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# Civil Society Briefing Document

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Iraq UPR Review 2014

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Human Rights Council 20th Session (27 October - 7 November 2014)

Troika Members: Republic of Macedonia, the United Arab Emirates and Burkina Faso

This document summarizes a number of human rights issues prioritized by Iraqi civil society organizations involved in human rights advocacy campaigns. The document brings to the attention of Member States concerned with improving human rights in Iraq, issues and recommendations to be brought to the attention of the Government of Iraq during the review.

The human rights situation in Iraq has seriously deteriorated since the first UPR of the country in 2010. Most recently, human security has been further degraded by extremists operating under the banner of ISIS. This organization has seized control of large swathes of Iraq and has carried out large-scale human rights violations, including crimes against humanity, sexual slavery, rape and attempted genocide. According to the UN Deputy High Commissioner for Human Rights, Flavia Pansieri, *“Even though this conflict has severely reduced the Iraqi Government’s control over large parts of its territory, the Government continues to bear primary responsibility for the protection of all persons on its territory, and must endeavour to implement its obligations.”*<sup>1</sup> Iraqi civil society organizations involved in the drafting of this document call on the international community to help the Government of Iraq to provide protection for its citizens and to investigate the grave human rights violations. These civil society organizations are advocating that the new Prime Minister Haider al-Abadi adopt far-reaching political and social reforms to address the root causes of extremism in Iraq.

The document is coordinated by :

Un Ponte Per ... (Italian organization with consultative status with ECOSOC)

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<sup>1</sup> Human Rights Council , Special Session on abuses committed in Iraq by ISIL – September 2014 , See more at: <http://www.ohchr.org/EN/NewsEvents/Pages/HRCSpecialSessionIraq.aspx#sthash.avcVI4bW.dpuf>

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The following issues are those that have been our priorities and the focus of our civil society campaigns for the past four years. The issues highlighted here do not represent all the human rights challenges that women now face in Iraq. Domestic violence, gender-based violence and female genital mutilation (FGM) are all critical issues in Iraq.

## 1.1. Protection of women

### Government Information, Problems Identified and Discussion Points:

In its 2011 State party report to CEDAW<sup>2</sup>, the Iraqi Government reported an increase in the kidnapping of women and girls since 2003. Daeesh (ISIS) and extremists have kidnapped and forced into slavery an unknown number of young women. As many as 3,000 women and girls have been kidnapped by the jihadis in northern Iraq.<sup>3</sup> In August, the former UN High Commissioner for Human Rights stated that the widespread ethnic and religious violence in areas controlled by Islamic State militants amounts to crimes against humanity.<sup>4</sup> The Special Representative of the UN Secretary General for Children and Armed Conflict, Leila Zerrougui referred to “unverified reports of sexual violence and forced marriages that have emerged in the last few months” in which “young girls from minority groups were being abducted for these purposes”; “The most reported violations remain the killing and maiming of children. Six-hundred and ninety-three child casualties have been reported since the beginning of the year,” Zerrougui said<sup>5</sup>. Civil society activists are advocating that the UN Security Council refer these allegations to the International Criminal Court for immediate investigation and prosecution of guilty parties.<sup>6</sup>

#### Suggested Questions

How is the Iraqi government working to protect women and girls in areas of the country vulnerable to ISIS?

#### Suggested Recommendations

Iraq should join the International Criminal Court.

Ask for international support to document and investigate the new slavery.

Call upon the Security Council to make a formal request to the International Criminal Court to investigate grave human rights violations in Iraq.

