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Arab NGO Network for Development
شبكة المنظمات العربية غير الحكومية للتنمية



مركز النماء لحقوق الإنسان
Al Namaa Center for Human Rights



Joint Submission to the UN Universal Periodic Review 34^h Session of the UPR Working Group

Iraq

Submitted

by

Arab NGO Network for Development
Iraqi Al Amal Association
Al Namaa Center for Human Rights

I. GENERAL BACKGROUND AND FRAMEWORK

1. This joint submission prepared by the Arab NGO Network for Development, Iraqi Al Amal Association and Al Namaa Center for Human Rights stresses the indivisibility of human rights and focuses on civil and political rights and economic and social rights conditions in Iraq.
2. In order for the preparation of this report several consultations took place among civil society actors in various regions of Iraq, coordinated by the Iraqi Al Amal Association and Al Namaa Center for Human Rights. The report reflects their joint efforts and commitment towards engaging at UPR as a mechanism to enhance accountability for promotion and protection of human rights in the country.

A. SCOPE OF INTERNATIONAL OBLIGATIONS

3. During the last UPR session majority of the recommendations for ratification of the international human rights treaties were only “noted” by Iraq. No further steps were taken towards these treaties’ ratification. Accordingly, Iraq still fails to ratify several human rights treaties including: the 1951 Convention Relating to the Status of Refugees and the 1967 protocol, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Optional Protocols I and II to the Covenant on Civil and Political Rights, Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, Optional Protocol to the Convention on the Rights of Persons with Disabilities, Optional Protocol to the Convention Against Torture and Third Optional Protocol to the Convention on the Rights of the Child.

4. Iraq continues to have reservations on Article 24 of the CRC and Article 2 (f) and (g), Article 16, Article 26 (1) of CEDAW.

We urge the Working Group and the members of the Human Rights Council to call upon the Iraqi government to:

5. Ratify optional protocols on conventions ratified by Iraq and remove reservations on Article 2 (f) and (g), Article 16, and Article 26 (1) of CEDAW
6. Accept unilateral complaint procedures, including Article 22 of the Convention Against Torture and Article 31 of the International Convention for the Protection of All Persons from Enforced Disappearance

B. INSTITUTIONAL AND HUMAN RIGHTS INFRASTRUCTURE

7. Although Iraq has an independent national human rights institution, it was awarded B status by the International Coordinating Committee of the NHRIs in 2015. Lack of activities to promote human rights in the country, its failure to ensure both a pluralist representation of the Iraqi society puts independency of the NHRI into question as well as its effectiveness for promotion of human rights.
8. The NHRI has weak coordination with civil society and its structure violates Article 8, Paragraphs 4 and 5 on the representation of women and minorities.¹

¹ Law of the High Commission for Human Rights

9. The NHRI remains limited regarding the cases of forced disappearances; as there has been no investigation on these cases.
10. Furthermore, Iraq lacks other human rights infrastructures including specialized statistical centers that can provide disaggregated data on human rights conditions; specialized courts and human rights bodies in government bodies to promote and protect human rights.
We urge the Working Group and the members of the Human Rights Council to call upon the Iraqi government to:
11. Take concrete measures to guarantee the independence of the High Commission for Human Rights in accordance with the Paris Principles; build its the capacity to effectively highlight human rights violations
12. Implement the Federal Court's decision on 19/9/2012 calling for increased representation of women in the High Commission for Human Rights, at a rate of no less than 30%, based on Article 8, fourth, of the law on the High Commission for Human Rights No.53 of 2008, in addition to the stipulations of Article 93, first and third, and Article 94 of the Constitution of the Republic of Iraq of 2005.
13. Ensure that NHRI plays an active role in investigation of human rights complaints, together with expanding cooperation with CSOs and establish specialized statistical center.
14. Establish and activate human rights infrastructures including specialized courts, specialized statistical centers and human rights departments in governmental bodies.

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS OBLIGATIONS

A. COOPERATION WITH HUMAN RIGHTS MECHANISMS

15. Although Iraq witnessed the visit of Special Rapporteurs since the second cycle review, including that of Special Rapporteur on Minority and Special Rapporteur on extrajudicial, summary or arbitrary executions; the request of the Working Group on Disappearance (filed 1/7/1995), the Special Rapporteur on torture filed in 2011 remain pending. On the other hand, the request by the Special Rapporteur on independence of the judiciary was rejected.

We urge the Working Group and the members of the Human Rights Council to call upon the government of Iraq to:

16. Comply with its obligations as a member of United Nations and cooperate with the human rights mechanisms

B. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

a. Equality and non-discrimination

17. Although Iraq supported majority of the recommendations on women's rights; particularly towards combatting discrimination against women; adopting national policies for women's empowerment; there is significant decline in the rights of women at various levels; including economic, social and political levels.
18. The lack of political will and actual legal guarantees, added to the predominance of a sexist mentality, sectarian and partisan consociationalism, and gender discrimination, led to a decline in women's representation in the executive branch, their marginalization in decision-making positions, and exclusion from electoral, peace-building, national reconciliation, and social cohesion committees.

