

Criminalizing Forced Marriage in Iraqi Law and International Law

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ABSTRACT

Forced marriages in Iraq and internationally are a gross violation of human rights prevalent in most societies and religions and stem from various cultural and socio-economic factors. This paper analyzes how Iraqi law and international law operate in relation to the crime of forced marriage. It explains the shortcomings of the effective implementation of the Iraqi laws such as the Personal Status Law and the Penal Code to address forced marriage that a provision should explicitly criminalize forced marriage, ensure support for victims, and be in line with international standards. The reforms should be accompanied by legal educational campaigns, anti-stigma initiatives, and strong mechanisms of enforcement to overcome societal and cultural challenges. In addition to discussing the problems presented by society's attitudes. This article goes on to examine some of the international legal instruments that place an obligation on states to criminalize forced marriage. This comparative analysis enables the article to point the way to some best practices for Iraq in regard to the topic at hand from jurisdictions that have addressed the issue effectively. Main conclusions draw attention to the need for legal transformation, educational campaigns, and political will to eliminate forced marriage. Among the recommendations, there is a need for anti-stigma campaigns and cultural change as well as a sound legal base that is in harmony with international obligations. This paper highlights the importance of a coordinated response in protecting all individuals against forced marriage in Iraq.

1.Introduction

It is a violation of marital rights where one or both parties are forced against their will to get married. Such marriages could be under physical or emotional pressures that sometimes deny the basics, which are consent and autonomy (Forced Marriage Initiative, Tahirih Justice Center, 2020). The implications brought about by forced marriage are deep, including a number of social and legal consequences, such as emotional traumas, deprivation of educational and employment opportunities, and perpetuation of gender inequality (UNICEF estimates 2019, p. 67).

The prevalence of forced marriage in Iraq has its deep roots in the cultural, social, and legal contexts, which made the practice a very worrying issue. In this regard, the habit of traditional practices and social expectations has often been seen running in conflict with the rights of individuals-family prestige, business interest has been seen paramount, for instance, many young women have been forced into marriage (Al-Ali, 2021, p. 89). Indeed, a number of reports continue to emanate, indicating that forced marriages have been taking place in a number of communities, fueled by persisting socio-economic insecurities and instability (Human Rights Watch, 2022, p. 104). In Iraq, 28% of women aged 20–24 was first married before 18, and 7% were married before 15 (UNICEF, 2023). These statistics reflect the persistent cultural and socio-economic factors that drive forced marriages. In a case where Iraqi law does provide specific provisions and avenues protecting individuals against forced marriage, implementation remains spotty and largely ineffective.

Appreciation for the role of Iraqi law and international law in criminalizing forced marriage is important along a number of lines. First, there is a pressing need to point out some of the most significant gaps within national legal frameworks that facilitate practices constituting forced marriage. This is through the illustration of how domestic laws and international standards on human rights should be put in place to accord holistic protection to victims of forced marriages. This article considers these legal interplays with the view to contributing to the broad discourse on human rights in Iraq and the associated need for systemic reforms toward ensuring that the issue of forced marriage is addressed.

This paper discusses how Iraqi law intersects with international law in the criminalization of forced marriages. The research will try to gauge available legal frameworks for some enforcement challenges and make recommendations for legal reforms that would ensure compliance with international standards. In this regard, this article attempts an in-depth look at the complexities in dealing with the issue of forced marriages within the peculiar sociocultural environment of Iraq.

In addition, it will include the review of legal texts, academic literature, and NGO reports in relation to practical challenges in the enforcement of laws against forced marriage. This multi-faceted research approach will enable an enrichment of the analysis while gaining a deep insight into the issue at hand.

The article proceeds with Section 2, which deals with the legal framework review in Iraq by highlighting the historical background, the present law to deal with forced marriages, and enforcement challenges. Section 3 discusses international legal standards. Relevant treaties are examined and the role of international organizations in pushing for legal reforms. Section 4 examines the legal approaches to forced marriage taken in other jurisdictions which may indicate best practice for Iraq. Section 5 considers the social and cultural impediments to effective criminalization, including cultural attitudes and behaviors, religious influences and socio-economic factors. The last section provides a conclusion by recommending reforms in laws and creating awareness of the need for international cooperation to eradicate the forced marriages in Iraq.