<sup>2</sup> See: CEDAW/C/IRQ/4-6 [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fIRQ%2f4-6&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fIRQ%2f4-6&Lang=en)

<sup>3</sup> See : <http://www.ibtimes.co.uk/iraq-crisis-yazidi-women-forced-marry-islamic-state-fighters-1461578>

<sup>4</sup> <http://www.ohchr.org/EN/NewsEvents/Pages/Media.aspx?IsMediaPage=true&LangID=E>

<sup>5</sup> Human Rights Council , Special Session on abuses committed in Iraq by ISIL – September 2014 , See more at:

<http://www.ohchr.org/EN/NewsEvents/Pages/HRCSpecialSessionIraq.aspx#sthash.avcVI4bW.dpuf>

<sup>6</sup> See: <http://www.walkfree.org/iraq-slavery-icc/>

## 1.2. Killing of women on “moral” grounds

Since 2010, an unknown number of women have been killed by Islamic militias on “moral” bases: in June 2014, Baghdadis were terrified by what is now known as the Zaiuna massacre, in which 29 women including children, were killed in Baghdad in one attack by militias close to the government. The excuse was that these families were practicing prostitution<sup>7</sup>. Islamic militias (Shia and Sunni) have killed many women citing moral grounds. For instance, UNAMI reported the killing of seven women in Basra, in June 2013, on such bases.<sup>8</sup> These kinds of killings are committed with impunity. No arrest or prosecution of alleged perpetrators has yet been carried out.

### Suggested Questions

What steps are being taken to stop Islamic militias (Shia and Sunni) from killing women on moral grounds?

What steps have been taken to prosecute those responsible for the killings in Zaiuna and Basra?

### Suggested Recommendations

Take necessary measures to ensure that perpetrators of human rights violations are prosecuted so as to put an end to impunity.

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<sup>7</sup> [Zaiuna massacre - news in Arabic is available here](#)

<sup>8</sup> UNAMI HR report page 11 , at : [http://www.uniraq.org/images/humanrights/HRO\\_Human%20Rights%20Report%20January%20-%20June%202013\\_FINAL\\_ENG\\_15Dec2013%20\(2\).pdf](http://www.uniraq.org/images/humanrights/HRO_Human%20Rights%20Report%20January%20-%20June%202013_FINAL_ENG_15Dec2013%20(2).pdf)

### 1.3. Imposing Sharia law on Iraqi women

The Government of Iraq has presented the Al-Jaafari Personal Status law and the Jaafari Judiciary draft law<sup>9</sup>: these laws legalize child marriage in children as young as 9, and allow for marital rape. These laws violate the rights of women and children as defined by international standards, and they violate the principles of anti-discrimination that are contained in the Iraqi Constitution, whether that discrimination is based on gender, race, sect or belief.

#### **Suggested Questions**

What will the Government of Iraq do concerning the Al-Jaafari Personal Status law and the Jaafari Judiciary draft law?

#### **Suggested Recommendations**

1. Withdraw the Al-Jaafari Personal Status law and the Jaafari Judiciary draft law (Qanun AL Qadaa Al Jafari) from the Iraqi parliament immediately.
2. Respect the valid Iraqi Personal Status Law (Act 188 of 1959), as a minimum assurance of the preservation of the rights of women in Iraq. Provide for modification of any sections of this law that violate established international standards and bring them into accordance with such standards and with the principle of non-discrimination.
3. Abolish Article (41) of the Iraqi Constitution (which was based upon adopting the Al-Jaafari draft laws) for being prejudicial, and as representing a threat to the social fabric and unity of Iraq, and thus the future of the Iraqi people.
4. Ensure full implementation of the recommendations of The Committee on the Elimination of Discrimination against Women (CEDAW).

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<sup>9</sup> See HRW : <http://www.hrw.org/news/2014/03/11/iraq-don-t-legalize-marriage-9-year-olds>

## 1.4. Sexual harassment of women in society and public offices

The Iraqi Minister of Women's Affairs receives many complaints from women who have been sexually harassed in the streets, in government departments, and in offices of private sector enterprises, including complaints from women journalists and activists. These complaints lead to the broad assertion that "the phenomenon of sexual harassment is now threatening the safety of women."<sup>10</sup>

### **Suggested Questions**

What steps has the Government of Iraq taken to combat sexual harassment in public places?