19. Many Iraqi laws still contain texts that discriminate against women and contribute to the immunity of their violators, in addition to degrading them and encouraging violence and discrimination.
20. Despite low in comparison to the region, FGM is still practiced in Iraq. According to the UN-supported 2018 Multiple Indicator Cluster Surveys (MICS) for Iraq, a total of 7.4 per cent of girls get mutilated every year². Female genital mutilation rates reached 16.7% for girls and 67.6% for women in Erbil; 11.8% for girls and 60.3% for women in Sulaymaniyah; 4.1% for girls and 7.4% for women in Dohuk; and 1.1% for girls and 40% for women in Halabja.³
21. Although Iraq accepted the recommendation for effective implementation of the resolution 1325 of the Security Council concerning women's participation in decision-making, women's participation rates are still very low, at 1% in the executive branch and 5% in the judiciary. Women are also absent from the National Reconciliation Committee and the Weapons Procurement Committee.
22. The government did not exert efforts to enact the domestic violence law.⁴
23. Child marriage rate is still high; 7% of women between 20 and 24 were married before reaching the age of 15; 27.9% of women between 20 and 24 were married before reaching the age of 18.⁵ The draft of the Jaafari Personal Status Law submitted to the Iraqi parliament allows child marriage from the age of 9.⁶
24. Despite Iraq's acceptance of recommendations on addressing discrimination on the grounds of religion, belief or hatred against ethnic groups; the community of Nineveh plains was subjected to displacement and sexual abuse. Yazidis were forced into displacement, sexual slavery, mass physical liquidation, and the prohibition of practicing their rituals. Christians and the Yarsan and Turkmen minorities also faced the same circumstances.⁷ A group of young people was arrested in Dhi Qar province and accused of spreading atheism.⁸
25. Civil status identification papers for Roma has the word 'exclusion' and they are denied from receiving a unified card, in addition to non-issuance of marriage contracts in civil

² <https://reliefweb.int/report/iraq/protecting-girls-iraq-female-genital-mutilation-enarku>

³ http://www.stopfgmmideast.org/wp-content/uploads/2017/01/FGM-Prevalence-Survey-Report_Final_HAI.pdf

⁴ UNSC Resolution 2367 on renewal of UNAMI delegation to Iraq, July 2017.

⁵ UNICEF Multiple Indicator Cluster Survey main findings.

⁶ Draft Jaafari personal status law (annexed).

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⁸ https://www.irfaasawtak.com/a/%D8%A7%D9%84%D8%A3%D9%82%D9%84%D9%8A%D8%A7%D8%AA-%D8%A7%D9%84%D8%AF%D9%8A%D9%86%D9%8A%D8%A9-%D9%81%D9%8A-%D8%A7%D9%84%D8%B9%D8%B1%D8%A7%D9%82-%D8%AA%D9%81%D8%AA%D9%82%D8%AF-%D8%A7%D9%84%D8%AD%D8%B1/328322.html?fbclid=IwAR1frZDONKkomKE-zqk4jQRg5wsPWgIoTc-0wRwNJ-v0CucqBGFn_gZSOxQ

<https://www.alghadpress.com/news/%D8%A7%D9%87%D9%85-%D8%A7%D9%84%D8%A7%D8%AE%D8%A8%D8%A7%D8%B1-%D8%A7%D9%84%D9%85%D8%AD%D9%84%D9%8A%D8%A9-%D9%81%D9%8A-%D8%A7%D9%84%D8%B9%D8%B1%D8%A7%D9%82/177486/%D8%AD%D9%82%D9%88%D9%82-%D9%8A%D8%B1%D9%81%D8%B6-%D8%A5%D8%B9%D8%AA%D9%82%D8%A7%D9%84-%D9%85%D9%88%D8%A7%D8%B7%D9%86-%D8%A8%D8%B0%D9%8A-%D9%82%D8%A7%D8%B1-%D8%A8%D8%AF%D9%88%D9%86-%D9%85%D8%B0%D9%83%D8%B1%D8%A9-%D9%82%D8%B6%D8%A7%D8%A6%D9%8A%D8%A9-%D9%88>

status courts.⁹ Furthermore, there remains weakness of administrative procedures to grant Iraqi citizenship to Feyli Kurds.¹⁰

26. According to a survey from February 2018,¹¹ around 600 children of rape by ISIS members are at risk of not determining lineage and statelessness.¹²
27. As noted by the report of the Special Rapporteur on Minority Issues the disproportionate political and military representation of minorities, compared to their numbers; lack of recent population census indicating their percentage in Iraqi society; presence of restrictions on the freedom of movement; failure to include the horrendous crimes they faced in national legislation; and the destruction of their cultural and religious heritage persist in Iraq.¹³

We urge the Working Group and the members of the Human Rights Council to call upon the government of Iraq to:

28. Implement National Action Plan on Resolution 1325 effectively; Empower women to participate in decision-making, negotiations, conflict resolution, national reconciliation, peacebuilding and security operations
29. Amend all discriminatory laws, including the Penal Code and Code of Criminal Procedure to remove discrimination against women; enact legislation to combat domestic violence.
30. Adopt policies to put an end to child marriage and marriage outside the courts and increase penalties in this regard. Retract the Jaafari personal status draft law
31. Adopt necessary measures to combat discrimination and strengthen the protection of women's rights in marginalized areas, through providing and supporting basic services to women IDPs and minorities.
32. Conduct population census and ensure and increase representation of minorities and put an end to restriction of movement of minorities.
33. Amend the nationality law No.26 of 2006 to ensure the right of Roma people in a national identity card and marriage contracts
34. Ensure equality and non-discrimination in access to identification papers for all Iraqi citizens and implement decisions to grant Feyli Kurds identification papers.

b. The right to adequate standard of living

35. Iraq continues to have a rentier economy, highly dependent on oil revenue, yet as the Committee on Economic, Social and Cultural Rights reveals; economic growth in Iraq does not yield satisfactory results in reducing poverty; the poverty rate rose 15% between 2014 and 2016.

