben kaum die Möglichkeit, sich dem Willen der Familie zu entziehen. Auch wenn sie nicht mit Ehrenmord bedroht werden, können junge Frauen in den seltensten Fällen alleine, ausserhalb ihres Familienverbandes leben.

Frauen, die alleine leben, gelten auch gemäss den Richtlinien von UNHCR zu den verletzlichsten Personengruppen. Ohne die Unterstützung ihrer Verwandtschaft sind viele gezwungen, sich zu prostituieren, Ehen mit älteren Männern oder Zeitehen einzugehen.

Ehrenmorde, auch getarnt als Selbstmorde:

US Department of State, 27. Februar 2014:

*«Harmful Traditional Practices: Honor killings remained a serious problem throughout all parts of the country, and some families arranged honor killings to appear as suicides. In the IKR, suicidal women used self-immolation as a method of killing themselves, and authorities dismissed certain cases as “accidents.” The penal law permits honor considerations to mitigate sentences; for example, a provision limits murder sentences to a maximum of three years in prison if a man suspects his wife or female dependents of committing adultery.»* Quelle: US Department of State: Country Report on Human Rights Practices 2013 – Iraq, 27. Februar 2014: [www.ecoi.net/local\\_link/270634/402045\\_de.html](http://www.ecoi.net/local_link/270634/402045_de.html).

Frauen in einer patriarchal strukturierten Gesellschaft: Unterordnung und Symbole der Familienehre:

Finnish Immigration Service & Federal Office for Migration (Switzerland), 1. Februar 2012:

*«In Iraq, women are subordinate to male members of the family (i.e., father, brother, husband), marriages are mostly arranged by the family, and women cannot typically have plans that deviate from marriage or living in the father’s house. In both rural and urban areas throughout Iraq, social and family relations are still largely shaped by traditional and patriarchal perceptions of gender roles and by a strict code of honour and shame. The virginity of girls and the virtuous behavior of all females are seen to uphold the family’s honour. Women’s rights groups and projects targeting women have achieved many positive changes regarding gender-related issues. Legal reforms have eliminated previously mild punishments for honour killings, and women’s rights within civil law have been improved. Shelters and counseling projects have also been established, primarily in the cities. According to several interviewed sources, women’s rights in the KRG region have slightly improved in recent years mainly through the passage of new laws. According to the NGO Asuda Combating Violence Against Women, honour killings are not common in the KRG area today, but they do occur and are still above average in comparison to the rest of Iraq and even in the regional context. The KRG has addressed problems of domestic and social violence against women and created its own monitoring committees and shelters to protect women from violence. The police are actively cooperating with the*

relevant projects. In the disputed areas, the situation for women remains more difficult than in the KRG region. For example, the Sinjar district in the Ninawa governorate is regarded as a conservative area because of the tribal and religious features that pervade every facet of the social life. Work on building awareness and training on women's rights and their roles in all aspects of life has only recently begun. Many organizations in Iraq such as USAID and various NGOs offer services for women who fear violence, although according to Asuda, there is a need for more services. Asuda has dealt with approximately 2000 cases in the past 10 years. The Khanzad NGO has assisted between 200 and 400 female detainees on an annual basis. Both NGOs work with lawyers and social workers. Legal aid centers have been set up in the Erbil, Sulaymaniya, and Dohuk governorates by authorities with the support of the UNDP. The centers are expected to process approximately 400-600 cases annually. Women in the KRG region actively participated in debates on the national constitution of 2005 and the KRG Constitution in 2009. **The fact-finding mission learned that women are disappointed that despite their participation, both constitutions remain ambiguous on the role of sharia in state penal and civil law and allow regional interpretations of the legitimacy of non-state religious and traditional jurisdictions.** The reform of KRG civil law was debated in the Kurdistan Regional Parliament in 2009. **The reform brought some improvements for women regarding divorce and child custody laws, but against women's wishes, it did not abolish polygamy and the privileges of male succession in the inheritance law.**» Quelle: Finnish Immigration Service & Federal Office for Migration (Switzerland), Report on Joint Finnish-Swiss Fact-Finding Mission to Amman and the Kurdish Regional Government (KRG) Area, May 10-22, 2011, 1. Februar 2012, S. 37-38:

[www.ecoi.net/file\\_upload/90\\_1329398573\\_2012-02-01-iraq-report-on-joint-finnish-swiss-fact-finding-mission.pdf](http://www.ecoi.net/file_upload/90_1329398573_2012-02-01-iraq-report-on-joint-finnish-swiss-fact-finding-mission.pdf).