Does the Government of Iraq plan to modify their new laws to include sexual harassment in public spaces as a crime?

### **Suggested Recommendations**

Adopt legislation that sanctions sexual harassment as a criminal offense, in accordance with the provisions of CEDAW.

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<sup>10</sup> On sexual harassment, see: <http://www.iraqicivilsociety.org/archives/2762>

# Minorities Rights

Since 2010, minorities in Iraq have faced serious difficulties; many have endured grave human rights violations committed by Islamic extremist groups and militias. Recently, crimes committed by Daaesh (ISIS) have gained international attention: The UN High Commissioner for Human Rights indicated that the Islamic State and associated forces have engaged in “targeted killings, forced conversions, abductions, trafficking, slavery, sexual abuse, destruction of places of religious and cultural significance, and the besieging of entire communities because of ethnic, religious or sectarian affiliation”. She also indicated that among those directly targeted have been Christians, Yezidi, Shabaks, Turkomen, Kaka’e and Sabaeans.<sup>11</sup> At the same time, the Secretary General’s Special Representative in Iraq has cautioned against increased targeting of Sunni minorities in Basra governorate.<sup>12</sup>

## Suggested Questions

1. What steps will the Iraqi government take to protect all minorities in Iraq who suffer at the hands of ISIS and other extremist groups? How will this protection be insured to all minorities without discrimination?
2. What steps are being taken to deal with minorities from northern Iraq who have been displaced?
3. Some militias are attacking minorities in areas where the government maintains control, for instance in Basra: what steps will be taken to end impunity for extremist Shia militias involved in targeting minorities in Baghdad, Dyala and the south?

## Suggested Recommendations

1. Join the International Criminal Court as a response to the grave human rights’ violations committed in Iraq and ensure that similar crimes will not be committed in the future.
2. Open a center where data on missing persons from all over Iraq can be registered and stored to help families find their relatives.
3. Include all minorities in the political process and ensure that their representatives hold appropriate governmental positions.
4. Work with local communities to promote reconciliation and help in resettling displaced families

<sup>11</sup> OHCHR press release (25 August 2014), *Iraqi civilians suffering “horrific” widespread and systematic persecution – Pillay*. Available here [accessed 27 August 2014].

<sup>12</sup> UNAMI press release (20 August 2014), *SRSR Mladenov warns against increased targeting of Sunni minorities in Basra governorate*. Available here [accessed 27 August 2014].



## 3.1. New draft laws have been proposed that limit and obstruct the freedom of expression and access to information

The Government and Parliament of Iraq are considering a number of draft laws that would further limit freedom of the press and freedom of expression; they are a clear challenge to the Iraqi Constitution, and to many international human rights agreements signed by the Iraqi government. They include:

- **A draft law on free speech and peaceful demonstration**, which has been read twice but not yet voted upon. This draft law is viewed by civil society as an attempt to limit free speech and expression, the right to obtain information, and the right to peacefully demonstrate.
- **A draft law on information crimes**, which contains 31 articles that authorize penalties, from high fines to life sentences, for obtaining or disseminating prohibited information. Many articles of this draft law contradict protections guaranteed in the Iraqi Constitution.
- **A draft cyber-crime Law**

All these laws, copies of which are now in circulation, violate international human rights standards as well as the spirit of the Iraqi Constitution that guarantees freedom of expression.

## 3.2. The government-run Communications and Media Commission (CMC)

CMC issued “mandatory” guidelines on 18 June 2014, which are meant to regulate media “during the war on terror.” These guidelines seem to force the media to stop objective/neutral reporting and become instead a public relations appendage of the government.<sup>13</sup> In fact, the CMC has already closed some local media outlets that had previously criticized the government<sup>14</sup>.