2. Legal Framework of Forced Marriage in Iraq

2.1. Historical Context

The of cultural, religious, and tribal influences, together and intertwined in their impact, has set traditional marriage practices firmly within the social psyche of Iraq. Traditionally, forced marriage in Iraq comes from the patriarchal tribal system, which is deeply grounded in family honor and economic alliances. Cultural norms, gaps in the law, and limitations of personal will have contributed to sustaining compulsion and inequality for women's choice (Al-Dawoody, 2011, p. 112; Welchman, 2007, p. 78). Classically, marriages were, by and large, arranged, and

most of the time they were orchestrated by families to strengthen social ties and economic alliances. Most of such marriages took family prestige and reputation as vital and more important compared to personal will, and the transaction entailed the bride's family being given a dowry for the bride (Saleh et al., 2022, p. 8). More often than not, inside the societies, women were regarded as careers and mothers who should play traditional roles in line with being obedient and homebound (Forced Marriage Overseas: Iraq - Tahirih - Forced Marriage Initiative, 2020).

The legal landscape in respect of marriage within Iraq started to change dramatically with the enactment of the Personal Status Law in 1959. This seminal law attempted to modernize family law by giving regulations on marriage, divorce, and inheritance a legal framework respectful of individual rights (Al-Masri, 2019, p. 18). More significantly, the law increased the minimum age for marriage to 18 exceptions allowing marriage at 15, with judicial approval, taking into account maturity and consent of guardians, are provided for (Article 8). Also, sought mutual consent to a marriage, hence eroding some traditional practices that largely denied women their free will (Zarif, 2022, p. 77). Yet, despite these legal developments, the resilience of traditional mores in the application of such laws creates a gap between the law and practice on marriage issues. As (Human Rights Watch, 2022, p. 112), such presents a mismatch between the legal provisions and the actual practice in regard to marriage. Traditionally, it has been an interesting interplay between custom and law in modern Iraq to deal with marriage practices.

2.2 Current Iraqi Laws Addressing and Criminalizing Forced Marriage

Indeed, one basic legislative cornerstone of the modern Iraqi state has been the Personal Status Law of 1959, which articulated aspects related to marriage, along with other tenets of family law (Iraq: Personal Status Law and its Amendments (1959), 2024). According to this law, a valid marriage is that in which mutual consent is taken into consideration-which in itself is quite revolutionary for its time. Article 8 states that consent of the parties is necessary to get married and so the marital union should be the object of free consent. The (Iraqi Personal Status Law, 1959, Article 8. and Article 9) has made forced marriages criminal: "The marriage

contracted under threat or compulsion, or without the free will and consent of one of the parties or of both, shall be null and void.(Iraqi Personal Status Law, 1959, Article. 9). This is a very important protection for the individuals, particularly women, from marriages forced upon them and a reinforcement of the principle of autonomy. However, through dictates of culture and practice, non-compliance to these laws occurs, especially in rural areas of a conservative nature where traditions are still strong (Forced Marriage Overseas: Iraq - Tahiri - Forced Marriage Initiative, 2020).

Apart from the Personal Status Law, the Iraqi Penal Code provides more legal tools to combat forced marriage. Article 393 criminalizes coercive behavior; it is a criminal offense to threaten or force another human being into marriage (Iraq: Penal code 1969, Article. 393) Thus, although such legal protections exist, their functionality is normally confined by widespread societal and cultural beliefs that place the notion of family honor above and beyond the rights of an individual (Human Rights Watch, 2022, p. 115). For instance, the Child Protection Law of 2012, prohibits early and forced marriages among minors by banning marriages before the age of 18 years old. According to (UNICEF, 2019, p. 67), while such legal provisions exist, implementation and social acceptance have serious gaps, and such incidents hint that legal reform needs cultural change before it can uproot the practice of forced marriages in Iraq.