Unterschiedliche Formen von Zwangsheirat (Austausch von Schwestern unter Freunden / Mädchen werden einer verfeindeten Familie versprochen, um den Konflikt zu beenden), Drohung mit Ehrenmord, wenn die moralischen Normen verletzt werden:

Finnish Immigration Service & Federal Office for Migration (Switzerland), 1. Februar 2012:

«Most women in the prisons of Sulaymaniya and / or who come to the Khanzad center for counseling are from remote rural areas of Iraq such as Germian, Pshdar, or Penjwin. **In these areas, many girls and women must endure forced marriages. These traditional marriage agreements include two male friends exchanging sisters (jin ba jin) or fathers marrying their daughters at childhood to elderly men for appeasement of family conflicts (gorea ba bucuq).** Females in these areas also suffer from domestic violence and **the threat of honour killing for violations of the traditional code of morals.** Forced marriages still occur, but the incidence is decreasing. Not only are forced marriages illegal in Iraq, but many NGOs have been working in this field. The fact-finding mission learned that about 4% of girls nationwide were forcibly married before they turned 15. This is also illegal according to Iraqi law. **In addition, a third of young women believe that a girl must marry her relative if it is her guardian's wish. This topic is openly discussed today in the KRG area. Mediation by the KRG Ministry of Interior also exists; however, the problem is often not solved, even when a woman has been in protective institutions for many months.**

**Many women are unwilling to talk about domestic violence or sexual abuse as there is a social stigma attached to these issues.**» Quelle: Finnish Immigration Service & Federal Office for Migration (Switzerland), Report on Joint Finnish-Swiss Fact-Finding Mission to Amman and the Kurdish Regional Government (KRG) Area, May 10-22, 2011, 1. Februar 2012, S. 42:

[www.ecoi.net/file\\_upload/90\\_1329398573\\_2012-02-01-iraq-report-on-joint-finnish-swiss-fact-finding-mission.pdf](http://www.ecoi.net/file_upload/90_1329398573_2012-02-01-iraq-report-on-joint-finnish-swiss-fact-finding-mission.pdf).

#### Zunahme von Zwangsheiraten, Zeitheiraten:

MADRE et al., 2014:

**«It is true that rates of early marriage since the 1970's were declining, and by 1997, only 15% of Iraqi girls were married before the age of 19. This rate remained the same in 2004. However, by 2007, 21% of Iraqi girls were married before the age of 19.**

**By 2011, 22% of Iraqi girls under the age of 18 were married. A Population Reference Bureau Policy Brief released in 2013, referring to statistics compiled in 2011, reported that 25% of 20 –24 year old women in Iraq were married before the age of 18. In the context of the current crisis, financial desperation and the absence of breadwinners in households where men have gone off to war has also led to a rise in forced, temporary and under-aged marriages. Temporary marriages had previously been very rare in Iraq, but have reemerged under the growing influence of certain religious leaders. In these controversial marriages, girls are "married" in the presence of a religious figure for a fixed period of time, which can be as short as several hours. It does not protect girls from honor killings if the relationship is disclosed; neither does the man acknowledge his children who are born in such an arranged "marriage." Suicides, especially by self-immolation, have spiked as girls protest forced marriage arrangements. .»** Quelle: MADRE; OWFI – Organization of Women's Freedom in Iraq; The International Women's Human Rights Clinic, City University of New York School of Law, Protecting the Rights of Children in Iraq; Responses to the Committee on the Rights of the Child's List of Issues in Relation to: The Combined Second to Fourth Periodic Reports of Iraq, 2014, S.2-4:

[www.ecoi.net/file\\_upload/1930\\_1420195384\\_information-from-madre-ngo-19029-e.pdf](http://www.ecoi.net/file_upload/1930_1420195384_information-from-madre-ngo-19029-e.pdf).

