



The Protection of Women from Violence Crimes under Iraqi Punishment Law

Mohammed Abdulmohsin Saadon Al-Machtomi^a, ^aAl-Najaf Technical Institute/ Al-Furat Al-Awsat Technical University/Iraq, Email: Inj.dr.moh@atu.edu.iq

The issue of protecting women from violent crimes is one of the most important topics covered by criminal law. The author found that women in the Iraqi Penal Code need special criminal protection that distinguishes them from the protection enjoyed by men as they are more prone to violent crimes in Iraqi society, especially the crimes of violence within the family. The author studied the criminal protection of violent crimes and focused on protection including the development of proposals that promote such protection, including the acceleration of the legislation on the protection of domestic violence in Iraq.

Key words: *Law, Punishment, Women, Crimes, Iraq*

Introduction

To be important against Iraqi crimes in Iraqi law, the law of the absence of humanitarian law, and the criminal law, is to investigate the concerns of those who address the provisions of the criminal law and those who implement it.

Moreover, the importance of this study is reflected in the fact that women have a prominent role in society. A role which requires special protection for safety and stability and calls on the criminal legislator to extend his own protection to shield women against any attack or threat (Gardam, 2019; Cryer, 2019).

It is thus clear that the criminal protection of women raises a number of contentious issues that require criminal action to be addressed, collected and dealt with comprehensively. Therefore, the research focuses primarily on assessing the criminal protection provided by the Iraqi Penal Code to women and follows the legislator's policy in this regard. The need to confront the violence

and the inhuman practices that women are subjected to requires the development of the Iraqi Penal Code and other branches of law in accordance with the provisions of the international conventions concerning the protection of women, with regard to the further criminal protection of women.

Definition of Violence against Women and Forms

Violence against women is one of the most important challenges facing the efforts to improve the situation of women in Iraq and empower them. Studies in this regard indicate the high rate of violence against women in various forms to the extent that it has become a recognised problem faced by more than a fifth of Iraqi women. Twenty-three per cent of married women in the age group of 15–45 suffer from violence, whether psychologically, physically or verbally. Furthermore, 10 per cent are subject to sexual violence and 40 per cent to control by their husbands. Studies also show that 55 per cent of women do not know many behaviours that are classified as violence and do not understand it as violence. In addition, these studies also showed that the position of women regarding violence against women remained unchanged between 2006 and 2011. Women's attitudes towards marital violence remained the same, and men's attitudes towards violence varied according to the governorates of Iraq. Men who support violence against women in the province of Salah al-Din reached 60 per cent, the highest among the provinces (Najaf, Wasit, Anbar), followed by 39 per cent in Baghdad, and 20 per cent in the Muthanna Governorate (Roy & Harshita, 2018).

The First Requirement is the Definition of Violence against Women

Violence is the use of force unlawfully. In this context, violence is defined as "coercion or the use of force or unlawful use of force or power that would affect the will of an individual or group of individuals" (Anastasia & Kim, 2018). Violence is also defined as: Violent act or phenomenon that constitutes the illegal or at least illegal use of force. Violence can be linked to reprisal and retaliation, which means punishment or retaliation, but more specifically (Sylvia & Jude, 2017) a spontaneous reaction from the moral conscience that demands punishment and others (A) that the violence is: "physical strength, physical exercise and the use of force Right". "Violence is legally unlawful behavior and is punishable by law because it is an act based on unlawful or unlawful use of force to harm others" (Sylvia & Jude, 2017).

The United Nations Declaration on the Elimination of Violence against Women, states that violence against women is: "Any act of gender-based violence that results in, or is likely to result in, women's physical or sexual harm or suffering, including the threat of such acts, coercion or arbitrary deprivation of liberty, whether in public or private life".

The Second Requirement: Forms of Violence against Women

Differences in the definition of violence have resulted in differences in the identification of its forms and behaviour. While some studies of the phenomenon of beating wives have drawn 15 categories of health and economic violence as well as physical, psychological and sexual violence, other studies have classified violence according to its forms to physical, psychological and sexual violence. Phenomena, such as female genital mutilation, were treated as an independent phenomenon and were not included in physical violence, considering that this study addressed women's attitudes towards domestic violence and did not address violence in terms of its forms and prevalence.