⁹ <https://www.youtube.com/watch?v=X7Ss5Wc2xeM>; <https://www.youtube.com/watch?v=itvnngn46nFQ>

¹⁰ https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/IRO/INT_CERD_NGO_IRO_32978_A.pdf?fbclid=IwAR19uz9yT3VcsYwnDCwKSJVG-wYAUZhHzh3m3-DtLuDoWunRDPHoqqApY4M

¹¹

<https://www.alsumaria.tv/mobile/news/228717/%D9%88%D8%B2%D8%A7%D8%B1%D8%A9-%D8%A7%D9%84%D8%B9%D9%85%D9%84-%D9%86%D8%AA%D8%B9%D8%A7%D9%85%D9%84-%D9%85%D8%B9-%D8%A3%D8%B7%D9%81%D8%A7%D9%84-%D8%A7%D9%84%D8%AF%D9%88%D8%A7%D8%B9%D8%B4-%D8%A8%D9%85%D9%86-%D9%81%D9%8A%D9%87%D9%85-%D8%A7%D9%84%D8%A3%D8%AC%D8%A7/ar?fbclid=IwAR3QB5odTs3D5gEuPq3im8DWKaj9IBJOmwTBXfSf2Sbn3mfIETgqvcAK6F4>

¹²

<https://www.hrw.org/ar/news/2017/10/09/310146?fbclid=IwAR2E3741OlxxAvtajM7rjz7-rKUTQS51VjogRG9KduU8g0F6USiH3bKnasw>

¹³ OHCHR

36. According to OCHA 2019 Humanitarian Needs report for Iraq¹⁴, there are 6.7 million people (18 per cent of the total population) in need of humanitarian assistance. An estimated 4.5 million people face protection concerns. Almost 2 million people remain displaced, over half of whom have been displaced for more than three years. Access to employment/livelihood opportunities continues to be the main concern of IDPs.

37. As documented by OCHA¹⁵, the poverty rate in the areas most impacted by military operations against ISIL exceeds 40 per cent, in comparison to the already-high 22.5 per cent in the rest of the country¹⁶. In the Kurdistan Region of Iraq, the poverty rate increased from 3.5 per cent to 12.5 per cent, as a result of a large influx of IDPs from other parts of Iraq starting in 2014.¹⁷

We urge the Working Group and the members of the Human Rights Council to call upon the government of Iraq to:

38. Prioritize addressing security, humanitarian crises in order to address poverty; take into consideration poverty is multidimensional; income alone is not enough to measure it whereas safety-nets provided are not enough to address its root causes.

39. Ensure the adoption of a comprehensive national development plan that integrates diversification of economy, tackling corruption and high unemployment in the country; as well as implementation of the 2018-2022 poverty reduction strategy of Iraq¹⁸ that aims at reducing poverty by 25% by 2022

40. Ensure accurate and disaggregated data to adopt rights-based poverty elimination policies.

c. The right to work

41. The rising unemployment rate, difficulties faced by IDPs in accessing regular work, lack of disaggregated data (including for persons with disabilities) remain a concern and was also raised during the last concluding observations on Iraq at the Committee of Economic, Social and Cultural Rights (2015)¹⁹. In fact, unemployment for both males and females between 15 and 24 increased from 20% in 2014 to 22.7% in 2016. Dhi Qar has the highest rate of unemployment at 34.8%, followed by Dohuk in Kurdistan at 28.1%. Youth unemployment in 2018 reached 40%.²⁰ 65% of IDPs and 75% of returned IDPs are unemployed.²¹

42. Although during the second cycle review, the situation of the migrant workers was the only issue covered in relation to the right to work, there has been no significant progress; there are 200,000 foreign workers without security or health guarantees and with wages lower than their counterparts.²²

43. Child labour rate rose in Iraq; from 1.5% in 2014 to 2.7% in 2016.²³

¹⁴ https://reliefweb.int/sites/reliefweb.int/files/resources/irq_2019_hno.pdf

¹⁵ https://reliefweb.int/sites/reliefweb.int/files/resources/irq_2019_hno.pdf

¹⁶ World Bank, Damage and Needs Assessment, 2018.

