



General Assembly

Distr.
GENERAL

A/HRC/WG.6/7/IRQ/3
1 December 2009

Original: ENGLISH

HUMAN RIGHTS COUNCIL
Working Group on the Universal Periodic Review
Seventh session
Geneva, 8-19 February 2010

**SUMMARY PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER FOR
HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15 (C) OF THE
ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1**

Iraq*

The present report is a summary of 50 stakeholders' submissions¹ to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

* The present document was not edited before being sent to the United Nations translation services.

I. BACKGROUND AND FRAMEWORK

A. Scope of international obligations

1. Amnesty International (AI) mentioned that Iraq has yet to ratify the Optional Protocols to the ICCPR, to CEDAW and to CAT.² JS1 recommended the ratification of the CPD and the Refugee Convention.³
2. JS1 recommended that Iraq withdraws its reservations to Articles 2, 9 and 29 of CEDAW and ratifies CED.⁴ JS13 recommended that Iraq harmonize its legislations with international standards.⁵

B. Constitutional and legislative framework

3. According to JS2, despite the fact that the permanent Iraqi constitution grants “rights and liberties”, its ratification in 2005 was met with several criticisms.⁶ According to the Iraqi Turkmen Human Rights Research Foundation (SOITM), federalism related paragraphs remain the most controversial subjects to be amended in the constitution. Deba’athification, personal status law and harmony between the Islamic laws and the human rights principles and minority issues still needed to be agreed upon.⁷ JS2 added that the parliamentary committee assigned to review the constitution presented modifications to the parliament which were not ratified⁸ and that there are several pending constitutional articles which need legislation.⁹
4. SOITM mentioned that the drafting process of the constitution suffered under timeframe restrictions, that the constitution bypassed debate and parliamentary ratification and that there was no public discussion or debate.¹⁰ It indicated that attempts of Kurdish authorities to emphasize their ethnic role within Iraq can be considered the dominant factor that contributed to discrimination outlined in article 4 of the constitution.¹¹ SOITM noted that in order to facilitate rebuilding of the Iraqi state, reduce violence and institute stability in the region, a powerful and viable centralized Iraqi state should be created. It recommended to the National Assembly to amend the constitution consequently.¹²
5. JS6 considered that Art. 39 of the constitution open the way to a complete inequality between the Iraqi citizens as it calls for marriage, divorce, alimony, inheritance and other personal status issues to be adjudicated by religious courts.¹³ JS11 recommended amending article 46 of Iraqi constitution which allows the government to restrict rights and freedoms.¹⁴ Iraqi Child Rights Network (ICRN) indicated that the constitution lacks a separate section defining children and minors in reference to the law¹⁵ and that the government of Iraq must invest in promoting the principles and provisions of the CRC throughout society.¹⁶ JS1 recommended raising to 13 years old the age of criminal responsibility¹⁷ and the adoption of a legislation stating the supremacy of international instruments over national legislation.¹⁸

C. Institutional and human rights infrastructure

6. JS7 considered that the role of the Ministry of Human Rights seems to be merely advisory and reactive.¹⁹ AI informed that in November 2008, parliament passed a law to set up a national High Commission for Human Rights; however, this had yet to be established.²⁰ JS2 mentioned that the establishment of human rights offices in several Ministries and of 14 provincial offices can be described as positive steps.²¹ The Becket Fund for Religious Liberty (Becket Fund) recommended enhancing the role of the Minorities Committee.²²

7. ICRN recommended creating institutional mechanisms to implement Iraq's international obligations regarding child rights²³ and putting in place mechanisms through which to hold accountable those responsible for violating children's rights.²⁴

D. Policy measures

8. JS3 recommended assisting the government to adopt the IDPs National policy and to produce domestic laws that protect IDPs human rights;²⁵ develop a national plan to provide assistance and compensation for loss of property to IDPs and returnees, without discrimination and; integrate refugee and IDP protection and assistance into its policies to ensure their security and successful rehabilitation.²⁶

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

A. Cooperation with human rights mechanisms

9. JS5 recommended that the Special Rapporteurs on torture, forced disappearance, extrajudicial executions, independence of the judges and lawyers, women²⁷ and children²⁸ make a field investigation in Iraq.²⁹

10. JS10 recommended that a Special Rapporteur for the human rights situation in Iraq be appointed³⁰ and that the Human Rights situation in Iraq be included under the agenda of the Human Rights Council.³¹

B. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non discrimination

11. JS1 stated that the preamble of the constitution contains discriminatory wording towards women as it mentioned only male Iraqis.³² Jubilee Campaign (JC) stated that article 20 of the constitution provides women's rights to participate in public affairs and the political system equally to men; however, in practice, women frequently face discrimination and are denied equal opportunity and equal protection of the law.³³ JS1 recommended amending the constitution and all laws that discriminate against women³⁴ and ensuring a fair representation for women in the parliamentary, executive and judicial presidencies.³⁵ JC stressed that Iraq must reform its employment and property laws to demand more rights for women and individuals of minority groups.³⁶

12. ICRN informed that the International Compact with Iraq contains some provisions that would strengthen the rights environment for children³⁷ many of which are presently denied their rights for reasons of ethnicity, gender, disability, and their or their parents' religious beliefs.³⁸

13. JS1 reported about the increase in the number of disabled persons due to violence and the absence of care and rehabilitation services for them.³⁹ It recommended the adoption of a law on persons with disabilities.⁴⁰

14. JS2 said that minorities are discriminated against, particularly when it comes to attaining high-level positions and that they cannot hold judicial authority since they are not Muslims.⁴¹ It added that the provincial council's election law of 2008 did not apportion fair representation to minorities.⁴²

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

15. AI informed that the death penalty is used extensively, that its scope and application have been widened by the present government and that the death penalty may be imposed for a wide range of offences, including crimes without lethal consequences.⁴³ The Iraqi Commission on Human Rights (Iraqi-CHR) noted that death sentences are handed following unfair trials.⁴⁴ AI recommended that the government : immediately halt all executions and establish a moratorium on the death penalty; commute all pending death sentences; take steps towards the abolition of the death penalty, such as reducing the number of crimes punishable by death and; pending abolition, respect international standards restricting the scope of the death penalty.⁴⁵

16. JS2 stated that militias, armed gangs, the multinational forces, private contractors, armed groups and the Iraqi police play the largest role in violating human rights principles, particularly the rights to life and personal safety.⁴⁶ It added that there are continuing terrorist attacks that take innocent lives.⁴⁷ Ikram Centre for Human Rights (ICHR) referred to the phenomenon of immediate executions practiced by forces of a foreign government operating in Iraq and Iraqi police without referring to the judicial system or commitment to any law.⁴⁸ AlKarama for Human Rights (AlKarama) recommended putting an end to extrajudicial and summary executions, including political assassinations.⁴⁹

17. Association of Muslims Scholars in Iraq (AMSI) reported about assassination, abduction, arrest and exile of thinkers, intellectuals, scientists and religious men.⁵⁰ JS5 noted that targeting the judiciary continues and that the judges liquidated are often those who refuse to comply with orders from the authorities.⁵¹

18. AlKarama stressed that cases of enforced disappearances are particularly numerous.⁵² JS1 recommended adopting a legislation aiming at stopping all acts leading to enforced disappearances.⁵³ AlKarama recommended abolishing all secret places of detention and establishing a reliable and independent entity to control and monitor all places of detention.⁵⁴

19. IHRC stated that government critics, security suspects and professionals are commonly subjected to arbitrary arrest and detention either by Iraqi or Multinational forces.⁵⁵ AI added that many are held incommunicado in detention facilities controlled by the Ministries of Interior and Defence where torture and other ill-treatment are reported to be rife and that the vast majority are held without charge or trial – some have been in detention for several years – and many have no access to a lawyer.⁵⁶ AI stated that the Amnesty Law remains largely unimplemented.⁵⁷ Human Rights Watch (HRW)⁵⁸ and IHRC⁵⁹ recommended ensuring that persons taken into custody are brought before an investigative judge within 24 hours of arrest, in conformity with Iraq's Code of Criminal Procedure. IHRC recommended charging all detainees with a recognisable criminal offence and bringing them to trial in accordance with international standards. It added that the Multinational Force (MNF) should transfer all the detainees to the legal jurisdiction of the Iraqi courts.⁶⁰

20. According to JS2, Iraq's prisons and detention centers suffer from inhumane standards⁶¹, a lack of personnel and little or no separation of the convicted from the accused. There are few women detention centers⁶² JS1 said that prisons are overcrowded and recommended rehabilitating prisoners and adopting a law that regulates prison visits by civil society organizations.⁶³ JS10 stressed that 90 women were detained in Abu Ghraib prison before the occupation forces released them after the huge scandal regarding this prison.⁶⁴ AlKarama added that there are dozens of mostly secret detention centres under the control of a foreign government operating in Iraq and Iraqi forces and militias.⁶⁵