2.3. Enforcement Challenges in Iraq

Issues of a legal, cultural, and social nature combined make the implementation of the laws against forced marriage rather difficult in Iraq. While there are some legal frameworks in place, such as the Personal Status Law of 1959 and provisions within the Penal Code, their application is partial and fails to be properly implemented into practice (Human Rights Watch, 2022, p. 115). Another factor standing in the way is the loss of consciousness about their legal rights among women and vulnerable populations. Because of this, underreporting against forced marriages might take place. Many persons may not realize that they are well within their legal right to refuse a marriage or possibly fear retaliation from their respective families or

communities if they seek legal remedies against them (“Iraq: Unregistered Marriages Harm Women and Children,” 2024).

Another critical issue in the inhibition of enforcement of laws against forced marriage is that of socio-cultural attitude. Most areas of Iraq have been dominated by traditional customs and notions of family honor in marriage that at times pressurize people to stick to familial expectations about marriage. This setting of culture can bring the police personnel into a position where they may not want to interfere in cases of suspected forced marriages, keeping in mind the social harmony rather than individual rights (Al-Hussein & Al-Saaidi, 2022, pp. 11–16). Further, divorced and unmarried stigma in society can push a family to practice forced marriages thus making legal enforcement more difficult (UNICEF, 2019, p. 67). It would follow from this that these enforcement challenges, in consequence, are about not just legal reforms but extensive public education and community engagement in changing cultural attitudes and furnishing individuals with the wherewithal to assert rights.

3. International Legal Standards

3.1. Overview of Relevant International Instruments

Forced marriage being a violation of human rights has been addressed under different international instruments. The two most important international conventions are the Convention on the Elimination of All Forms of Discrimination Against Women and the Convention on the Rights of the Child, which come at the forefront for addressing forced marriage.

CEDAW was adopted in 1979 to address issues relative to the elimination of discrimination against women, including marital rights. Article 16 provides specifically that states must guarantee women rights equal to men in entering into marriage and establishes the requirement for free and full consent. This is an important provision in the fight against forced marriage since it reaffirms belief in the right of consent as a basic human right in a marriage setting (United Nations 1979, p.8). CEDAW also calls on states to make provisions that avoid exposing women to practices that may lead to their vulnerability to becoming victims of

forced marriages and widen the door for making independent decisions on their rights. CRC, formulated in 1989, aims at rights associated with children, including the right of free choice of a spouse. Although Article 1 defines a child as below 18 years of age, Article 34 urges States to protect children from all forms of sexual exploitation and abuse, of which forced marriages are also a part (United Nations 1989, p. 3). The CRC emphasizes that one should get informed consent, protection of the rights of the children is paramount and thus this is an essential tool in fighting against forced marriages, which in most cases leave the young girls as victims.

These international treaties point out the commitment of the world community in fighting against forced marriage. CEDAW and the CRC emphasize concerns on consent and protection for vulnerable groups, thus creating an avenue for countries to enact legislation against forced marriage and foster gender equality and the rights of a child fundamentally.

3.2. International Human Rights Framework

The international human rights framework forms a more detailed basis for understanding and analyzing the practice of forced marriage as a violation of human rights. Various international legal instruments give a set of principles that enable protection against forced marriages and ensure the right to free and full consent to marriage.

The Universal Declaration of Human Rights, adopted in 1948, forms one of the foundational documents in international human rights law. Article 16 states, "the marriage shall be entered into only with the free and full consent of the intending spouses"(United Nations, 1948, p. 8). The clause on consent is hence clear and contrasts completely with the notion of forced marriage. The UDHR provisions are further corroborated by regional human rights instruments, such as the African Charter on Human and Peoples' Rights, which declares the right to freely choose one's spouse (African Union, 1986).

CEDAW and CRC address forced marriage in explicit terms. CEDAW stresses liberty from constraint or force as conveyed in the consent requirement in marriage whereas CRC protects children from all forms of exploitation, including those

consequences of forced marriages, (United Nations, 1979 and 1989). Each of these treaties calls for the states parties to enforce legislations and conduct practices that will prevent forced marriages and protect the rights of women and children.

Additionally, the ICCPR corroborates these principles by emphasizing that the right to marry and to found a family shall be based on free consent. (United Nations 1966, Article 23) Combined, these two international instruments form a strong legal framework that does much more than defines forced marriage as a breach of human rights; it even calls upon states to take proactive steps with an aim toward eradicating such practices.