The Family Health Survey in Iraq showed that about 21.2 per cent of married women in Iraq experienced physical violence during the year preceding the survey (1), and a study of domestic violence showed that 36.7 per cent of the respondents were subjected to physical violence. Another study of domestic violence against women was conducted on a sample of 2,000 married women aged 15–49 years who were selected from primary health centres (Farhana I. et al., 2017), hospitals, teachers' institutes and government departments. Of the women surveyed, 7.8 per cent were subjected to daily and repeated physical violence and 31.4 per cent experienced violence as married women. Physical violence is one of the most widespread forms of violence and 39.6 per cent of women in the sample suffer from such violence (Beltramini & Patrizia, 2019).

In the first quarter of 2008, 136 women died of abnormal causes in the Kurdistan Region. The vast majority of these cases were cases of burning. Furthermore, in the Kurdistan Region between January and June 2008, there were 56 murders and 150 cases of death by abnormal causes. At the height of violence in Iraq, 15 women were killed in Basra every month by organised gangs under the pretext of their rejection of moral and religious controls. According to a study of the Ministry of the Interior, this doubled cases of physical violence, which was reaching the security authorities in 2009 at a rate of about nine times more than it was in 2003 (Beltramini & Patrizia, 2019).

The legislative treatment of the phenomenon of violence against women in Iraqi la Subject (29) of the 2005 Iraqi Constitution stipulates that the family is the basis of society and the State preserves its religious, moral and national values. The State guarantees the protection of motherhood, childhood and old age. It protects children and young people and provides them with the right conditions to develop their talents and abilities. Care and education and parents have the right to respect and care for their children, especially in cases of destitution, disability and old age. The economic exploitation of children is prohibited in all its forms. The State takes the necessary measures to protect them and to prevent all forms of violence and abuse in the family, school and society. The Constitution establishes an important principle in the protection



of the family and its members that obliges the legislature to lay down the legal rules necessary to provide such protection on the ground (Mieko et al., 2019).

The Third Requirement: Criminal Protection of Women in the Iraqi Penal Code

Criminal protection in general is one type of legal protection, but it is the most important and the most dangerous and is the means to achieve criminal law. The texts and rules of this law are unique in this legal protection and may be shared with another branch of law, in order to protect them from all kinds of social, economic, moral or legal protection. The law aims to protect women's beliefs in the importance of their essential role in building a society. If this protection is decided in all branches of the law, substantive and procedural are the closest of these branches to women in order to protect them (Davis, 2016).

The Penal Code is characterised by a strong influence on social behaviour. This is evident in the Penal Code, which imposes patterns of conduct and arranges punishments for violating them. The punishment aims to erase this aggression in both its social and personal aspects, in terms of the degree of pain inflicted on the convicted person. That is, his or her property or freedom of harm, which restores the balance between the legal centres where the offence has been committed. Furthermore, it restores the law of prestige and respect, while on the other hand, seeking to satisfy the general feeling of the members of society and the stability of society (Center, 2018).

The criminal protection of women is therefore intended to pay the criminal law — both substantively and procedurally — for all unlawful acts which lead to its degradation, through sanctions, whether or not such acts occur (Zuhur, 2006).

Criminal protection is thus one of the most effective means of legal protection, because criminal law is the most effective community protection tool. Criminal protection consists of two types: substantive criminal protection and criminal procedural protection (Zuhur, 2006). In the case of substantive criminal protection, it is linked to the rules of punishment and takes many forms. It protects the street by means of prohibition; for example, it is forbidden to violate the rights of family members such as their right to life and integrity, body, honour, consideration and presentation.