#### Ja'afari-Gesetzesvorlage:

MADRE et al., 2014:

**«The pending Ja'afari draft law threatens a number of women's rights. It includes provisions that would lower the marrying age for girls to 9 years old, and would legalize marital rape by stating that a husband is entitled to have sex with his wife regardless of her consent. The draft law would also prevent women from leaving the house without permission from their husband, automatically grant custody for children over two years-old to the father in divorce cases, and significantly limit women's rights in matters of inheritance. Justice Minister Hassan al-Shimmari introduced the draft law to the Council of Ministers on October 27, 2013. Although the Council said in December 2013 that it would wait until after the**

April elections to consider the proposed law, they approved it on February 25, 2014. The draft law is still currently pending, despite strong opposition from Iraqi civil society, including some religious leaders.» Quelle: MADRE; OWFI – Organization of Women's Freedom in Iraq; The International Women's Human Rights Clinic, City University of New York School of Law, Protecting the Rights of Children in Iraq; Responses to the Committee on the Rights of the Child's List of Issues in Relation to: The Combined Second to Fourth Periodic Reports of Iraq, 2014, S.2-4:

[www.ecoi.net/file\\_upload/1930\\_1420195384\\_information-from-madre-ngo-19029-e.pdf](http://www.ecoi.net/file_upload/1930_1420195384_information-from-madre-ngo-19029-e.pdf).

Zunahme der Gewalt gegen Frauen, Straffreiheit der Täter, Opfer wird zur Täterin aufgrund von «unmoralischem» Verhalten:

UNHCR, 31. Mai 2012:

**«Violence against women and girls has reportedly increased since 2003 and, according to most observers, continues unabated.** Women and girls in Iraq are victims of societal, legal and economic discrimination, abductions and killings for political, sectarian or criminal reasons, sexual violence, forced displacement, domestic violence, “honour killings” and other harmful traditional practices, as well as (sex) trafficking and forced prostitution. Iraqi women and girls are reported to face violence at the hands of a range of actors, including armed groups, members of law enforcement agencies, and their (extended) families and community. **Most violence against women and girls appears to be perpetrated with impunity.** According to a number of reports, **the main reason why victims of gender-based violence refrain from reporting sexual abuse and rape, forced marriage, domestic violence and female genital mutilation (FGM) is the fear of retaliation by the perpetrator or the family/community for tainting their “honour”.** Reports further indicate that women often fear that they would not receive protection from law enforcement agencies and courts, given that gender-based violence is often treated leniently while certain forms of violence, including domestic violence, trafficking and FGM are not criminalized by Iraqi law. **It is reported that legal personnel dealing with cases of domestic violence may be subjected to harassment at the hands of the victim’s family members or may be considered as condoning the “crime of immorality” committed by the victim.** Generally, the authorities are reported to have only limited capacity “to prevent, protect and prosecute” in cases of violence against women. Female detainees are deprived of their freedom either because they are suspected of having committed crimes themselves, or in order to put pressure on their male relatives. **Many female detainees are held on charges of prostitution, adultery or homicide.** Many have a history of forced marriage, abuse and violence; however, law enforcement and judicial personnel reportedly often disregard this fact and merely focus on the criminal charges brought against the woman. Women are reported to have been particularly affected by the dire humanitarian conditions following years of conflict.» Quelle: UNHCR, UNHCR-Richtlinien zur Feststellung des Internationalen Schutzbedarfs von Asylsuchenden aus dem Irak, 31. Mai 2012, S. 33-35:

[www.ecoi.net/file\\_upload/2016\\_1338807174\\_4fc77d522.pdf](http://www.ecoi.net/file_upload/2016_1338807174_4fc77d522.pdf).