3.3. Role of International Organizations Regarding Forced Marriage in Iraq

International organizations can be instrumental in fighting forced marriage in Iraq through supporting legal reform and creating awareness of human rights issues. The United Nations, together with some NGOs, has been instrumental in building frameworks for change by working to make domestic laws coherent with the international human rights standard. Similarly, other UN agencies, such as UN Women and the Office of the High Commissioner for Human Rights, are also actively involved in the protection of women's rights and in combating forced marriages in Iraq. Through their activities, these organizations have supported the establishment of legal structures that will help to ensure that issues related to forced marriage are appropriately addressed so that women and girls would be protected from such violations of their rights (UN Women, 2020, p. 10).

The UN Women's work here has been very instrumental in the areas of legislative and social reform with regard to the advancement of gender equality and the empowerment of women. Collaborating at the level of governments, UN Women supported their efforts toward the drafting and passing of national legislation criminalizing forced marriage, bringing Iraqi legislation into line with international human rights frameworks that guarantee women's rights under the law. Their efforts have involved urging the inclusion of women's consent in marriage laws besides offering technical assistance to improve the processes for legislation (UN Women, 2020, p. 10). To that point, OHCHR released reports that urge immediate

steps against forced marriage by appealing to authorities in Iraq to address such issues under their human rights obligations (United Nations, 2021, p. 5).

NGOs also play a vital role in the fight against forced marriage in Iraq. Organizations like Girls Not Brides are leading the way in advocacy and raising awareness to fight against forced marriages in general, with a focus on child marriages. They educate local communities on the negative impact of forced marriages and strive to promote the importance of acquiring consent, along with providing girls with education. Grassroots efforts by such organizations create dialogue, challenging traditional practices and speaking out for systemic change at the community level. This kind of work is very important in helping to decrease the incidence of forced marriages by shifting public perceptions and promoting legal reforms (The Fight against Child Marriage in Iraq, 2021).

In addition to advocacy and awareness, international organizations also take direct action through support for victims of forced marriage and promotion of legal reform. This may involve research, coordination with local authorities, and provision of resources to help victims escape forced marriages. A variety of UN agencies and NGOs have been active together in promoting legal change in Iraq and supporting victims. Their joint work highlights the holistic approach that includes legal reform, social changes, and cultural transformation, hence ensuring forced marriage is perceived as a serious human rights violation and properly acted upon by the Iraqi government (The Fight against Child Marriage in Iraq, 2021).

4. Comparative Legal Approaches

4.1. Comparative Framework

Forced marriage is a serious human rights concern. Various legal frameworks have addressed it in various jurisdictions of the United Kingdom, Canada, and Iraq, including the Kurdistan Region of Iraq. To this end, each of these areas has made sure to put in place effective ways and means through which forced marriages can be combated and the protection of the rights of individuals ensured.

This has finally been made possible in the UK with the granting of the Anti-Social Behaviour, Crime and Policing Act 2014 that came with statutory underpinning for

Forced Marriage Protection Orders. This will legally protect the victim or potential victim against forced marriage (Home Office, 2014). The UK government also focuses a great deal on training various professionals to identify and respond to cases of forced marriage so that the overall supportive environment for victims can be developed.

Similarly, Canada has gone ahead to make strong steps in amending its Criminal Code in the year 2014 to specifically criminalize forced marriage. This law provides the needed framework for ease of prosecution by law enforcement agencies of offenders of this law (Legislative Services Branch, 2015, Article. 293). Canada also runs awareness campaigns such as the "Not a Bride" campaign, which trains the communities on the legal consequences of forced marriage, hence making it easier to prevent.

The Personal Status Law of Iraq states full and free consent to marriage by the parties concerned, which protects minors from being forced into marriage, thus raising the legal age of marriage but there are efforts from religious (shiaa) parties in Iraqi parliament to vote for amendment personal statute law to legalize child marriage ("Iraq: Parliament Poised to Legalize Child Marriage," 2024). The Kurdistan Region has to this date made amendments and issued some laws such as penal law, criminal procedure law, domestic violence law, and personal status law that have relevance to combating forced marriages, showing commitment to the respect of individual rights and equality of gender (Child Marriage in Kurdistan Region - Iraq, 2016, pp. 6–8).