¹⁷ Ministry of Planning High Committee for Poverty Reduction Strategy, “Strategy for Reduction of Poverty in Iraq 2018-2022,” 2018

¹⁸ <https://www.unescwa.org/sites/www.unescwa.org/files/events/files/session4-iraq.pdf>

¹⁹ <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmlBEDzFEovLCuW3%2bG%2fOK6uNgde oJLsC7Ouk9DyvgHFdp0gzQQzqOOO6tD64N3ntY7kRlxFw8pAWu%2fto9LaWw1%2fGdXoBA2jkn9fnSAretlWjh F%2bXego6D%2bLulQ>

²⁰ Central Statistical Organization

²¹ IOM Website

²² Website of Ministry of Labor and Social Affairs

²³ Central Statistical Organization

44. The number of informal workers reached 188 091 4 million workers (men and women confounded) and constituted %53.7 of the total number of workers. The percentage of informal workers reached %55 of the total number of male workers %47.8 of the total of female workers. On the other hand, the percentage of informal labor in urban areas reached %51.6 of the total number of workers in urban areas, and %60.4 of the total number of workers in rural areas²⁴.

We urge the Working Group and the members of the Human Rights Council to call upon the government of Iraq to:

45. Adopt and implement an effective employment policy enhancing decent work opportunities, addressing informal economy and ensure disaggregated statistics on the unemployment to address it effectively and making available work opportunities, in particular for the most disadvantaged and marginalized individuals and groups.
46. Effectively implement of the Law No:38 of 2013 towards ensuring employment quotas for persons with disabilities in both the public and the private sector
47. Ratify the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
48. Prioritize addressing the child labour, implement CESR recommendations²⁵ towards increasing labour inspections and identifying, as a matter of priority, those groups of children who are more vulnerable to being engaged in labour and assisting them, and introducing harsher sanctions for those exploiting children;

d. The right to health

49. According to WHO Iraq situation report²⁶, public health concerns remain in terms of limited accesses to health services by the population in return areas and Salahadeen Governorate where most health facilities, including secondary and tertiary health facilities were damaged.
50. Shortage of health personnel, limited number of ambulances available in areas of return to serve the high demand of patients requiring referrals from IDP camps persist.
51. Whereas progress on reducing new-born mortality is noted²⁷; further challenges remain as soon after birth when only four out of 10 of children are fully vaccinated – with mostly the poorest missing out.
52. As noted by UNICEF²⁸, half of all Iraqi household's risk drinking contaminated water and less than 40 per cent of the population has access to drinking water at home, increasing the grave risk of waterborne diseases.

We urge the Working Group and the members of the Human Rights Council to call upon the government of Iraq to

53. Ensure allocation of maximum available resources for health sector and prioritize intervention to restore primary and secondary health services
54. Enhance coordination with international community and international humanitarian organizations for provision of humanitarian assistance to those in need

e. The right to education

²⁴ ANND Arab Watch Report 2016

²⁵ Committee on Economic, Social and Cultural Rights concluding observations in 2015

²⁶ http://www.emro.who.int/images/stories/iraq/WHO_Iraq_Situation_Report_for_Iraq_number_5_1_May_to_30_June_2018_005.pdf?ua=1&ua=1

²⁷ <https://news.un.org/en/story/2018/11/1026041>

²⁸ <https://news.un.org/en/story/2018/11/1026041>

55. The decrease in school enrolment, attendance, the increase in school drop-out and high illiteracy rates, especially among girls, limited availability of schools, and the fact that many of them are in poor physical condition and lack essential facilities remain key concerns regarding the right to education in Iraq²⁹.
56. As of 2016³⁰, Iraq's national budget allocated less than 6% of its national budget to the education sector, placing Iraq at the bottom rank of Middle East countries.
57. As noted by UNICEF³¹, there are close 3.2 million school-aged Iraqi children out of school. The situation is worse, especially concerning in conflict affected governorates, such as Salah al-Din and Diyala, where more than 90% of school-age children are left out of the education system. Almost half of all school-age displaced children — approximately 355,000 children — are not in school. The situation is worse for girls, who are under-represented in both primary and secondary schools.
58. Quality education is further challenged given the bad conditions of schools and outnumbered classes. There are 2,000 clay schools in rural areas around Iraq, particularly Amara, Nisiriyah, Najaf, Diwaniyah, Basra, and Al-Muthanna, packed with 15,000 students and 7,000 teachers.³²
59. School-dropout rates remain high at 20% or 1,185,033 children in 2017. The overall illiteracy rate was 8.3% in the same year, reaching 6.5% for males and 10.2% for females. One out of five children dropped out of school due to economic situation.
60. School curricula do not take human rights into consideration, in terms of gender references and images, names, beliefs, and religion. There is also a lack of a human rights curriculum in secondary education.³³
61. Only 23 schools are open for IDPs in Kurdistan; most teach in Kurdish.³⁴
We urge the Working Group and the members of the Human Rights Council to call upon the government of Iraq to
62. Prioritize education sector through an inclusive and comprehensive education strategy that aims at improving the efficiency of the educational system; providing more equitable access to educational opportunities.
63. Ensure allocation of maximum available resources for increasing the quality of the infrastructure in education through restoration of school building and facilities
64. Ensure adoption of curricula taking human rights considerations
65. Address school dropout rates reintegrating children affected by the armed conflict into educational system
66. Ensure equal access to education for IDPs and children with disabilities

f. Freedom of association and peaceful assembly

67. Iraq ranks among the “Repressed” countries according to CIVICUS Monitor. The ranking indicates that civic space is significantly constrained.