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<sup>13</sup> <http://www.hrw.org/news/2014/07/03/iraq-new-guidelines-silence-media-0>

<sup>14</sup> See <http://en.rsf.org/irak-maliki-government-restricts-media-25-06-2014,46520.html>

### 3.3. Free flow of information

In response to online threats and incitement to violence by ISIS, the Ministry of Communications announced suspended service of online platforms such as YouTube, Twitter and Facebook<sup>15</sup>.

A draft law on information technology crimes awaits parliamentary ratification. One article provides for large fines and even life imprisonment for vaguely defined crimes, such as “intentionally” using computer devices and information networks to undermine the country’s “supreme economic, political, military, or security interests.”<sup>16</sup>

#### Suggested Questions

1. What steps is the new government taking to amend draft laws that violate freedom of expression in Iraq?
2. What steps is the Government of Iraq taking to insure the independence and freedom of the media?

#### Suggested Recommendations

1. Ensure that all laws related to freedom of expression and access to information respect international standards; involve civil society and human rights experts in the drafting of such laws.
2. Make sure that the Communications and Media Commission (CMC) is not interfering in the work and rights of the media but facilitates its mission.

<sup>15</sup> See <http://www.moc.gov.iq/demo/indexe.php?t=news&n=364> , and <http://www.nytimes.com/2014/06/29/world/middleeast/iraqs-sunni-militants-take-to-social-media-to-advance-their-cause-and-intimidate.html>

<sup>16</sup> <http://www.hrw.org/world-report/2013/country-chapters/iraq?page=2>

## 4.1. Protection of Journalists

At its first Universal Periodic Review in 2010, the Government of Iraq accepted recommendations to “[t]ake steps to end intimidation and abuse of journalists by government officials and hold all perpetrators of violence against and harassment of journalists fully accountable”<sup>17</sup>. In its State report to the ICCPR in 2013<sup>18</sup>, the Government of Iraq stated that “[t]he media and publishing sector has been seriously affected by the overall situation in the country where persons working in the fields of journalism, literature and the arts have been abducted, killed, targeted in assassination operations, threatened, detained and sometimes prosecuted as a result of their professional activities, quite apart from the well-known dangers to which media representatives and correspondents are exposed during their coverage of armed confrontations and acts of violence which may also lead to the imposition of restrictions on their journalistic and media activities, including closure of the offices of some satellite channels. The Council of Representatives therefore promulgated *Act No. 21 of 2011 on the protection of journalists* and is currently considering the promulgation of another enactment on the free flow of information.” In 2008, The National Report on the Status of Human Development drew attention to the high proportion of women in journalism and academia killed between 2003 and 2006.<sup>19</sup>

**The Journalist Protection law contains vague language and lacks substantive protection for journalists and media professionals.** For these reasons and others, UNAMI expressed serious concerns about the provisions of this law.<sup>20</sup> In September 2012, the Federal Supreme Court denied a petition to repeal the Journalists’ Protection Law by a local freedom of the press organization that had argued that the law fails to offer meaningful protection to journalists, and restricts access to information.<sup>21</sup>

### Suggested Questions

1. What steps are being taken to ensure the protection of journalists and media workers in the country, and to end impunity for all those who impede their work or threaten their personal safety?
2. What steps are being taken to amend the Journalists’ Protection Law in order to insure that articles relating to what are called ‘publishing crimes’ are removed and to insure that laws affecting journalists comply with international standards for freedom of the press.

<sup>17</sup> A/HRC/14/14 [http://www.upr-info.org/sites/default/files/document/iraq/session\\_7\\_-\\_february\\_2010/ahrc1414iraq.pdf](http://www.upr-info.org/sites/default/files/document/iraq/session_7_-_february_2010/ahrc1414iraq.pdf)

<sup>18</sup> CCPR /C/IRQ/5 State report to the ICCPR 16 October, 2013 Paragraph 161

<sup>19</sup> CEDAW/C/IRQ/4-6

<sup>20</sup> Iraq Mid-term implementation assessment: [http://www.upr-info.org/sites/default/files/document/iraq/session\\_07\\_-\\_february\\_2010/mia-iraq.pdf](http://www.upr-info.org/sites/default/files/document/iraq/session_07_-_february_2010/mia-iraq.pdf)

<sup>21</sup> <http://www.hrw.org/world-report/2013/country-chapters/iraq?page=2>

#### **Suggested Recommendations**

1. Amend the Journalists Protection Law, and insure that all articles related to what are called 'publishing crimes' are cancelled.
2. Develop mechanisms to improve the safety of journalists, and to ensure that all attacks are investigated by independent and impartial bodies.