These countries provide some examples of various strategies that can be employed to address forced marriage through legal systems, public awareness, and professional education and training in order to safeguard vulnerable individuals.

In comparison, effective responses to forced marriage require comprehensive approaches using legal reform, community involvement, and education. Among some of the countries that represent best practices in fighting forced marriage are the United Kingdom, Canada, Iraq, and even the Kurdistan Region of Iraq itself comparing with other parts of Iraq. For example, the UK's Forced Marriage Unit is

extremely helpful in its provisions for victims. For instance, the FMU offers specific training to professionals such as teachers, social workers, and police officers in identifying a forced marriage case when and how appropriately to intervene. This was stated in the Command Paper laid before Parliament more commonly known as Forced Marriage: A Consultation and dated June 2011 (Home Office, 2014, p. 15). Another way victims can obtain immediate legal protection is by issuing a Forced Marriage Protection Order, which may become crucial in maintaining safety and ensuring one's self-determination.

Canada has taken this a notch higher through programs like social awareness, such as the "Not a Bride" campaign, which informs communities about the legal consequences of forced marriage and educates citizens on how to report suspected cases (Government of Canada, 2014, p. 2). While criminal code in Canada has been quite proactive and has distinguished forced marriages under clear criminal offenses, thereby emboldening a clear platform for the law enforcer to be proactive against offenders.

In addition, in Iraq, the changes of recent years to the Personal Status Law have marked the increase in the age of marriage and called for free consent in marriage. The legal changes accompany outreach activities in families concerning informing them on consent that must be required, and the legal status for marriage (Iraq Ministry of Justice, 2018). Moreover extra similar laws have been implemented by the Iraqi Kurdistan Region as its commitment to human rights in protection from forced marriage (Iraq: Act of Combating Domestic Violence in the Kurdistan Region of Iraq (Law No. 8 of 2011), 2024, Article. 2).

These good practices underpin an approach that recognizes comprehensive strategies including, inter alia, legal reform and raising awareness, as well as community engagement are part and parcel of a valid fighting mechanism against forced marriage and protection strategy for vulnerable populations.

4. 2. Applicability to Iraq

Any attempt at dealing with forced marriages both within Iraq and within the Kurdistan Region of Iraq would be very much informed by the best international

practices in countries like the United Kingdom and Canada. Of course, replication of such best practices within Iraq would have to be done in consideration for local cultural, legal, and social contexts.

First, there is the issue of the Forced Marriage Unit as established within the UK, which would be instrumental in Iraq. This would afford victims a one-stop service for reporting these cases with accompanying support. Programs for training law enforcement, health care providers, and educators increase their ability to identify and respond to cases of forced marriage. These could then be adapted to the Iraqi culture and religious system to incorporate these programs, therefore making them more effective due to culturally acceptance (Forced Marriage, 2023).

Besides, public awareness campaigns like "Not a Bride" of Canada may be translated into vernacular languages and adapted to the particular cultural context to raise local communities' awareness of legal implications of forced marriage. These would entail trust and open up dialogue on consent and rights of persons by engaging local community leaders, religious leaders, and NGOs (Kurdistan Regional Government, 2019).

Finally, the Iraqi legal system can apply legal reforms, as implemented in Canada, the UK, and the Kurdistan Region and Legitimization of consent laws in marriage and raising the legal age for marriage would protect the weak segments of society, especially minors, from being victims of forced marriages. The adjustments would signify an overall fight against forced marriage in Iraq to become respect for individual rights.