With regard to procedural criminal protection, it is related to the organisation of the manner in which it is the right of the State to punish the offender and is required by a statement of the judiciary, its jurisdiction, the detection, verification, investigation and violation of the crime. Procedural criminal protection constitutes a procedural distinction established by the law out of all or some of the rules of general criminal procedure, protection for expressed interest and for a certain purpose (Hezha & Taher, 2017).

The Forth Requirement: The Crimes of Deliberate Abuse (violence) in the Iraqi Penal Code

Section I: Criminalisation of Violence

The Iraqi legislator deals with the crimes of violence (subjects 412, 413, 414, 415, 416) of the Iraqi Penal Code. These crimes are common in criminal manifestations, as they appear in the form of a felony.

Firstly, the physical element, such as the act of beatings, wounds, violence, giving of harmful substance or committing any other act that is against the law.

Secondly, the moral element, which is criminal intent in the crimes of assaulting the human right to physical integrity (Nazand & Aisha, 2016).

The criminal law aims to criminalise acts of beatings and injuries and to give harmful substances to the protection of the human right to physical integrity. This right is "the legal interest protected by the law to keep the body functioning normally, so as not to disrupt one of these functions, even the least important ones" (Sowers, 2017). The legislator has taken care to protect the right to physical integrity and his connection to the human right to life.

The First Element: Criminal Behaviour

It is achieved when the perpetrator acts in a manner prohibited by the law such as beating or wounding, giving harmful material or violence or committing any other act contrary to the law. The images provided by the legislator in the Iraqi Penal Code in Subjects (412-415) are:

1. Wound: The Iraqi Penal Code did not provide for the definition of wound, and some jurists define it as "harming the tissues of the body that causes it to be torn apart" (Keshavarzi, 2017). This is in the sense that it is the creation of a cut or a tear in the body of the victim, regardless of its severity, whether superficial or deep, narrow or wide, such as segregation, burns or internally, such as kidney, liver, stomach and intestines. This is what distinguishes them from blows, because the two are located on the body material and the first one without the second, causing the disruption of the tissue and the injury in this case of the wounds. In the Court of Cassation in Iraq: If the accused defendant complained that a knife was held for this purpose and caused injuries to him, the back of the verb applies to paragraph three (3) of the Subject (413) penalties (Arvidsson, 2013). The wound is achieved by cutting off the skin or by cutting off a part of the body. In order to do so, the Court's decision stated: "The amputation of part of the finger constitutes permanent disability" (Arvidsson, 2013). The method of the wounds, whether the perpetrator used the firearm or his body organs such as

teeth, is not significant. The Court of Cassation in Iraq ruled that "a person who is a complainant and a cigarette handler is considered to be a victim of punishment under subject 413". In all of the above, the wound is not required to be painful. The victim may not feel pain, as if he is unconscious or anesthetised, and the bone is broken from the wounds because it leads to the erosion of the tissue that covers the bone and leads to its fragmentation.

2. **Punching:** It is any harm or effect of the body's tissues to the victim through pressure without shredding or cutting (Aykut, 2017). The prejudice in the form of beating means disruption of the state of calm and relaxation enjoyed by the body's natural tissues before the beating. If this external pressure is not categorical or torn to the tissue and is counted as a beating and out of the scope of wounds, and for the means that the beating is not expressed by means of whatever it may fall such as slapping, punching, kicking or mediating, as if the perpetrator had used a stick, a decision by the Court of Cassation in Iraq states that "abuse by using a stick is punishable by imprisonment". The body of the victim does not have to be silent and the movement is from the body's external body. The body may be located on the ground as a result of the victim's payment by the offender. In so doing, the Court of Cassation in Iraq ruled that "the woman's victimization is punished according to subject 413". In a case whose facts are summarised, one of the spouses, during a quarrel with his wife, had to pay her on the ground and hurt her. It is worth mentioning that the beating is not required to be of a certain degree of gravity. It is subject to punishment no matter how simple or not and left to the discretion of the submitting magistrate.
3. **Harmful substance:** It is possible to say that the harmful substance is one that causes disturbance to the physical, mental or psychological health of the victim when the offender makes his behaviour within his reach and causes a breach of his health.
4. **Violence:** Are images of the behaviour that affects the safety of the victim's body and cannot be included in the images mentioned in accordance with the precise meaning of the term, but it does cause the defect of the victim in his physical, mental or psychological strength, causing him discomfort or fear. The Iraqi Penal Code criminalises this behaviour and calls it violence. For example, severely holding the victim's body, pushing it with a hard body, cutting hair, choking, pressing members, shooting in the air, waving a shot at a victim, and detonating explosives near him, all constitute the description of violence. It is the criminalisation of the conduct of intentional victimisation on an equal footing with other forms of conduct and to be punished in order to ensure full protection of the integrity of the body.
5. **The perpetration of any act contrary to the law:** The right to physical integrity is subjected to other forms of criminal behaviour that cannot be incorporated into the concept of beatings and injuries and the giving of harmful substances and violence. The term of committing any act contrary to the law is added to the provisions of the offence of victimisation. The Iraqi legislator has added the phrase, "victimisation of the victim", because it expands the scope of the right to the integrity of the body and that the criminalisation of moral abuse should be