21. Iraqi-CHR reported that torture and inhuman treatments are widely and systematically practiced in Iraqi prisons.⁶⁶ Islamic Human Rights Commission (IHRC) mentioned that this is facilitated and perpetuated by Iraqi and Multinational forces.⁶⁷ JS9 added that torture has often led to deaths.⁶⁸ AlKarama recommended putting an end to torture and inhuman and degrading treatment.⁶⁹ IHRC recommended ensuring that all allegations of torture and ill-treatment are thoroughly and impartially investigated, that alleged perpetrators are prosecuted, and that any statement extracted under torture is not used as evidence.⁷⁰ AlKarama recommended compensating victims and/or their families and incorporating the crime of torture into domestic law as defined by Article 1 of the CAT.⁷¹

22. JS2 informed that women are victims of domestic physical and emotional violence.⁷² HRW mentioned that violence against women and girls continues to be a serious problem, with members of insurgent groups and militias, soldiers and police among the perpetrators.⁷³ Militias have specifically targeted female politicians, civil servants, journalists, rights activists and women on the street for what they consider “immoral” or “un-Islamic” behavior and dress. HRW informed that “honor” killings remain a serious physical threat to women and girls in Kurdish areas and elsewhere in Iraq.⁷⁴ JS1 mentioned that armed groups have used women in suicide attacks.⁷⁵ JS10 and AMSI reported that a large number of detained women were raped by prison guards or official employees.⁷⁶ Karama recommended amending the penal code to remove mitigating factors from the punishment of honor-related crimes against women⁷⁷ and drafting, approving, and enforcing laws against domestic violence.⁷⁸

23. JC mentioned that Iraq is a source and destination country of trafficking for the purposes of commercial sexual exploitation and involuntary servitude.⁷⁹ JS8 stressed that human trafficking in Iraq is linked inter alia, to money laundering, drug trafficking, documents falsification, forced recruitment with terrorist and prostitution networks and migrant workers. It added that legal, political, economic,⁸⁰ social and psychological factors contribute to human trafficking.⁸¹ JS8 recommended promulgating a law to combat human trafficking taking into account international human rights instruments and setting up a high commission to combat human trafficking.⁸² JC added that more shelter and resources are needed for these victims.⁸³

24. JS1 reported about the high incidence of child labor.⁸⁴ JS2 added that local militias and armed gangs recruit children in military operations.⁸⁵ JS1 indicated that children suffer from bad conditions in prisons and are not beneficiaries to any rehabilitation programs.⁸⁶ JS7 indicated that children continue to be exposed to dangers of unexploded ordnance and landmines.⁸⁷ Global Initiative to End All Corporal Punishment of Children (GIEACPC) strongly recommended that the government introduce legislation as a matter of urgency to prohibit all corporal punishment of children.⁸⁸

25. Association of Independent Jurists for Defence of Human Rights (AIJDHR) indicated that since January 2009, the government of a foreign county operating in Iraq has transferred protection of Ashraf Camp to the Iraqi government and that since then, the illegal restrictions imposed on Ashraf residents by Iraq largely increased.⁸⁹ The Kyrgyz Committee for Human Rights (KCHR) informed that during the violent attack against Ashraf Camp residents on 28 & 29 July 2009, Iraqi forces killed 11 residents, severely wounded 500 and forcibly removed 36.⁹⁰ International Jurist Organisation (IJO) noted that on the day that the attack and massacre begun, the representatives of Ashraf residents were negotiating with the Iraqi forces’ commanders and Iraq’s prime minister’s envoys on how to station the police.⁹¹ Similar information was provided by a number of Organisations.⁹²

3. Administration of justice, including impunity and the rule of law

26. JS6 stated that no independent justice system exists in Iraq and any attempt to obtain justice could severely threaten the security of the complainants.⁹³ JS5 noted the dominance of the executive authority over the judiciary.⁹⁴ JS1 recommended limiting the prerogatives of the Justice Minister to administrative and procedural matters.⁹⁵ IHRC stated that in some cases, detainees are reported to have served their sentences but have remained in detention without further charges.⁹⁶ JS6 reported about the looting of Courts and their destruction.⁹⁷