UNHCR empfiehlt, dass den Frauen, die von sexueller Gewalt, traditionellen schädlichen Praktiken wie Zwangsheirat oder Ehrenmord bedroht sind, als Flüchtlinge Schutz gewährt werden sollte:

UNHCR, 31. Mai 2012:

**«UNHCR considers that women in specific circumstances as outlined below, including survivors or women at risk of sexual and gender-based violence, harmful traditional practices, and “honour crimes” are likely to be in need of international refugee protection on the basis of their membership of a particular social group, religion and/or (imputed) political opinion.»** Quelle: UNHCR, UNHCR-Richtlinien zur Feststellung des Internationalen Schutzbedarfs von Asylsuchenden aus dem Irak, 31. Mai 2012, S. 33-35:

[www.ecoi.net/file\\_upload/2016\\_1338807174\\_4fc77d522.pdf](http://www.ecoi.net/file_upload/2016_1338807174_4fc77d522.pdf).

## 2 Gibt es hierzu rechtliche Bestimmungen?

Auch wenn Zwangsheiraten, dabei wird auf die Heirat von minderjährigen Mädchen fokussiert, verboten sind, werden vor allem in den ländlichen Gebieten weiterhin Mädchen zwangsverheiratet. Zudem existieren weitere Gesetze, welche das Verbot von Zwangsheirat aushebeln. So können zum Beispiel Vergewaltiger, wenn sie ihre Opfer heiraten, einer Strafe entgehen. Oder Mädchen werden als Blutgeld einer verfeindeten Familie übergeben, damit ein Mord gesühnt werden kann.

US Department of State, 27. Februar 2014:

**«Forced and Early Marriage: The minimum age of marriage is 14 with parental permission and 18 without. The government made few efforts to enforce the law. Traditional forced marriages of girls as young as age 11 continued, particularly in rural areas. A 2012 study by UNICEF and the government found that 21 percent of women between the ages of 15 and 19 were married.»** Quelle: US Department of State, Country Report on Human Rights Practices 2013 – Iraq, 27. Februar 2014: [www.ecoi.net/local\\_link/270634/402045\\_de.html](http://www.ecoi.net/local_link/270634/402045_de.html).

US Department of State, 27. Februar 2014:

**«Kurdistan regional government law bans child marriage and forcing children to drop out of school. According to the regional government Ministry of Labor and Social Affairs, forced marriages noticeably declined after the passage of the law. IKR residents reportedly traveled to the provinces of Diyala, Kirkuk, and Ninewa, where there are no laws criminalizing child marriage, to circumvent the IKR’s ban on child marriage.»** Quelle: US Department of State, Country Report on Human Rights Practices 2013 – Iraq, 27. Februar 2014: [www.ecoi.net/local\\_link/270634/402045\\_de.html](http://www.ecoi.net/local_link/270634/402045_de.html).

MADRE et al., 2014:

**«The proposed law aside, even Iraq’s current Personal Status Law does not do enough to prevent forced marriage or prosecute those that coerce. Forced marriage can be the result of a rape because the criminal code allows the rapist to**

*avoid prosecution by marrying the victim. In addition, girls can be subject to forced marriages through the practice of diyya (blood money), where a woman from the family of the killer is forced to marry into the family of the deceased. Enforcement is limited because a situation is only reviewed at the initiative of the subject of coercion. A court will only review the case once the victim files a complaint. In addition, the law does not provide mechanisms to ensure the safety of the victim after she files the complaint, which is important as victims filing may be subject to retribution from family members. The State Report provides little information regarding the enforcement of the current Personal Status Law. **Further, statistics provided by Iraq focus on early marriage, but neglect other forms of forced marriage.** There is no information in the State Report on the number of complaints under the current law brought before the court by girls and young women, the number of successful complaints, or the frequency of marriages of girls and young women in the aftermath of a rape or through the practice of diyya.» Quelle: MADRE, OWFI - Organization of Women's Freedom in Iraq; The International Women's Human Rights Clinic, City University of New York School of Law, Protecting the Rights of Children in Iraq; Responses to the Committee on the Rights of the Child's List of Issues in Relation to: The Combined Second to Fourth Periodic Reports of Iraq, 2014, S. 2-4: [www.ecoi.net/file\\_upload/1930\\_1420195384\\_information-from-madre-ngo-19029-e.pdf](http://www.ecoi.net/file_upload/1930_1420195384_information-from-madre-ngo-19029-e.pdf).*

### 3 Gibt es interne Fluchtalternativen?

Wie bereits oben beschrieben, ist es für junge Frauen sehr schwierig alleine, ohne die Unterstützung der Familie zu leben. Dies gilt auch für die KRG-Region.