## **4.2. Worker's Rights and trade Unions**

At its first review, Iraq accepted the recommendation: "Promote the development of a vibrant and effective civil society by promulgating legislation in accordance with international human rights law, in particular to protect the rights of trade unions, NGO's and freedom of the media"<sup>22</sup>.

For more than a decade, trade unions in Iraq have been demanding new labor laws that respect international standards, as well as the abolition of any decisions or laws issued over the previous decades which are inconsistent with the fundamental rights of workers according to the International Labor Convention. For the past two years, Iraqi trade unions have worked hard to propose amendments to a draft of the new Labor Law, and to participate in the drafting of the proposed Trade Union Law<sup>23</sup>.

#### **Suggested Questions**

How has the government incorporated input from trade unions in the proposed new labor laws?

#### **Suggested Recommendations**

Expedite the passage of the new labor law and trade unions law in compliance with International labor standards, allowing all workers, including those in the public sector, to join trade unions and to bargain collectively, freely and without adverse repercussions.

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<sup>22</sup> A/HRC/14/14 [http://www.upr-info.org/sites/default/files/document/iraq/session\\_7\\_-\\_february\\_2010/ahrc1414iraq.pdf](http://www.upr-info.org/sites/default/files/document/iraq/session_7_-_february_2010/ahrc1414iraq.pdf)

<sup>23</sup> <http://www.iraqicivilsociety.org/archives/3090>

### 4.3. Other Categories And Human Rights Defenders In General

At its first review, Iraq accepted recommendations to “better disseminate and ensure full observance of the Declaration on Human Rights Defenders” and “increase the protection of ethnic and religious minorities as well as women, human rights defenders and journalists”.

Since the last review, Iraqis have seen the continued deterioration of the situation for HRDs.

On 25 February 2011, Iraqi activists carried out large, nonviolent protests demanding that the Iraqi government provide basic services, such as electricity, health, and education; that it end corruption; and that it respect the fundamental freedoms guaranteed to its citizens by the Iraqi Constitution, including freedom of assembly and freedom of expression. Protestors encountered excessive use of force by the government. Key individuals, among them many HRDs, who had played a major role in organizing these protests they later faced repression and reprisals from government authorities<sup>24</sup>. In September 2011 the prominent HRD, Hadi al-Mahdi, one of the principle organizers of these nonviolent protests, was assassinated in his home.

In April 2013 the Iraqi-black HRD Jalal Dhiab, director of the ‘Ansar al-Huriyya’ association, was assassinated in al-Zubayr, Basra province<sup>25</sup>. In a single month, March 2014, at least three journalists were killed, and others beaten and intimidated, and one HRD was arrested in Erbil. All these HRDs are targeted because of activities performed to protect human rights<sup>26</sup>. And in a majority of the cases the violators of human rights remain unknown, and no active investigations are carried out.

#### Suggested Questions

What steps has the Government of Iraq taken to protect HRDs and to bring to justice violators of HRDs’ rights?

#### Suggested Recommendations

1. Recognize the legitimate role of HRDs to promote and protect human rights for all.
2. Develop a protection mechanisms for human rights defenders.
3. Intensify efforts to insure the security of human rights defenders and reinforce cooperation with all stakeholders.
4. Implement effective investigation of the killings of HRDs like: Jalal Dhiab, Hadi al-Mahdi and others

<sup>24</sup> See Amnesty International, Protests and Repression in Iraq, Index: MDE 14/013/2011 DAYS OF RAGE, April (2011).