27. AI stressed that the Central Criminal Court of Iraq (CCCI) has handed out the vast majority of death sentences and that trial proceedings are very brief, often lasting only a few minutes.⁹⁸ IHRC added that the CCCI is accused of serious human rights violations which have seriously undermined its legitimacy and credibility and does not have any jurisdiction over individuals taken into custody by the Multinational Force.⁹⁹

28. JS6 indicated that the government has created special courts or tribunals which violate international standards.¹⁰⁰ AI stressed that trials before the Special Iraqi Criminal Tribunal (SICT) do not meet international standards and have been marred by political interference, undermining its independence and impartiality. SICT regularly fails to ensure the safety of defence lawyers, witnesses and others.¹⁰¹ According to AI, it was reported in September 2008 that the government had engineered the removal of one of the judges who had tried Saddam Hussain, replacing him with a judge considered more likely to support the imposition of the death penalty.¹⁰² AI recommended to the government to ensure the most rigorous standards for fair trial in all cases.¹⁰³

29. AI reported that the Status of Forces Agreement (SOFA) removed the immunity from prosecution of contractors employed in Iraq by the Department of Defence of a foreign government operating in Iraq. It added that the SOFA is silent on other contractors, such as private military and security contractors employed by the State Department of this foreign government, some of which have been accused of unlawful killings of civilians and other serious abuses.¹⁰⁴ JS6 noted that there is parallel power detained by militias and armed groups which have infiltrated all levels of the government.¹⁰⁵

30. Iraqi-CHR indicated that impunity is the main feature in Iraq.¹⁰⁶ AI indicated that the authorities have announced the setting up of investigations into incidents of torture and deaths in custody; and that the outcome has never been made public, which raises suspicion that such investigations have not been carried out and has encouraged a culture of impunity.¹⁰⁷ According to JS2, no civil servant in the ministries of Interior or Defense can be taken to court unless the minister grants clearance.¹⁰⁸ The modified criminal law requires the approval of the concerned minister in order to bring to trial those accused of administrative or fiscal corruption.¹⁰⁹

4. Right to privacy, marriage and family life

31. JS7 reported that temporary and unregistered marriages are rife, grant no protection for women and their offspring and is a form of forced prostitution in most cases.¹¹⁰ JS12 added that there are three cases of divorce for every four marriages.¹¹¹

32. For AI, the government has failed to provide adequate protection to men who identify themselves as gay, or who are assumed by their attackers to engage in same-sex sexual relations.

Many were mutilated and their bodies dumped in the streets and many others were forced to flee Iraq after receiving death threats.¹¹²

5. Freedom of movement

33. JS1 reported that Iraqis suffer from limitations on their freedom of movement between governorates under the pretext of security situation and in fear of demographic change.¹¹³ JS3 added that there is restriction on IDPs movement inside Iraq and that the Kurdistan Regional Government (KRG) imposes restrictions on IDP movement through the use of checkpoints.¹¹⁴

6. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

34. For Becket Fund, as the government has been forced to devote most of its attention to the ongoing insurgency and reconstruction effort, it has failed to protect its people from religiously motivated violence or to use its judicial system to formally overturn laws that conflict with basic principles of religious freedom.¹¹⁵ The Institute on Religion and Public Policy (IRPP) considered that the atmosphere of violence contributes to religious persecution and abuses, which are particularly tied to sectarian conflict, the conflict over Nineveh governorate and extremist violence.¹¹⁶ AI recommended setting up prompt and impartial investigations into attacks against members of religious and ethnic minority groups.¹¹⁷ Becket Fund noted that the appeals to religious freedom in Iraq's constitution are commendable and however, constitutional provisions guaranteeing religious freedom are rendered meaningless insofar as they can be pre-empted if they are found to conflict with Islamic law as interpreted.¹¹⁸

35. Open Doors International (ODI) urged the government of Iraq to protect the Christians, their children and their property. It urged the government of Iraq and KRG to give legal status to Evangelical Churches so that they may legally establish Churches and freely practice their religion.¹¹⁹ IRPP stressed the importance for the Iraqi government to address laws targeting Baha'is and Jews.¹²⁰ JS11 recommended removing the reference to religion in the civilian identity card and adopting a civilian law ensuring the freedom of people from different religions to have mixed marriages and secures their rights according to the law with no distinction on religious basis.¹²¹