observed under this phrase when it violates the safety of the body. The above forms of victimisation believe in its failure to absorb the criminalisation of the behaviour of breaking into. It can be said that the commission of any unlawful act is one of the most likely forms of victimisation if it is not unique in understanding the criminalisation of the abuse that women have suffered in the past example or as if the offender rattled the victim's feelings with offensive words, resulting in a heart attack that caused haemorrhagic paralysis in his body.

The Second Element: The Criminal Result

The criminal result is the second element of the physical element and can be defined as "the change caused by criminal behaviour in the outside world and the interest or the right of the street to be protected by criminal protection". The criminal result appears to have both physical and legal significance. This occurs in the outside world as an effect of criminal behaviour and applies it to crimes of assault on the human right to physical integration, since the victim was intact in his body before the perpetrator committed the criminal conduct and then became infected with the safety of his body in one or more elements of the integrity of the body.

The legal meaning is the legal adaptation of the physical effects of criminal behaviour and the application of this meaning to the crimes of intentional victimisation. Namely, aggression against the right which the street has been assessed as criminal and the result of intentional victimisation is a legal idea of aggression against the right to physical integration (Spalek, 2016). We are of the view that the criminal result is not separate from the conduct of intentional victimisation because the images of its crimes, such as the offences of injury, which presuppose an actual attack on the right to bodily integrity. The law requires that the order be subject to the order of violation of the physical safety of the victim, from the initiation of the victimisation. This means that if the offender committed this behaviour and his will was destined to cause certain harm and his intention was inadvertent, and the victim's body was not harmed less seriously than he intended, he is asking about the harm that actually occurred, not for the harm he intended. The result of which is the actual physical harm done, and the significance of the criminal result in investigating the offender's responsibility for intentional victimisation, as well as its importance in other elements of victimisation, and is demonstrated because the criminal result is a component of the physical element (De Giorgi, 2017).

The crime of assaulting the human right to physical integrity is of great importance in determining the degree of gravity of the responsibility. The Iraqi legislator's plan is based on the degree of punishment according to the severity of the harm that is inflicted on the victim's body [26]. If the harm is serious, the punishment is severe and vice versa. Punishment is mitigated when the conduct of the offender is only a minor injury, while its severity increases if the act leads to illness or malfunction for more than 20 days, and the penalty is increased if the harmful conduct results in permanent disability (Ekblom, Paul, 2014).

The moral pillar (criminal intent in violent crimes):

Despite the differences of jurists in the form of criminal intent, they all agree in terms of the meaning to be achieved in the direction of the offender's intention to direct the criminal behaviour and to bring about the result of the crime with the full extent of his knowledge (Ekblom, Paul, 2014).

The definition of criminal intent is not different from the definition of jurists in terms of meaning, with different wording. The Iraqi Penal Code defined the criminal intent in subject 33/1 that "criminal intent is to direct the perpetrator to commit the act constituting the crime, or any other criminal result". This definition includes two elements of criminal intent. Namely, the knowledge of the criminal conduct and its consequences, and the will of the conduct and its criminal outcome.