²⁹ Raised as well by the Committee on Economic, Social and Cultural Rights concluding observations in 2015

³⁰ <https://www.unicef.org/iraq/what-we-do/education>

³¹ <https://www.unicef.org/iraq/what-we-do/education>

³² Ministry of Education, 27 September 2018

³³ Second Year Primary Reading Book / Sixth Year Primary History Curriculum / Fourth Year Primary Islamic Education Book

³⁴ <https://www.iraqhurr.org/a/26695671>

68. The Law on Non-Governmental Organizations (Law 12 of 2010) and the Law on Non-Governmental Organizations in the Iraqi Kurdistan Region (Law 1 of 2011) continues to govern the civil society work
69. Under Law 12 CSOs must register before they may operate. In Kurdistan, CSOs are not required to register, but for receiving funding is necessary. Registration process takes around 3-4 months under Federal Law and less in Kurdistan region but is no smooth given the complexity of the process and the imposition of extralegal requirements³⁵. As reported by 2017 CSO Sustainability Index, i.e. in Mosul, CSOs were required to present a letter from the Mosul Security Agency and a letter from the Mosul Governorate; or security forms filled out by their employees along with the employees' photos and family information. Furthermore, in 2017, Kurdistan's NGO Directorate also required some CSOs to complete an annual re-registration, despite the law's requirement that organizations register only once³⁶.
70. Article 38 of the Iraqi Constitution of 2005 guarantees protection of the right to freedom of assembly and peaceful demonstration that does not violate 'public order and morality'. The 2003 Provisional Order 19, adopted by the Coalition Provisional Authority (CPA), continues to regulate the freedom of peaceful assembly. According to the order, protests are prohibited unless written notice is provided to an approving authority specifying the location, route, time, duration, maximum number of participants and the names and addresses of the protest organizers at least 24 hours in advance (Article 4).
71. Although Iraq accepted the recommendations in relation to enhancing an enabling environment for NGOs, including allocation of substantial funds for addressing IDPs and refugee issues to NGOs; no funds were allocated. NGO law does not include financial support from the state to NGOs.³⁷ On the other hand, according to the Federal Integrity Commission Decision No.408 on 7/2/2016, heads of organizations must submit financial disclosure statements, which is in violation of Article 17 of the Federal Integrity Commission Law of 2011.
72. Despite Iraq's positive stance to recommendations for respecting freedom of expression and opinion and guarantee freedom of peaceful assembly; security forces used excessive force to suppress demonstrators, by firing live ammunition leading to injuries in Basra³⁸ and al-Diwaniyah³⁹ provinces and the arrest of 96 demonstrators in Basra province⁴⁰ and

³⁵ 2017 CSO Sustainability Index for MENA,

https://www.usaid.gov/sites/default/files/documents/1866/CSOSI_MENA_Regional_Report_3.pdf

³⁶ 2017 CSO Sustainability Index for MENA,

https://www.usaid.gov/sites/default/files/documents/1866/CSOSI_MENA_Regional_Report_3.pdf

³⁷ NGO Law No.12 of 2010, Chapter 4, Article 13.

³⁸ https://www.youtube.com/watch?v=fGwKJ69sf6M&feature=youtu.be&fbclid=IwAR28EIMWb-Ncg0th8Kewp5PY08-c79njjZmtMKv8E1z-c19TxbO6EO5MajU&has_verified=1

³⁹ https://www.youtube.com/watch?v=fGwKJ69sf6M&feature=youtu.be&fbclid=IwAR28EIMWb-Ncg0th8Kewp5PY08-c79njjZmtMKv8E1z-c19TxbO6EO5MajU&has_verified=1

⁴⁰

<http://alrafidain.org/post/21836/%D9%85%D9%81%D9%88%D8%B6%D9%8A%D8%A9-%D8%AD%D9%82%D9%88%D9%82-%D8%A7%D9%84%D8%A5%D9%86%D8%B3%D8%A7%D9%86-%D8%B9%D8%AF%D8%AF-%D8%A7%D9%84%D9%85%D8%B9%D8%AA%D9%82%D9%84%D9%8A%D9%86-%D9%85%D9%86-%D9%85%D8%AA%D8%B8%D8%A7%D9%87%D8%B1%D9%8A-%D8%A7%D9%84%D8%A8%D8%B5%D8%B1%D8%A9-%D8%A8%D9%84%D8%BA-96-%D8%B4%D8%AE%D8%B5%D8%A7>

98 demonstrators in Waset⁴¹ province in 2018 alone. In 2017, five protesters were killed by security forces gunfire and about 80 were injured in demonstrations in Kurdistan.⁴²

73. Advance permission by the Ministry of Interior, or in some cases by other local authorities is required to conduct a demonstration according to article 3 of the Law no. 11/2010 for the Organization of Demonstrations law on the right to demonstrate in the Kurdistan Region of Iraq.