36. JS2 informed that political ownership of media, attacks on journalists and religious pressures often endanger the practice of freedom of the press.¹²² JS4 stressed that since the beginning of 1992, more journalists have been killed in Iraq than in any other country.¹²³ JS1 noted that the penal code contains limitations on freedom of opinion and expression.¹²⁴ Al-Basaer Media Association (ABMA) recommended investigating all gross violations of the rights of Journalists and human rights defenders.¹²⁵

37. JS11 recommended amending article 38 of the constitution to guarantee the right of media access to and dissemination of information and issuing without delays, the "journalists' protection law" after the necessary amendments to the draft submitted by the Iraqi Journalists Syndicate.¹²⁶ JS4 recommended that all Iraqi laws relating to the media or to freedom of expression and publication should comply with international best practices.¹²⁷ It recommended also that the Iraqi government continues to actively support the Communication and Media Commission as the country's constitutionally mandated independent regulatory body for broadcasting and telecommunications.¹²⁸

38. JS11 stated that the legal problems facing NGO's are related to registration, registration authority, financing, interference of the government and political parties and restrictions on the work of foreign organisations.¹²⁹ NGO Coordination Committee for Iraq (NCCI) indicated that the current draft of the 2008 NGO law does not match up to international standards of good practice¹³⁰ and gives the executive power many ways to exercise control over NGOs.¹³¹ It recommended inter alia: wider and transparent consultation with civil society before the legislation is endorsed; the development of clear criteria to guide the government in endorsing or rejecting registration; the removal of the restrictions on funding imposed by Article 18 and; the re-examination of the overall registration procedure specified in the draft law.¹³²

39. JS1 indicated that Iraq has succeeded in building a pluralistic political system, through the 2005 free and fair elections. It added that the distribution of seats and the vote counting mechanisms were not fair in the 2009 provincial council's elections. It recommended the adoption of an election system that takes into account the representation and participation of all political parties.¹³³ JS7 noted that in the 12 months leading to the 2009 elections, there was a concerted campaign of arbitrary arrests in communities identified as 'not natural constituencies' for the players inside the political process.¹³⁴ JC reported that in the 2009 elections, many of the mostly non-Muslim residents on the Nineveh Plain were unable to vote due to administrative problems and refusal by Kurdish security forces to bring ballot boxes to predominantly Christian villages.¹³⁵

40. JS7 mentioned that the political process gives priority and overwhelming weight to narrow identities at the expense of the interests of the whole nation and that there is an atmosphere of constant and often violent power struggle amongst the political parties.¹³⁶ JS11 recommended inter alia, accelerating the implementation of the general population census; expediting the issuance of the Political Party Law; ensuring a higher efficiency to all employees of Independent High Electoral Commission for elections¹³⁷ and; paying attention to complaints on violations and holding the violating parties accountable.¹³⁸

7. Right to work and to just and favourable conditions of work

41. JS2 informed that unemployment is rising, particularly among youth, due to the destruction of infrastructure¹³⁹ and the absence of economic and development programs, according to JS1.¹⁴⁰ JS6 noted that there has been a flagrant violation to women's right to work, that only 18% of women participate in the working power and that women with lower educational levels are more likely to be outside the labor force.¹⁴¹

8. Right to social security and to an adequate standard of living

42. JS9 stressed that the health care system has dramatically deteriorated since 2003.¹⁴² JS7 mentioned that there is no excuse for the lack of basic health supplies in Iraq's hospitals¹⁴³ and that the situation with access to clean water and proper sanitation is getting worse every year and therefore, ddiarrhoea and water borne diseases are the main killers of infants in Iraq.¹⁴⁴ According to JS2, the incidence of cancer has spread particularly among children in Central and Southern Iraq.¹⁴⁵ JS2 added that child mortality is rising because most births happen at home and the lack of clinics and hospitals in most rural areas.¹⁴⁶ JS12 recommended that women should be supported with reproductive health programmes and psychological support. It added that there are 76000 AIDS cases.¹⁴⁷