Elements of Criminal Intent

The criminal intent of offences against the human right to physical integrity is available when the offender commits the act constituting the crime, and expresses the will and knowledge that this act is detrimental to the integrity of the human body (Veresha, 2016).

The First Element: The will and criminal outcome of criminal behaviour

The will is a mental activity embodied in a person's ability to direct himself to a specific act or to refrain from it. Criminal intent is directed towards the perpetrator's will to pursue criminal behaviour (act or omission) for the purpose of producing the resulting consequence. The will is an activity of consciousness and awareness, and it is supposed to take note of the purpose and the means used to achieve this purpose.

The perpetrator must also voluntarily commit to the freedom of choice as well. It follows, that if the facts indicate that the perpetrator did not commit the act assigned to a chosen free will, but from coercion, force majeure, hypnosis or coma, the criminal intent is not available. It results in a lack of will of the criminal conduct of the offender (Felson, 2017). If the intention is available, the will will not only lead to the conduct of prohibited behaviour, but also to the results that result from this behaviour. It is enough that the offender wants these results and it is no longer important to know whether his behaviour is criminal or not; the law is not an excuse.



The Third Element: Science

In order to verify the criminal intent, it is not sufficient that the perpetrator is a witness to the criminal behaviour that he has undertaken and the evidence of the criminal result obtained from him, but that his will is destined to meet the conditions provided by law for their availability. With health damage, the criminal intent is not available to the first person (Felson, 2017).

The study of science means the identification of facts or elements that need to be known for the availability of criminal intent, It includes elements that are necessary from the point of view of the legislator to give the criminal event its legal description and distinguish it from other legitimate and illegal facts (Mary K. & Jeremy, 2012). Science may be based on material facts and may be adapted to a legal basis, such as the status of the employee, the marital status or the status of the public place. In general, the facts to be learned may be prior to, contemporaneous or consequential to the act as defined by the legal model of the crime as provided for by law.

In crimes of assault on a person's right to physical integrity, the perpetrator must know that the object of science is in the criminal intent. His action is based on a living body. The right to physical integrity is enjoyed only by a living person. Criminal intent is not available, and the offender must know the nature of his activity and seriousness on the elements of the physical safety of the victim. Furthermore, that this activity can be attacked by the elements of this safety and application that does not materialise criminal responsibility if the offender is unaware of his activity and that it does not prejudice the body's safety to the victim. The pharmacist who delivers the drug to the victim, who believes that it is valid and does not practice the shooting, is not asked to see a person who has not seen him in the target area. This is because in these and similar cases, the criminal intent is not satisfied. However, this does not preclude the offender's responsibility for the wrong injury, for negligence, greed or lack of reserves (John E. et al., 2013).

If the object of the flag is to be found in the criminal intent, the offender should also expect that his action will cause harm to the physical safety of the victim. If this expectation disappears, the criminal intent, such as the case of a mother who inadvertently leaves her children with a harmful substance that results in one of them becoming ill, this ability is only made by mistake (Carrington & Alison McIntosh, 2012).

In order to achieve the criminal intent, it is necessary to direct the perpetrator's will to commit the act which he knows violates the safety of the victim's body. If the perpetrator's intention is not to act as if he were forced to hit the victim or to injure him or to throw a strong wind at him, this is the criminal intent in these cases.



It is also necessary that the will is directed towards achieving a result that is punishable by any physical harm to the body of the victim. Accordingly, the criminal intent will be avoided — even if the perpetrator's will leads to action — if the result is not expected at all, such as a case of shooting a person. He hoped not to be the same as a doctor who is undergoing a serious operation for a patient which is likely to lead to permanent disability. However, based on his skill and desire that the patient does not get ill, the operation fails, and the victim suffers a permanent disability. If the criminal intent fails in these cases, it is not prohibited from prosecution of the accused for a non-intentional crime, if he is proven wrong (Carrington & Alison McIntosh, 2012).