<sup>25</sup> see Iraqi and International NGOs Appeal for Justice in the Case of Jalal Dhiab, at: <http://www.iraqicivilsociety.org/archives/1653>

<sup>26</sup> See ICSSI statement : Freedom of Expression in Iraq is Deteriorating Rapidly. Human Rights Defenders are at Risk and Afraid! , at : <http://www.iraqicivilsociety.org/archives/2896>

Years of war and conflict in Iraq have taken a heavy toll on the environment. The government has not always acted or had the capacity to insure protection of vital natural resources, mostly importantly water. The Euphrates and Tigris Rivers provide Iraq's most important water supply; Iraq shares these rivers with Turkey and Syria and Iraq. Over the past few years, Turkey has taken control over water flowing into Syria and Iraq through the construction of large dams. This has occurred without negotiations with the governments of Syria and Iraq. There is now a water shortage, which is having devastating consequences for the Iraqi people.

The population of all of Iraq, including Kurdistan, is completely dependent upon two dams in northern Iraq. These dams are the two largest contributors to hydro-electric power in Iraq. The area around the Haditha dam (on the Euphrates) is currently the site of an insurgent offensive, while the Mosul Dam (on the Tigris), just 45 miles outside of Mosul city, is now on the frontline of the conflict with ISIS. Both dams could be used to control access to drinking water and water used for agricultural irrigation. The electricity produced by the dams, upon which the whole country is dependent, is also vulnerable. If dam failure occurs, which is not unthinkable in such a fierce conflict, large areas might be flooded, including parts of Mosul and other cities.

Over the past few months, areas between Baghdad and Fallujah, such as the Abu Ghrib district, suffered from flooding after insurgents took control of Fallujha dam, a small dam near Baghdad. This has also created water scarcity in many cities south of Baghdad. More recently, insurgents cut water provisions from Mosul to many towns in the Niniveh plains. Enclaves where minorities live, such as Qaraqosh with 40.000 inhabitants, have been left without any reliable source of water and without electricity to pump water from local wells.

Thus, Iraqis now live with the compound fear of both a water shortage and life threatening flooding.

### Suggested Recommendations

1. Provide protection for the water infrastructure within Iraqi territories by cultivating an open dialogue with local communities and local actors in areas of conflict.
2. Provide basic human rights, including water, to civilians in conflict areas without discrimination.
3. Protect all cultural and environmental heritage sites on the Euphrates and Tigris Rivers.
4. Discuss threats related to water in Iraq and Syria, involving regional actors and the Turkish government.

## List of Iraqi and international NGOs

The organizations that took part in compiling this document and were active players in related civil society campaigns are:

Al Masalla Organization for Human Resources Development - Erbil

Al-Amal Association - Baghdad

Alternatives - Montréal

Azidi Solidarity & Fraternity League - Ninawa

Engineering Professions Union- Baghdad

Information Center for Research & Development - Baghdad

Institute for War and Peace Reporting - Baghdad

International Institute for Nonviolent Action (NOVACT) - Barcelona

Iraqi Network for Social Media (INSM) - Baghdad

Iraqi Women Network - Baghdad

National Association for the Defense of Human Rights - Baghdad

Organization of Women's Freedom in Iraq - Baghdad

PAX (formerly IKV Pax Christi) - Utrecht

Press Freedom Advocacy Association In Iraq - Baghdad

Tammuz Organization for Social Development - Baghdad

Un Ponte Per ... - Italy

Women for Peace - Baghdad

Produced by UPP/APC/ICSSI

Editing: UPP

Cover design: UPP

Cover photo by Pierluigi Giorgi / UPP – [www.pierluigigiorgi.com](http://www.pierluigigiorgi.com)



A project co-funded by the  
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Shaping the MENA coalition  
on freedom of expression  
(EIDHR/2012/296-900)



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