43. JS1 reported about the high levels of poverty and about electricity and water shortages¹⁴⁸ and noted that many Iraqi's lack adequate housing and have lost their homes due to the security situation.¹⁴⁹ For AlKarama, the economic situation and health conditions deteriorated dramatically after the invasion. The police and army were disbanded and tens of thousands of officials, engineers, managers of public services were dismissed. The public infrastructure was destroyed, including the water supply, electricity, telephone, transport, and especially hospitals. Millions of Iraqis are malnourished.¹⁵⁰ JS9 mentioned that large sectors of society cannot afford adequate food.¹⁵¹ JS6 stressed that the growing number of widows in the country is devastating and that with no income, these women and their children have little hope of a prosperous future.¹⁵² JS7 stated that there is no evidence of a strategy or concerted effort for a special assistance to orphaned children.¹⁵³

44. AlKarama stated that the economy has been privatized and handed over to foreign companies under the guise of a "politics of reconstruction" and that huge sums have been diverted and collected by companies supposedly involved in rebuilding the country.¹⁵⁴ JS6 referred to a high level of corruption which has spread to the highest spheres of the government.¹⁵⁵

9. Right to education and to participate in the cultural life of the community

45. JS2 noted that the economic situation and the unavailability of up to date syllabi, poor scientific equipment coupled with the government's neglect of educational infrastructure have led to the decline of educational standards and have pushed students to leave school.¹⁵⁶ JS2 reported that: several schools have been transformed into barracks or centers for militias and sometimes into shelters for internally displaced persons; elementary school buildings do not suffice for the numbers of students and classes are very often overcrowded and; certain NGOs have expressed concern at the increasing incidents of violence or corporal punishment of students by educational staff.¹⁵⁷ According to JS7, sudden curfews and flare ups of violence affected the children and interrupted their education¹⁵⁸ and there are no proper education facilities for children with special educational needs and no adequate education services for children with physical disabilities.¹⁵⁹

46. JS2 stated that due to cultural traditions, girls in rural areas are often denied schooling after 12-15 years and that the ministry of education remains silent and inactive regarding procedures to be taken to apply the mandatory education law.¹⁶⁰ JS6 added that the illiteracy rate is twice as high among women compared to that of men.¹⁶¹ JS7 recommended that the Iraqi government must develop a well funded, comprehensive strategy for children's health care and education.¹⁶²

10. Minorities and indigenous peoples

47. HRW informed that armed groups continue to persecute minorities with impunity, particularly in the disputed territories in northern Iraq.¹⁶³ IRPP indicated that religious minorities, particularly non-Muslims, remain under serious threat of violence, forced conversion, persecution, kidnapping, torture, and acts of terrorism from both governmental and non-governmental groups.¹⁶⁴

48. According to JS2, members of the Mandaean community face obstacles to the practice of their faith and have been subjected to vast internal displacement and migration out of Iraq due to increased incidents of targeted murder, kidnapping and rape which have drastically diminished their numbers.¹⁶⁵ Christians are encountering difficulty in practicing their religion, due to armed groups and local militias, which have destroyed churches and killed members of the community, in addition to forcing them out of their homes all over Iraq, particularly in Mosul and Baghdad.¹⁶⁶ JS2 noted that Yazidis are

victims of killing, forced evacuation, kidnapping and blackmail and are not allowed to practice their rites and rituals.¹⁶⁷ The Shabak community has been victimized constantly by different armed groups and dozens of them have been killed and others forcibly exiled from the areas around Mosul.¹⁶⁸

49. According to HRW, members of minority communities complained in February 2009, of heavy-handed tactics of Kurdish authorities in Nineveh province. Kurdish security forces have engaged in arbitrary arrests and detentions, intimidation, and in some cases violence, in response to those in minority communities who challenge Kurdish control of the disputed territories running across northern Iraq from the borders with two neighbouring countries.¹⁶⁹

50. JS7 stressed that minority women and children represent the most vulnerable section of Iraqi society.¹⁷⁰ BF recommended that the government should integrate a religious pluralism component into its education system.¹⁷¹

11. Migrants, refugees and asylum-seekers

51. JS1 reported that refugees in Iraq face difficult humanitarian and security conditions.¹⁷² JS2 informed that Palestinian refugees in Iraq are being attacked by armed groups; that unofficial statistics indicate that many have left Iraq because of continued attacks they were subject to and have taken refuge in refugee camps along the Iraqi borders provided by the UNHCR; and that conditions at these camps are dire.¹⁷³

12. Internally displaced persons

52. JS3 stressed that although military operations, crime and general insecurity remained factors, sectarian violence became the primary driver for population displacement.¹⁷⁴ HRW stated that bombing attacks since June 2009 targeting civilians indicate that Iraq faces the prospect of further sectarian bloodshed and displacement.¹⁷⁵