5. Socio-Cultural Obstacles to Criminalizing Forced Marriage

5.1 Cultural Attitudes to Forcing Marriage

Cultural attitudes to forced marriage in Iraq and the Kurdistan Region of Iraq are perhaps best encapsulated as an inter-play of factors: those that are tribal in nature, religiously dogmatic and socioeconomically motivated. While being practiced from numerous angles, many unions throughout the Middle East and South Asia are often regarded as an obligation of one's family rather than a personal decision made by the bride or bridegroom. This has at times led to forced marriages, at least in regard

to women. Overall, the families that are to be joined together through marriage or the concern for family honor is placed above the individual rights of a would-be bride (Al-Ali, 2015, p. 102). Historic gender roles are so deeply integrated into Iraqi culture and continue to place a burden on women to conform to their cultural expectations regarding marriage and childrearing.

The patriarchal system reinforces the notion of being a woman bound by familial duties; it often situates them in contexts where consent is overlooked or denied. One is in the incidence of forced marriages among the populace, especially in the marginalized groups, where economic instability may raise the bar with regards to the pressure which families feel in marrying daughters off at an early age (Yasmeen 2020, p. 34). Although some development can be seen in the Kurdistan Region regarding women's rights, deeply ingrained social norms-including very strongly rooted conceptions of what constitutes honor-underpin the persistence of forced marriage. While some struggle against this practice, strong resistance to changing prevalent customs-particularly within rural areas where traditional values have been unprecedented-obstructs any development in this matter (Khalid, 2021, p. 78). The second reason is that political instability and conflict have frequently overshadowed the developments with regards to women's rights.

Such a huge problem of forced marriages both within Iraq and the Kurdistan Region requires a wide approach considering cultural contexts, with the rights to self-determination of women. It is at this point that community involvement, education, and legal reforms need to challenge and change such deeply entrenched traditional practices of society (Mohammed, 2021, p. 88).

5.2. The Influence of Religion and Tribal Traditions

In the entire region of Iraq, including the Kurdistan Region, religion and tribal customs play significant roles in forced marriage as a means through which social expectation and norms were set for marriage. Religious Islamic teachings intertwined with those of tribal customs give a framework often channeled toward family honor and social cohesiveness at the expense of an individual's rights.

Marriages are often arranged as to consolidate the alliance of families, and thereby, it reduces their degree of freedom for women (Al-Ali, 2015, p. 115).

Forced marriages can be justified on the basis of either Sunni or Shia interpretation of religious jurisprudence. "The expectations of a family that its good name be preserved through marrying off its daughters traditionally are strong," where decisions of marital choices that women in the family make are perceived to depend upon the reputation of the family (Hamoudi, 2018, p. 50). It is such a cultural ethos that puts immense pressure on the family to live up to expectations whereby daughters are not recognized as individuals with rights of their own but vessels for family honor (Yasmeen, 2020, p. 39). Despite movements toward progress in women's rights, tribal customs are still playing a huge role in the perpetration of forced marriages in Kurdistan's Region.

Many of the tribal leaders would, however still cling to the old traditional norms and resist modern reforms. They could even view foreign influences as those that threaten their cultural identity (Khalid, 2021, p. 82). Accordingly, it makes the interaction of religious dogma and tribal practice persists in practices that undermine women's empowerment in making choices on marriage hence the call for culturally sensitive advocacy and reform.

5.3. Socio-Economic Factors

Because of this, forced marriage is linked not only to the socio-economic factors but also to the representation of poverty, lack of educational opportunities, and socioeconomic status that are so entwined in Iraq and the Kurdistan Region that this practice keeps alive. In many communities, economic compulsion propels them to give away daughters at a very tender age, and modus operandi is to save themselves from financial burdens. As such, marriage may be viewed as a wholly strategic issue for financial security or social alliance under conditions of scarcity of resources (Al-Ali 2015, p. 123). Another critical determinant is educational attainment; the lower the level of education the higher the rate of forced marriage. In most families, the choice to invest in long-term girls' education is removed by decisions that are made for quick economic returns. Such choices generate vicious

circles of poverty and limitation of women's empowerment opportunities (Yasmeen, 2020, p. 41). Despite the fact that there have been efforts in Kurdistan Region toward improving access to education for girls, disparity still prevails, especially in rural areas where traditional norms are still dominating. Socio-economic status usually prescribes the alternatives available for families (Khalid, 2021, p. 87).