*Finnish Immigration Service & Federal Office for Migration (Switzerland), 1. Februar 2012:*

*«7.2. **Single women: In the KRG area, women normally live with males and move outside of their homes only in the company of a male family member. In Kurdish society, in both urban and rural areas, it is generally not socially acceptable for women to live away from their families without the consent of their father, brothers, or husband.** Social restrictions often make it impossible for single women to rent an apartment or get a job. Traditional attitudes persist in Dohuk and Erbil, where migration from the countryside has been witnessed in recent years. The fact-finding mission learned that residents of Sulaymaniya are more sophisticated in their attitudes toward women than residents of the other northern governorates. According to several interviewed sources, women generally cannot live alone and those who try encounter problems. In Sulaymaniya, rare cases of older women living alone or sisters or a mother and daughter living together without a male in the household can be found. There are also rare cases of divorced women living alone with their children. Typically, these women are wealthy or have a job. In educated circles, women can have a freer social life, but they may be blamed or even beaten by family members for meeting other men. Women in the KRG region generally look forward to meeting their husband and bringing up a family, but they lack insight about other opportunities in their lives.*

*Some single women migrate within the KRG region; **this movement is normally impossible for young women, however. Kurdish society is very family oriented, and***

*it is not easy to move around Kurdistan unnoticed. Women basically move only for marriage; otherwise, moving away from the family is difficult. Women also need permission from their husband or guardian to get a passport.*» Quelle: Finnish Immigration Service & Federal Office for Migration (Switzerland), Report on Joint Finnish-Swiss Fact-Finding Mission to Amman and the Kurdish Regional Government (KRG) Area, May 10-22, 2011, 1. Februar 2012, S. 37-38:

[www.ecoi.net/file\\_upload/90\\_1329398573\\_2012-02-01-iraq-report-on-joint-finnish-swiss-fact-finding-mission.pdf](http://www.ecoi.net/file_upload/90_1329398573_2012-02-01-iraq-report-on-joint-finnish-swiss-fact-finding-mission.pdf).

Auch UNHCR weist auf die besondere Verletzlichkeit von alleinstehenden Frauen hin:

UNHCR, 31. Mai 2012:

*«Women without male support, including widows, women whose husbands are missing or detained and divorcees, are most affected. Traditionally, they would move in with their families or their in-laws after the loss of their husbands; however, these relatives are often unable to provide substantial support given their own economic destitution. In addition, many female heads of household have been displaced and, as a result, have been separated from their extended families and traditional support networks. Most women heads of households in central and southern Iraq do not receive government welfare.*

*Female-headed households often rely on (irregular) assistance from relatives and neighbours, or charity distributed through the mosques. Overall, many female-headed households are lacking the means to provide for themselves and their children and remain among the most vulnerable in the country. Women without support and protection provided by their family or tribal network are particularly vulnerable to being harassed, kidnapped or sexually assaulted. In order to ensure livelihoods for themselves and their children, women without a breadwinner may be compelled to engage in prostitution, begging or marriage to elderly men, including in so-called temporary or "pleasure marriages" (muta'a).*

*An important achievement was the enactment by the KRG, on 21 June 2011, of the Family Violence Bill. The law criminalizes FGM, forced and early marriages, verbal, physical, and psychological abuse of girls and women, forced prostitution, child abuse, and child labour. Under the law, special courts dealing with family violence cases are to be established and the police and courts have the authority to issue and enforce restraining orders to protect victims. The law led to fierce protest by some Islamic clerics and groups, who called it "un-Islamic". Despite this significant legal change, violence against women, including domestic violence, "honour crimes" and FGM, reportedly remains widespread in the Kurdistan Region.*» Quelle: UNHCR, UNHCR-Richtlinien zur Feststellung des Internationalen Schutzbedarfs von Asylsuchenden aus dem Irak, 31. Mai 2012, S. 33-35:

[www.ecoi.net/file\\_upload/2016\\_1338807174\\_4fc77d522.pdf](http://www.ecoi.net/file_upload/2016_1338807174_4fc77d522.pdf).