53. JS3 mentioned that IDP's continue to be in need of food, water, housing, medical care and education for their children.¹⁷⁶ It noted that displacement presents particular challenges for women, children, elderly and the ill¹⁷⁷ and that IDP's face general violence and criminality, detentions, kidnappings, murder/killings, large explosions, military operations, inter-ethnic/religious fighting, forced recruitment by some armed groups and abuse and harassment.¹⁷⁸

54. HRW reported that with the escalation of attacks against civilians in the past few months, some returnees have reportedly found themselves forcibly displaced once again.¹⁷⁹ JS1 indicated that the government's efforts to improve the situation of IDP's are insufficient and need international support.¹⁸⁰

13. Human rights and counter-terrorism

55. JS2 noted that the implementation of the Counter-Terrorism law is considered a clear violation of human rights law, due to extremely loose interpretation of the law whose ambiguous wording gives the authorities a wide scope of power.¹⁸¹ Iraqi-CHR added that basic human rights principles are not respected during operations to "combat terrorism" and that since the occupation, every person detained is considered a terrorist and dealt with as a criminal.¹⁸²

14. Situation in or in relation to specific regions or territories

56. AI reported that in the Kurdistan Region, the authorities broadened the scope of the death penalty when enacting the temporary Anti-Terrorism Law of 2006 and which was extended in June 2008 for a further two years.¹⁸³ It indicated that the KRG is not known to have carried out any executions since April 2008.¹⁸⁴

57. According to JS5, in the northern region of Iraq, the authorities in the provinces of Erbil, Dehuk and Sulaymaniyah continued to arrest suspects without warrants and hold them indefinitely without trial in detention centres and prisons that do not meet the most basic humane conditions. Most of these detainees were arrested under the pretext of belonging to terrorist groups. Detainees continue to suffer torture and other cruel and inhuman treatment by the Kurdish units of Peshmerga and Achayes.¹⁸⁵

58. Karama noted inter alia, that KRG in Iraq amended its Personal Status Law in 2008 to place restrictions on polygamy and established a Cabinet-level Committee on Violence against Women.¹⁸⁶ JS1 informed that women in the Kurdistan region face different forms of violence, including abduction and forced marriage.¹⁸⁷ JS2 informed that in KRG, Female genital mutilation is prevalent in Kurdish villages and towns.¹⁸⁸ According to Iraqi-HRC, rape cases have reached an unprecedented level in the northern region of Iraq, (Erbil, Dehuk and Sulaymaniyah) and the authorities hide these crimes because of the implication of its security services.¹⁸⁹

59. JS2 mentioned that there are reports that foreign laborers in the Kurdistan region are being abused and sexually mistreated by employers and employment agencies.¹⁹⁰

III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS

60. ICRN stated that Iraq has been set back many years in terms of human skills development and that the conflict has resulted in a massive brain drain: skilled and educated professionals across key sectors of health and education fields have been targeted by militias and killed and displaced outside of the country or internally, while others fled out of lack of opportunity and security.¹⁹¹

IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

61. JS1 recommended that the government of Iraq works with the international community to bring Iraq out of Chapter 7 of the United Nations Charter.¹⁹²

V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

N/A

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council).