We urge the Working Group and the members of the Human Rights Council to call upon the government of Iraq to:

74. Take measures to foster a safe, respectful, enabling environment for civil society, including through removing legal and policy measures, which unwarrantedly limit the right to association.
75. Amend Article 3; Law no. 11/2010 for the Organization of Demonstrations law on the right to demonstrate in the Kurdistan Region of Iraq in order to guarantee freedom of peaceful assembly
76. Abolish Coalition Provisional Authority Decision No:19 of 2003
77. Develop a professional code of conduct for law enforcement personnel (Interior and Defense).

g. Freedom of expression and media

78. During 2018 several cases of killings of activists were documented; including that of activist Souad al-Ali in Basra on 26/9/2018, and the assassination of Tara al-Faris in Baghdad on 28/9/2018.⁴³
79. Ranking 160 at 2018 World Press Freedom Index, Iraq is considered among the most dangerous countries for journalists.⁴⁴
80. Lack of media freedom and the need for investigation for attacks and killings of journalists were tackled during the second cycle review of Iraq. Despite the recommendations directed in this regard; violations for media freedom continue. Between 2015 and 2017, 804 journalists were subjected to malicious lawsuits and detention without judicial warrant reached 1327 in 2016.⁴⁵ Furthermore, between 2015 and 2017, around 40 journalists were killed, more than 76 were injured, and 484 were subject to verbal and physical assault. Around 3,000 journalists also faced lawsuits. The latest statistic in 2018 indicates 13 aggressions, including security and tribal threats; 12 cases of

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<https://www.alsumaria.tv/news/242250/%D8%A7%D9%82%D9%88%D9%82-%D8%A7%D9%84%D8%A7%D9%86%D8%B3%D8%A7%D9%86-%D8%B9%D8%AF%D8%AF%D8%A7%D9%84%D9%85%D8%B9%D8%AA%D9%82%D9%84%D9%8A%D9%86-%D8%A8%D8%AA%D8%B8%D8%A7%D9%87%D8%B1%D8%A7%D8%AA-%D9%88%D8%A7%D8%B3%D8%B7-%D8%A8%D9%84%D8%BA-98-%D8%A7%D8%AE/ar>

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<http://www.medi1tv.ma/ar/%D9%85%D9%82%D8%AA%D9%84-5-%D9%88%D8%A5%D8%B5%D8%A7%D8%A8%D8%A9-80-%D9%81%D9%8A-%D8%A7%D8%AD%D8%AA%D8%AC%D8%A7%D8%AC%D8%A7%D8%AA-%D8%A8%D8%A7%D9%84%D9%85%D9%86%D8%A7%D8%B7%D9%82-%D8%A7%D9%84%D9%83%D8%B1%D8%AF%D9%8A%D8%A9-%D8%A7%D9%84%D8%B9%D8%B1%D8%A7%D9%82%D9%8A%D8%A9-%D8%A7%D9%84%D8%A3%D8%AF%D8%A8%D8%A7%D8%B1-105869>

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<https://www.alhurra.com/a/%D8%A7%D9%84%D8%B9%D8%B1%D8%A7%D9%82-%D8%A7%D8%BA%D8%AA%D9%8A%D8%A7%D9%84%D8%A7%D8%AA-%D8%AA%D8%A7%D8%B1%D8%A9-%D9%81%D8%A7%D8%B1%D8%B3-%D8%A7%D9%84%D8%A8%D8%B5%D8%B1%D8%A9-%D8%B3%D9%8A%D8%A7%D8%B3%D8%A9-%D8%A3%D9%85%D9%86/462116.html>

⁴⁴ <https://rsf.org/en/iraq>

⁴⁵ Association for the Protection of Press Freedoms in Iraq, "Media monitoring report on violations against Iraqi journalists in 2015-2016-2017.

detention by security forces, mostly in Basra and Kurdistan Region of Iraq; and 29 cases of assaults, verbal threats, and prevention of coverage of events by security forces.⁴⁶

81. A further 200 violations were reported, including attacks on offices of media institutions, including the arbitrary raid and closure of NRT channel by military forces belonging to the two Kurdish parties.⁴⁷
82. Legislative framework continue to pose a threat to press freedom in Iraq:⁴⁸ including the Coalition Provisional Authority order No.14 of 2003 concerning media activities, giving the prime minister the authority to close any media organization and confiscate its equipment and funds, in addition to jailing its workers; Iraqi Penal Code 111 of 1969 - publishing crimes articles 81, 82, 83, and 84, Publications Law No.206 of 1968, Law on censorship of works and films No.64 of 1973.
83. Regarding electronic media and information; arbitrary measures like online extortion, news fabrication, illegal access to private data, disruption of internet, disruption of access to service, and illegal access to data related to securities without formal justification continue in Iraq⁴⁹. For instance, the Ministry of Communications cut off the internet during the July 2018 demonstrations⁵⁰.
84. Whereas parliamentary work on the draft Cybercrime Law, continues, concerns remain given that the draft includes punishment amounting to life imprisonment and high fines for offenders. The draft law is considered to be a tool to further restrict human rights defenders and online activism given its broad nature and ambiguity particularly with its articles 3, 4, 6, 18, 21, 23, which must be redrafted without restricting freedom of expression on the Internet, or other public freedoms of all Iraqi citizens, including Internet activists⁵¹.