#### **4 Ist es möglich, ohne die Zustimmung der Eltern heimlich zu heiraten?**

In der Theorie ist es möglich, wenn beide älter als 18 Jahre sind. Da Frauen jedoch kaum die Möglichkeit haben, ein selbstbestimmtes Leben zu führen, ist die Heirat ohne die Zustimmung der Eltern problematisch. Religiös geschlossene Ehen oder Zeitehen schützen Frauen auch nicht vor Stigmatisierung und Diskriminierung. Vgl. dazu Frage 1.

#### **5 Wie ist die Situation für Frauen, die ein uneheliches Kind gebären?**

Frauen mit unehelichen Kindern im Irak sind mit verschiedenen Problemen konfrontiert. Da die Staatsbürgerschaft über die Väter weitergegeben wird, bleiben unehelich geborene Kinder oft staatenlos. Im Irak wurden viele Frauen von al-Kaida-Milizen vergewaltigt. Auch wenn sie in religiösen Zeremonien verheiratet wurden, können die Frauen die Herkunft ihrer Kinder nicht beweisen. Die Kinder sind staatenlos, erhalten keine Papiere und haben auch keinen Zugang zu staatlichen Institutionen wie Schule oder medizinischer Versorgung.

Zudem können Frauen, die uneheliche Kinder haben, wegen unehelichem Geschlechtsverkehr inhaftiert und verurteilt werden.

Unverheiratet Mütter werden von ihren Familien und der Gemeinschaft diskriminiert und stigmatisiert. Es kommt vor, dass sie gezwungen werden, den Vater des Kindes zu heiraten, auch wenn er ihr Vergewaltiger ist. Im schlimmsten Fall kann es zu einem Ehrenmord kommen.

##### Staatenlosigkeit des Kindes:

*Harvard Human Rights Journal*, 6. Januar 2015:

*«Most countries in the MENA region convey nationality by default through the father. Many countries' nationality laws allow women to pass their nationality if the child's father is stateless, unknown, or of unknown nationality,[21] but these safeguards are simply not implemented in many countries and thus remain illusory. Provisions that allow children to take the mother's nationality where the father's identity or nationality is unknown, taken literally, mean that the mother does not know who the father is. Such provisions do not include situations in which a woman knows who the father of the child is, but is not married to the father. Thus, if a child results from adultery or even non-consensual sexual contact, the child would not take the mother's nationality because the father is not unknown. Children born of coercive relationships during armed conflict may also be rendered stateless. In Iraq, for instance, large portions of territory have been controlled for months at various points by al-Qaeda and related militias. Under al-Qaeda rule, militants forced young women into marriages, often without revealing their own identities. Hundreds of children were born to militant fathers and Iraqi mothers who were married in religious ceremonies but whose marriages were never documented.[25] Because those children*

*cannot prove their paternity or 'legitimacy,' they are not recognized as Iraqi nationals and cannot obtain birth certificates, passports, or national identification cards. Without documentation, the children cannot enroll in school or access state services. Their mothers, as well, are subject to social stigma, seen as single mothers who have had children out of wedlock.»* Quelle: Harvard Human Rights Journal, Betsy Fisher, Why Non-Marital Children in the MENA Region Face a Risk of Statelessness, 6. Januar 2015:  
<http://harvardhrj.com/2015/01/why-non-marital-children-in-the-mena-region-face-a-risk-of-statelessness/>.