The criminal intent is to coincide with the physical element of the crime in its entirety. The offender has the criminal will at the time of the commission of the act and remains available until the criminal result is achieved. In this situation there is no difficulty, as there is no doubt as to the responsibility of the perpetrator and the court has a wide authority over its availability. In the criminal intent and the modernity of the physical property, he ruled that the court of the subject is free to complete the formation of its doctrine, which is comfortable with the statements of witnesses and when taken witness testimony, it is useful to put all the considerations that the defence to make them not to take them without being bound by. (B) When it is established that the offender committed the criminal conduct of the wound or beating or giving of the harmful material of his or her will, knowing that such conduct would affect the safety or health of the victim, it is sufficient for the criminal intent to exist in such crimes. The law requires the criminal intent to expect the culprit to link the causality between the act and the physical harm to the victim. The mistake in the causal relationship in the crimes of assault on the human right to physical integrity as a mistake is not essential. All means, whether a person wants to hit another by a certain means or other, the criminal intent remains available to him.

The Penal Code of Iraq has adopted the idea of probabilistic intent and made it equal in legal terms to direct intent, provided that the offender has anticipated criminal consequences for doing so. (B) If the perpetrator expects criminal consequences to do so, he shall be liable to risk the occurrence of such a crime. If the origin of the crimes of assault on the integrity of the body are located on the basis of direct criminal action, many of them may be based on the potential intention stipulated in Subject (34) of the Iraqi Penal Code in force. Furthermore, they may not surround the offender in a certain way that the outcome of his activity or the nature of subject in which it provides to the victim, but envisages that it is possible or likely that his or her action would prejudice his body or health without being within the object or motives of the offender, and the rule that he deliberately intends to know of the consequences. When he is active, he has the right to receive or not to receive it; it is the picture of probability (Carrington & Alison McIntosh, 2012).

Under (subject 412/2), the crime of beatings leading to death (subject 410), the crime of abortion leading to death (subject 417, 418) and the crime of arson leading to death (Subject 324).

Section II: Punishment of Violent Crimes in Iraqi Law

The punishment for the crime of victimisation varies according to the following images:

1. Simple victimisation: Subject 413/1 of the Iraqi Penal Code provides that: (1) Anyone who intentionally assaults another with a wound, beating, violence or committing any other act that violates the law, causing him harm or illness, shall be punished by imprisonment for a period not exceeding. (A) The offence of causing an injury or illness in this crime is the physical element of committing the act of aggression by beating, wounding, violence or committing any other act that is contrary to the law (Irtaimeh, 2019). Of the law, as explained above, the victim is also affected by the appearance of an impact on their body as a result of the attack with any image that has wounds, bruises, abrasions, etc., in which the victim needs treatment. The disease is the invisible effect that affects the victim's health and enables him to perform his usual work within a period not exceeding twenty days (Olásolo, 2018).
2. The punishment shall be imprisonment for a term not exceeding three years and a fine not exceeding three hundred dinars or one of the following:
 - a. If the assault is caused by bone fracture.
 - b. If harm or illness is caused to the victim and the victim is unable to perform his normal work for more than twenty days.

The Iraqi Court of Cassation ruled that "the medical records attached to the papers found that the victim had obtained Tadaw for more than twenty days, so that the accused's act would be in accordance with the provisions of Subject 413/2.

As far as the commander is concerned with the penalty prescribed for these two cases according to the provisions of paragraphs (1) and (2) of subject (413) of the Iraqi Penal Code, the legislator has granted the competent court broad discretion to determine the type and amount of appropriate punishment for each of the offences of abuse, the gravity of each case and the magnitude of its consequences, as well as the court's authority to act in light of judicial circumstances and the suspension of execution. We believe that the penalties, generally in the law, are in commensurate with the acts committed against the victim.