We urge the Working Group and the members of the Human Rights Council to call upon the government of Iraq to:

85. Guarantee respect of freedom of opinion and expression, by safeguarding the security of journalists and the independence of the media and revise Iraqi Journalist Protection Law
86. Work on the independence of the Media and Communications Authority according to Article 103 of the Iraqi Constitution.
87. Grant protection and allow journalists, as well as the general public to exercise their freedom of speech
88. Annul Coalition Provisional Authority Order and amend the legal system to ensure the constitutionally guaranteed freedom of the press, including the Penal Code (Films and Cinematic works, publications, publishing crimes).

h. The situation of human rights defenders

⁴⁶ *Ibid.*

⁴⁷

https://arabic.sputniknews.com/arab_world/201712261028758112-%D8%A8%D8%B1%D9%8A%D8%B7%D8%A7%D9%86%D9%8A%D8%A7-%D8%A7%D9%84%D8%B9%D8%B1%D8%A7%D9%82-%D8%A7%D9%84%D8%B5%D8%AD%D8%A7%D9%81%D8%A9-%D8%A7%D9%86%D8%AA%D9%87%D8%A7%D9%83%D8%A7%D8%AA/

⁴⁸ Annex of Report by Press Freedom Advocacy Association in Iraq.

⁴⁹

<https://www.mohamah.net/law/%D8%AA%D9%82%D8%B1%D9%8A%D8%B1-%D9%87%D8%A7%D9%85-%D8%AD%D9%88%D9%84-%D8%A7%D9%84%D8%AC%D8%B1%D8%A7%D8%A6%D9%85-%D8%A7%D9%84%D8%A5%D9%84%D9%83%D8%AA%D8%B1%D9%88%D9%86%D9%8A%D8%A9-%D9%88%D8%A7%D9%84/>

⁵⁰ <https://www.amnesty.org.uk/press-releases/iraq-internet-cut-stop-protesters-posting-images-security-force-attacks>

⁵¹ <https://www.gc4hr.org/news/view/2039>

89. Although Iraq supported the recommendation about human rights defenders, particularly of WHRD, namely to “adopt and implement, through an inclusive and a participatory process, national policies for the protection of women, including women human rights defenders, against any form of discrimination or violence, committed either in public or at the domestic level”, several violations took place; and documented since the last cycle UPR.
90. In 2015, activist Salam al-Hashemi was prevented by security officers from participating via video in a conference with experts from the forced disappearances committee and a warrant for his arrest was issued.⁵²
91. On 19 August 2015, civil activist Waei al-Jabouri was arrested by the militia and later disappeared.⁵³
92. In 2016, human rights defenders Imad Amara and Faisal al-Tamimi were detained and tortured for working on forced disappearances in Iraq.⁵⁴
93. In 2016, civil activist Ali al-Dhabhawi, who had participated in demonstrations in Najaf, was detained and later found bound and tortured.⁵⁵
94. On 22 February 2018, civil activist Saleh al-Mashhadani disappeared following his arrest by security forces in a farm owned by Salam al-Hashemi, founder and director of al-Wisam charitable organization.⁵⁶
95. In March 2018, activist Faraj al-Badri disappeared.⁵⁷
96. In November 2018, Basra activist Salam al-Gharawi was murdered in mysterious circumstances.⁵⁸
97. Furthermore, HRDs faced a huge number of malicious lawsuits. In 2017, for example, 100 lawsuits were filed in Dhi Qar, including 31 by security and intelligence agencies, against activists participating in demonstrations and 70 malicious lawsuits were filed in Diwaniyah in 2018.⁵⁹
98. In 2018, the Coalition of Women Human Rights Defenders was subjected to a slander campaign on social media.⁶⁰ WHRD Souad Kathem al-Ali was assassinated in Basra on 26 October 2018.

We urge the Working Group and the members of the Human Rights Council to call upon the government of Iraq to:

99. Bring Iraqi laws in line with international conventions on the protection of human rights defenders and officially and publicly recognize the legitimacy of the work of defenders; guarantee and create an enabling environment to the activities of the human rights defenders and civil society
100. Reveal the fate of the disappeared and ensure the right of redress to their families.

i. Right to life, liberty and security of the person

⁵² Yes Iraq/Mada Press/Buratha News Agency/Al-Ghad Press

⁵³ <https://www.alkarama.org/ar>

⁵⁴

<https://www.alkarama.org/en/articles/iraq-human-rights-defenders-arrested-and-tortured-documenting-cases-enforced>