#### Unehelicher Geschlechtsverkehr:

Harvard Human Rights Journal, 6. Januar 2015:

*«Adultery laws. Second, in many countries in the region, sexual relations outside of marriage are punishable by fine, imprisonment, or corporal punishment. Women in Saudi Arabia, for example, including foreign migrants, may face the death penalty for having children out of wedlock. The prospect of facing criminal charges poses a significant barrier to registering a birth or applying to confirm a child's nationality. The UN Working Group on Discrimination against Women in Law and in Practice has recently concluded that "the mere fact of maintaining adultery as a criminal offence, even when it applies to both women and men, means in practice that women mainly will continue to face extreme vulnerabilities, and violation of their human rights to dignity, privacy and equality.»*

*Of course, adultery laws impact children who result from adultery as well. In the UAE, where adultery is criminalized, parents have reportedly declined to register their children or give them access to education and health care because they fear imprisonment if their adultery is discovered.»* Quelle: Harvard Human Rights Journal, Betsy Fisher, Why Non-Marital Children in the MENA Region Face a Risk of Statelessness, 6. Januar 2015:  
<http://harvardhrj.com/2015/01/why-non-marital-children-in-the-mena-region-face-a-risk-of-statelessness/>.

#### Stigmatisierung, soziale Isolation, Ehrenmord: Unehelicher Geschlechtsverkehr:

Harvard Human Rights Journal, 6. Januar 2015:

*«Stigma and violence against unwed mothers. Third, unwed mothers in the Middle East often face social isolation or harassment from their family and community members. In less common but more extreme circumstances, women who bear children outside of marriage may fear so-called 'honor' crimes, in which family members retaliate against women for perceived transgressions against the family 'honor.' The United Nations considers such 'honor' crimes as harmful traditional practices that seek to control women's sexual choices.*

*Human rights groups estimate that 200 women are murdered in Syria in 'honor' crimes each year, along with an estimated 25 women in Jordan each year, 89 cases documented in Kurdish Iraq in 2012, and 66 reported killings in Lebanon between 1999 and 2007. In 2009, Syria reformed provisions of its criminal code that granted impunity*

*to men who commit 'honor' crimes, but imposed sentences of just two years for such murders. In Egypt, Iraq, Jordan, Kuwait, Syria, Yemen, and the occupied Palestinian territories, sentences for attacks on women are often reduced when family 'honor' is cited as the motivation. And it is unclear whether criminal law reform itself would be enough to stop these crimes, as the crimes may continue after states increase criminal punishments. Reforming the law may be insufficient to protect women without changes in social norms.» Quelle: Harvard Human Rights Journal, Betsy Fisher, Why Non-Marital Children in the MENA Region Face a Risk of Statelessness, 6. Januar 2015: <http://harvardhrj.com/2015/01/why-non-marital-children-in-the-mena-region-face-a-risk-of-statelessness/>.*

*Finnish Immigration Service & Federal Office for Migration (Switzerland), 1. Februar 2012:*

*«For instance, some women are in shelters due to **out-of-wedlock pregnancy**; however, the program lacks a 24-hour transport service to the hospital. **These women are not respected in the Kurdish community and may have to marry the father of the child, even if he is a rapist. According to interviewed sources, unmarried pregnant women may be discriminated against not only by society, but also by government employees. Identification documents are not issued to children born to an unmarried woman.** According to WADI, women must navigate an extensive bureaucracy when dealing with the KRG and the department responsible for combating gender-based violence. Lawyers and social workers are often unavailable, and it can take up to three months for a woman to actually talk to someone about her problems. Women fearing violence may simply be told to go home. The fact-finding mission also heard that a woman at risk of honour violence does not receive help from the government when moving to another part of the country.» Quelle: Finnish Immigration Service & Federal Office for Migration (Switzerland), Report on Joint Finnish-Swiss Fact-Finding Mission to Amman and the Kurdish Regional Government (KRG) Area, May 10-22, 2011, 1. Februar 2012, S. 44: [www.ecoi.net/file\\_upload/90\\_1329398573\\_2012-02-01-iraq-report-on-joint-finnish-swiss-fact-finding-mission.pdf](http://www.ecoi.net/file_upload/90_1329398573_2012-02-01-iraq-report-on-joint-finnish-swiss-fact-finding-mission.pdf).*