3. Harm caused by fire or a machine designed for the purpose of victimisation or incendiary or harmful material.

Paragraph three (3) of subject (413) of the Iraqi Penal Code provides for this case and the penalty of imprisonment is up to five years. The gravity of the result or damage to the victim resulting from abuse is predetermined by the victimisation of any of the misdemeanours mentioned in the paragraphs of the subject of the misdemeanour. When the criminal result is very serious, the penalty is applied to the most severe punishment and vice versa. This misdemeanour in the said paragraph to identify the victim to which he belongs and adds to the magnitude of the result or injury to the victim and the means used in the commission of the crime. Each of them is included in the definition of victimisation that falls within the legal description of this misdemeanour. Subject (413/3) of the Iraqi sanctions is as follows:

“The penalty shall be imprisonment if the victimization occurs with the use of a firearm, a machine designed for the purpose of victimization, incendiary, or harmful material”. As to the means used in the victimisation, the gravity of the result is not sufficient to prepare the victimisation as part of the misdemeanour offence listed in the above mentioned paragraph. The result has been achieved by one of the means provided for in that paragraph, because the severity of the penalty according to this form of victimisation did not come on the basis of the gravity of the result, because this magnitude, as we have previously seen, was dealt with by the legislator within the other misdemeanours mentioned in the preceding paragraphs. Used v the punishment is that "beating on the head ... applies to him (subject 413/3) of the Iraqi Penal Code".

The victim is also criminally punished according to the text in question when he is using machines whose primary purpose is not to abuse but to be abused by its use when committing the crime, such as glass bottles when broken and a hammer of mourning. If these machines were used during the perpetrator's practice during a preliminary quarrel it is not within the scope of the paragraph that we are explaining but falls within the scope of the said provision if the perpetrator carries it for the purpose of victimisation. The Court of Cassation in Iraq ruled that "the accused's act is an offense under subject 413 (1) if she strikes the victim, which bear the impact of an immediate dispute” (Olásolo, 2018).

The Iraqi legislature has stressed the penalty in the case of the victimisation by means of these means under the said paragraph, although the victimisation is no different in severity from what is provided for in other misdemeanours. These means are evidence of the existence of the criminal intent of the offender, which does not require the legislator to do in accordance with that text more than the will to harm the body of the victim with the knowledge of the consequences of the criminal behaviour of the results. Often these means are evidence of the existence of premeditation in the holder. It is a judgment, such as machines designed for the purpose of victimisation.

The penalties provided for in subjects 412 and 413 of the Iraqi Penal Code do not have the power of the judge to tighten them to more than the maximum limit according to the legal subject contained therein. Even, if the circumstances of the case call for tougher punishment for the offender unless accompanied by one or more of the aggravating circumstances specified in the law (Olásolo, 2018).

In regards to the aggravating circumstances of the crimes of intentional victimisation, subject 414 of the Iraqi Penal Code provides that: If there is an aggravated circumstance in the above-mentioned offence in subjects 412 and 413 (Swirski, 2016).

1. The occurrence of the act with premeditation.
2. The occurrence of the act by a league of three or more persons who agreed to the attack.
3. If the victim is the offender's assets.
4. If an attack is committed against an employee or a public service officer while performing his or her service.
5. If the attack is committed in preparation for the commission of a felony or misdemeanour, it shall be punished by imprisonment for a minimum period of one year or for facilitating or executing it, or to enable the perpetrator or his accomplice to escape or to remove the punishment.

Indeed, the aggravating circumstances of the crimes of intentional victimisation reveal a serious criminal tendency of the offender. The legislator therefore provides for penalties commensurate with these crimes, which are accompanied by one or more aggravating circumstances. In our role, we propose that the text of subject 414 of the Penal Code be amended by adding another aggravating circumstance, if the victim was a woman or an adolescent that did not complete the age of eighteen.