Poorer classes may be under more considerable pressure to marry their daughters off at an early age to lower household expenses, while better-off ones may be well enough placed to afford higher education for their children, delaying marriage in the process (Hamoudi, 2018, p. 54). Therefore, any attempt to address the socioeconomic causes of forced marriage would need to involve all dimensions of policies on education, economic development, and recognition of women's rights with regard to empowering families to make choices that cater to women's welfare and self-determination.

Conclusions

Showing the deficiencies in the laws of Iraq in criminalizing marriage by compulsion, this article points out that although the Iraqi Personal Status Law details many features of marriage, no express provision defines and punishes married coercion. Consequently, this legal vacuum does leave people-many of whom are women and girls-to be forced into marriages and therefore cannot obtain any legal redress. It further reveals that traditional norms usually put family honor above the economic needs and the right of individuals to disseminate the phenomenon of forced marriage. While there are many international frameworks, such as CEDAW-the Convention on the Elimination of All Forms of Discrimination Against Women-to protect the rights of the individual, there has been a gap between the actual requirements internationally and its implementation in Iraq.

Recommendation

For Iraqi law to most effectively be used to combat forced marriage, it must include clear legal definitions and consequences for this practice within its codification. Definition of the term would help clarify law if amended into the Personal Status Law as a clear definition of what constitutes forced marriage, including all types of

coercion—emotional manipulation and economic pressure—would improve legal clarity, establishing legal mechanisms that enable victims to report these secretly in a way that is safe is critical for rights protection and accountability.

Enlightenment on rights in marriage can be a large and effective way of preventing forced marriages. Incentives for such enlightenment should be set for families in terms of the legal implications surrounding forced marriage and the aspect of consent. Local NGOs and schools can assist in collaborations for conducting workshops and seminars that can more directly disseminate information on gender equality and personal rights. Social media and traditional media could also be leveraged to reach bigger groups of people, including younger individuals, in the hope of cultivating a consent culture and respect for one's own and other people's choices. International partnerships are of great significance in the fight against forced marriage in Iraq. It is essential to work hand in glove with international organizations, such as the United Nations especially Office of the High Commissioner of Human Rights and other human rights NGOs, in order to receive much-needed resources and expertise into legal reform initiatives. Such programs often utilize offering specialized training for law enforcement and judicial officials in the best ways of handling the cases of forced marriage, thus reinforcing domestic legal frameworks. In addition, international advocacy works to raise awareness and mobilize support for victims of forced marriage.

Finally we recommend legal reform to effectively criminalize forced marriages in Iraq is underscored by the findings. An integrated approach combining legal reform efforts, public awareness programs, and international cooperation is crucial to this end. Through its emphasis on respect for personal rights and promoting a culture of consent, Iraq can significantly reduce the practice of forced marriage and promote self-empowered individuals. Such efforts would not only be consistent with international human rights standards but also support the realization of a more just and equitable society in the Kurdistan Region as well as the rest of Iraq.

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به تاواندانانی هاوسه رگیری زۆره ملێ له یاسای عێراق و یاسای نێودهولێتیدا

پوخته:

هاوسه رگیری به زۆره ملێ له عێراق و له ئاستی نێودهولێتیدا پێشیلکارییهکی گهورهی مافهکانی مرۆفه که له زۆربهی کۆمهڵگا و ئایینهکاندا بڵاوبوووتهوه و له هۆکاری جۆراوجۆری کولتووری و کۆمهڵایهتی-ئابوورییهوه سهراچاوه دهگرێت. ئەم توێژینهوهیه شیکاری بۆ چۆنییهتی کارکردنی یاسای عێراق و یاسای نێودهولێتی دهکات له پێوهندی لهگهڵ تاوانی هاوسه رگیری به زۆره ملێ. که موکورتیییهکانی جیه جیکردنی کاریگهراهی یاساکی عێراقی وهک یاسای باری کهسی و یاسای سزاکان بۆ چارهسهرکردنی هاوسه رگیری به زۆره ملێ پوون دهکاتهوه که ده بێت برهگهیهک هه بێت به پاشکاوێ هاوسه رگیری به زۆره ملێ به تاوان بزانی و پالێشتی بۆ قوربانییهکان مسۆگهر بکات و لهگهڵ پهیرهوه نێودهولێتییهکان بگونجێت. چاکسازییهکان پێویسته ههلمهتی پهروهردی یاسایی و دهستپێشخهرییهکانی دژ به ههواشه کاری و پێکاری بههیزی جیه جیکردنیان لهگهڵدا بێت بۆ تێپهڕاندنی ئاستهنگه کۆمهڵایهتی و کولتوورییهکان. جگه له باسکردنی ئهوه کێشانهی که ههلوێستهکانی کۆمهڵگا دهیخه نه پوو. ئەم توێژینهوهیه له ههندیک لهو ئامرازه یاساییه نێودهولێتیانه دهکۆلێتهوه که ئهکێک دهخاته سهردهولتهکان بۆ ئهوهی هاوسه رگیری به زۆره ملێ به تاوان بزانی. ئەم شیکارییه بهراوردکارییه له توێژینهوهکه پێگه دهکات ئاماژه بکری به باشتترین پێگا و پهیرهوکاری بۆ عێراق سهبارهت بهو بابتهی که له بهردهستدایه له دهسهلاتهکانی دادوهرییهوه که به شێوهیهکی کاریگهرا مامهلهیان لهگهڵ ئهوه پرسه کردوووه. دهرهناجه سهههکییهکان سهرنج پادهکێشن بۆ پێویستی گۆڕانکاری یاسایی و ههلمهتی پهروهردی و ویستی سیاسی بۆ نههێشتنی هاوسه رگیری به زۆره ملێ. له نێو پاسپاردهکاندا، پێویستی بوونی ههلمهتی دژ به ههواشه کاری و گۆڕانکاری کولتووری و ههروهها بنکهیهکی یاسایی تۆکمه خراوته پوو که هاوناهاهنگ بێت لهگهڵ ئهکه نێودهولێتییهکان. ئەم توێژینهوهیه تیشک دهخاته سهردگرنگی وهلامدانهوهی ههماههنگ له پاراستنی ههموو تاکهکان له بهرامبهر هاوسه رگیری به زۆره ملێ له عێراقدا.

تجريم الزواج القسري في القانون العراقي والقانون الدولي

الملخص:

الزواج القسري في العراق وعلى الصعيد الدولي بشكل انتهاكاً صارخاً لحقوق الإنسان، وهو منتشر في أغلب المجتمعات والأديان، وينبع من عوامل ثقافية واجتماعية واقتصادية مختلفة. ويحلل هذا البحث كيف يعمل القانون العراقي والقانون الدولي فيما يتصل بجريمة الزواج القسري. ويوضح أوجه القصور في التنفيذ الفعال للقوانين العراقية مثل قانون الأحوال الشخصية وقانون العقوبات لمعالجة الزواج القسري، حيث ينبغي أن يجرم أحد الأحكام صراحة الزواج القسري، ويضمن الدعم للضحايا، وأن يكون متوافقاً مع المعايير الدولية. وينبغي أن تكون الإصلاحات مصحوبة بحملات تعليمية قانونية، ومبادرات لمكافحة الوصمة، وآليات قوية للتنفيذ للتغلب على التحديات المجتمعية والثقافية. بالإضافة إلى مناقشة المشاكل التي يفرضها موقف المجتمع. ويستمر هذا المقال في دراسة بعض الأدوات القانونية الدولية التي تفرض على الدول التزاماً بتجريم الزواج القسري. ويمكن هذا التحليل المقارن المقال من الإشارة إلى بعض أفضل الممارسات للعراق فيما يتعلق بالموضوع المطروح من الولايات القضائية التي عالجت القضية بفعالية. وتلفت الاستنتاجات الرئيسية الانتباه إلى الحاجة إلى التحول القانوني، والحملات التعليمية، والإرادة السياسية للقضاء على الزواج القسري. ومن بين التوصيات ضرورة إطلاق حملات لمكافحة الوصمة والتغيير الثقافي فضلاً عن إرساء قاعدة قانونية سليمة تتسجم مع الالتزامات الدولية. وتسلط هذه الورقة الضوء على أهمية الاستجابة المنسقة لحماية جميع الأفراد من الزواج القسري في العراق .