⁵⁵ Al-Hurra Iraq Channel

⁵⁶ <https://www.alkarama.org/ar>

⁵⁷ Radoo News Agency

⁵⁸ <https://www.alkarama.org/ar>

⁵⁹ Voice of Iraq / al-Yaqin News Agency

⁶⁰ Afkar/Sawalef/Sumar News

101. Despite death penalty being among the top 5 recommendations received by Iraq during the second cycle review, Iraq continues to resort to the death penalty⁶¹ without restrictions or limitations, with one of the highest rates of executions in the Middle East.
102. There are reports of death sentences for multiple crimes, with cases of miscarriage of justice and flawed judicial proceedings affecting the fairness of trials for defendants and imposing death sentences on detainees based on confessions extracted arbitrarily under torture and other forms of ill-treatment.⁶²
103. On 31/8/2016, the official website of the Ministry of Justice reported the implementation of the death sentence against 36 Iraqis and 7 other convicts from various Arab countries. Another 14 convicts were executed in June 2017 as well as 38 convicts in al-Nasiriyah prison on 14/12/2017. In 2018, the death sentence was applied on 45 convicts on various occasions announced by the Ministry of Justice. Currently, more than 3000 people face the death penalty over terrorism-related offences.⁶³
104. Iraq has not ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights and did not put an end to the provisions of articles related to this punishment in the Iraqi Penal Code No.111 of 1969 or in Article 4 of the Anti-Terrorism Act.
105. Overcrowding in prisons in Iraq continue. Whereas cell capacity in al-Taji prison is 15; actual occupancy is 40. Al-Nasiriyah prison, on the other hand, has a total capacity of 1600, but actually holds 6750 inmates.⁶⁴ Prisons are facing the spread of diseases (tuberculosis, scabies, hepatitis, gastrointestinal...),⁶⁵ with one day per week per 10 prisoners for treatment,⁶⁶ in addition to lack of medicines and weak medical service.⁶⁷
106. As presented by the Special Rapporteur on extrajudicial, summary or arbitrary executions report in 2018, government officials continue to violate the right to life and liberty. Several cases were reported including the summary execution of 119 Sunnis detained by the government on 16/9/2014; the execution of 44 men from Bani Wais village from al-Mahamda tribe on 3/6/2014; and the arrest of 1,300 men and boys, 49 of whom their deaths were confirmed and 643 who disappeared at the hands of the Popular Mobilization Forces (PMF).⁶⁸ Moreover, on 17/7/2017, 17 males were found dead in Mosul; it was later confirmed they were executed by government forces. In

⁶¹

https://www.moj.gov.iq/view.3399/?fbclid=IwAR2gk5wOFZIVhNYPR6kpgSaJpY_jkcMsZNyOvfjGNVixZLN8N_hHMD9Cw9o

⁶²

<https://www.amnesty.org/ar/latest/news/2018/04/death-penalty-sentences-and-executions-2017/?fbclid=IwAR2aLKZg3KQHZb3N1-Qpgku-CBbZQ7ETu6aBACZhERlqARVuWp8ua5A5QdU>

⁶³

https://www.amnesty.org/ar/latest/news/2018/03/iraq-alarming-reports-of-more-than-3000-people-facing-death-over-terror-related-offences/?fbclid=IwAR0hXq4pU-UZtY12KNXQq_iKUAhR0wrlhD9-ZWA_zhG8aQKHTDrd0KqWKvk

⁶⁴ Baghdad Center for Human Rights, "Reality of Ministry of Justice Prisons in 2017: Squalid Cells and Exploitation Shops," 31/1/2018.

⁶⁵ Al-Haq for Human Rights, Baghdad Center.

⁶⁶ Baghdad Center for Human Rights, "Reality of Ministry of Justice Prisons in 2017: Squalid Cells and Exploitation Shops," 31/1/2018.

⁶⁷ Al-Haq for Human Rights, Baghdad Center.

⁶⁸ OHCHR

al-Muqdadiah, 70 men were taken by the police and killed at the hands of forces in military uniform. The Special Rapporteur also expressed concern regarding the murder of several LGBTQ individuals and lack of clear protection from the state.

107. Despite Iraq's commitment to combatting human trafficking, cases of human trafficking reached 314 in 2016 and 266 in 2017, in addition to 40 cases of forced labor and 68 suspected sex trafficking cases.⁶⁹ Baghdad saw the highest percentage, with 40% of human trafficking cases in 2018.⁷⁰ In the Kurdistan Region, 125 foreign workers had their contracts transferred from one company to another, in addition to 2197 workers in Dohuk whose fate is unknown.⁷¹
108. Whereas Iraqi Criminal Court Law No.1 of 2003 criminalized genocide; the Yazidi minority faced the extermination of 1293 of its members in 43 mass graves and tens of individual graves⁷². Additionally, the state has failed to look for the remains of the victims and disappeared Feylis Kurds, whose families were completely ignored by the state.⁷³

We urge the Working Group and the members of the Human Rights Council to call upon the government of Iraq to

109. Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights; ensure national legislation in adherence with international human rights treaties and abolish all legal articles providing for the death penalty in the Iraqi criminal code and constitution.

j. The right to freedom of movement

110. Although the right to freedom of movement was not tackled during the second cycle review of Iraq, practices of banning of movement and request for local sponsor persist. Local sponsor system is still active in Douhok, and in Erbil and Sulamania access cards system is implemented. The card allows a limited day entry (7-10 days) and for any extension security offices should be visited. For entry to Erbil, 10.000 Iraqi dinar (equal to around 8 dollars) is requested.

We urge the Working Group and the members of the Human Rights Council to call upon the government of Iraq to

111. Permanently cancel the need for local sponsors; ensure accountability for those decisions of banning movement of people and provide reparations for those affected.

⁶⁹ http://oneiraqnews.com/2aa=news&id22=5864&fbclid=IwAR0Q8110poMeggmDd44At6nDlodhWq2h4TxPOP4zd8OipezTMiKnb_dLib0bo#XCpkEVy6Y2x

⁷⁰ Iraqi Monitor on Human Trafficking Victims.

⁷¹ Human Trafficking Report 2017, Kurdistan Region Ministry of Interior

⁷² <https://balkaninsight.com/2017/08/03/yazidi-massacre-survivors-learn-lessons-from-srebrenica-08-03-2017/>

⁷³ <https://www.alsumaria.tv/mobile/news/211774/iraq-news?fbclid=IwAR1kRUjDCAqmqacpbgwMdgKisuWw8UsBz67cM9DH9o6OZ9dqGAOHEkRpTc>