The Ministry of the Interior, upon the recommendation of the High Committee for the Protection of the Family, established under the Diwani Order (80) of 2009, introduced the Directorate of Family and Child Protection from Domestic Violence. The Directorate of Internal Affairs is responsible for the cases of domestic violence, sexual, psychological, intellectual or economic abuse committed or threatened by any member of the family against the brother. To be either a misdemeanour or a felony or offence according to the law, and the duties of the Directorate of Family and Child Protection from Domestic Violence are:

1. Receiving complaints and intelligence within 24 hours and in the following ways:
 - a. Registration of complaints in the presence of the violator or injured to the department.
 - b. Receiving cases referred to family protection departments from other centres and investigative bodies.
 - c. Receive information from hospitals, schools and other government agencies when they are informed or learn of family violence.

2. Interviewing the victims by specialised officers, taking into account the sex of the victim, where women officers from the women's section are interviewed in a room prepared for this purpose and interviewing of the male sex by male officers.
3. Sending victims to medical examination and treatment and linking medical reports that support the assault on them in the investigation cases.
4. Conduct studies and scientific research in the field of domestic violence and analyse statistical data to provide indicators in this regard.
5. Training and rehabilitation through the adoption of training courses and seminars and conferences, local and international, which involve a number of officers and employees of the Directorate of both sexes and in cooperation with the States and international organisations, benefiting from their experience in this area.

Conclusion

The issue of domestic violence is a serious global phenomenon that threatens the entire structure of society and has historical roots. It threatens the most important entity in the society, namely, the family, and the law of protection from domestic violence regulates family and community relations and fills a legislative vacuum aimed at enhancing development factors. In regard to women, in terms of the definition of the violence and the types of crimes committed related to them, the study reached the following results and recommendations.

Results

1. The Iraqi legislator did not regulate the crime of domestic violence in a unified law and the crimes related to family and childhood are stipulated in the Iraqi Penal Code No. 111 of 1969 amending and the Personal Status Law No. 188 of 1959 with the law against domestic violence No. 2011 in the Kurdistan Region.
2. In line with Iraq's international obligations and in order to promote human rights principles, efforts have been made by the Ministry of State for Women's Affairs to prepare a draft law on the protection against domestic violence, which is being prepared and discussed by the competent authorities and women's rights and human rights organisations.
3. The legislation in force is not in line with the great development in all areas of life and it is not consistent with the principles of democracy. The Islamic law is based on respect for parents, wives and children. This contributes to building a healthy family and building a cohesive society.
4. The crimes of domestic violence have been assigned to a judge for consideration within the directions of the Supreme Judicial Council for the protection of family and childhood against domestic violence. A Directorate in the Ministry of the Interior and specialised police stations have also been assigned to crimes of domestic violence.

5. The crimes of domestic violence are numerous, including some of the offences of family violence, insulting, beatings, family quarrels, incitement to commit suicide, such as being serious and constituting a crime such as beatings, which leads to permanent disability or to death, as well as sexual offences such as incest. In addition, to the crimes of physical torture and burning.

Recommendations

1. There is a need to expedite the legislation of the law of protection from domestic violence by the House of Representatives which is still a draft and has not been activated. There is an important priority for this law because it concerns the protection of the Iraqi family and cohesion among its members, which leads to the development and prosperity of the country by positively impacting on social and economic aspects.
2. Amend the text of Subject 414 of the Iraqi Penal Code by adding another aggravating circumstance. Namely, that the victim is a witness or an event that has not yet completed 18 years of age.
3. Emphasise the importance of rehabilitation and post-care programs to prevent the recurrence of such crimes.
4. To increase the punishment of such crimes, especially in terms of convicts serving the community in the state's role for orphans, the elderly and the municipal departments.
5. Emphasise the role of civil society organisations in the implementation of the law of protection from domestic violence, especially the issues of women and children in the holding of conferences and seminars.
6. Emphasise the importance of legal awareness of the crimes of domestic violence in schools and universities.
7. Recognise the necessity of the media, such as satellite channels, newspapers, magazines, websites and radio stations, to explain the contents of the law to protect against domestic violence and to promote a culture of respect for the rights of women, children and human rights. Furthermore, to have a supreme body to protect the Iraqi family and to be considered independent bodies.



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