Civil society

ABMA	Al-Basaer Media Association, Iraq;
AIJDHR	Association of Independent Jurists for the Defence of Human Rights, Baghdad, Iraq;
AlKarama	Al Karama for Human Rights, Geneva, Switzerland;
AMSI	Association of Muslims Scholars in Iraq, Iraq;
AI	Amnesty International*, London, United Kingdom;
Becket Fund	The Becket Fund for Religious Liberty, Washington D.C., USA;
FMDVP	Fundación Mundial Déjame Vivir En Paz, Costa Rica;
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London, United Kingdom;
HRW	Human Rights Watch*, Geneva, Switzerland;
ICHR	Ikram Centre for Human Rights, Iraq;
ICRN	Iraqi Child Rights Network, Iraq;
IHRC	Islamic Human Rights Commission*, London, United Kingdom;
Iraqi-CHR	Iraqi Commission on Human Rights; Baghdad; Iraq
IJO	International Jurist Organisation*, New Delhi, India;
IRPP	The Institute on Religion and Public Policy, Washington D.C., USA;
JS1	National Institute for Human Rights, Kirkuk, Iraq; Human Rights Organization in Iraq – Muthanna, Samawa, Iraq; Iraqi National Association for Human Rights in Misan, Misan; Iraq; Kofan Organization for Human Rights and Democracy, Baghdad, Iraq; Yazidi Solidarity and Fraternity League, Mosul - Ba'sheeka, Iraq; Public Aid Organization (PAO), Erbil, Iraq; Iraqi Human Rights Institute, Kirkuk, Iraq; The Human Rights Corps and Civil Society, Baghdad, Iraq; Al-Rafad Charity Society, Baghdad, Iraq; Al Mesalla Organization for Human Resource Development, Erbil, Iraq; Social and Law Clinic, Baghdad, Iraq; Human Rights Organization- Muthanna, Muthana – Samawa, Iraq; Human Justice for Human Rights – Fallujah, Anbar, Iraq; Iraqi Democratic Youth Union-Wassit, Wassit, Iraq; Iraqi Institute for Supporting Democracy, Karbala, Iraq; Without Boundaries Human Institution, Karbala, Iraq; Babylon National Association for Human Rights, Babylon, Iraq; Human Rights Center in Iraq, Kirkuk, Iraq; Iraqi Human Rights Institution, Kirkuk, Iraq; El-Haq Organization for Human Rights Culture, Kirkuk, Iraq; Iraqi Human Rights Watch Association, Karbala, Iraq; Hadya Association for Human Rights and Development of Iraqi Community, Basra, Iraq; Iraqi Center for Women Rehabilitation and Employment (ICWRE), Baghdad, Iraq; Kurdish Human Rights Watch (KHRW), Karbala, Iraq; Al-Erada Organization for Relief & Development, Dyala and Salahedine, Iraq;
JS2	The Iraq Foundation (IF), Washington D.C., USA; Human Rights Organization, Muthana, Iraq; The Mawtinee Organization for Human Rights Education, Salah El-Din, Iraq; Iraq Institute to Support Democracy, Karbala, Iraq; The Human Rights & Civil Society Organization, Baghdad, Iraq; The Yazidi Fraternity & Solidarity Association, Mosul, Iraq; AL-Safa Organization for Development & Friendship between People, Anbar, Iraq; The National Iraqi Organization for Human Rights, Missan, Iraq; The Human Rights Organization of Kurdistan (HROK), Dahouk, Iraq; Women Empowerment Center, Sulaimaniya, Iraq; The Humane Organization for Human Rights, Kut, Iraq; Al-Fajer Organization for the Development of Civil Society, Thi-Qar, Iraq; The Popular Rescue Organization, Erbil, Iraq; The Rased Center for Human Rights, Najaf, Iraq; The Omeed Organization, Baghdad, Iraq; The Iraqi Firdaws Organization, Basra, Iraq; Humanitarian Women's Rights Center, Diwaniya, Iraq; The Akad Association for Humanitarian Relief, Baghdad, Iraq;
JS3	Public Aid Organization (PAO), Erbil, Iraq; Iraqi Center for The support of the role youth; Iraq Democracy and Human Rights Development Centre (DHRD), Sulaimanya, Iraq; Civil Development Organization, Iraq; Aaile al Furat for Relief and Development, Iraq; Kurdish Human Rights Watch (KHRW), Karbala, Iraq

JS4	Index on Censorship, London, United Kingdom; International PEN (PEN)*, London, United Kingdom; The International Publishers Association (IPA)*, Geneva, Switzerland;
JS5	Association of Human Rights Defenders in Iraq (AHRDI), Iraq; Arab Lawyers Network, Iraq; International Association of Democratic Lawyers (IADL)*, New Delhi, India;
JS6	Monitoring Net of Human Rights in Iraq (MHRI), Iraq; Conservation Centre of Environmental & Reserves (CCERF), Fallujah, Iraq;
JS7	Women Solidarity for an Independent and Unified Iraq (WSIUI), United Kingdom; Iraq Occupation Focus, London, United Kingdom;
JS8	Coalition of 7 Organisations
JS9	Organization for Justice and Democracy in Iraq (OJDI), Iraq; Union of Arab Jurists (UAJ)*, Baghdad, Iraq; International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD)*, Geneva, Switzerland;
JS10	General Federation of Iraqi Women (GFIW)*, Baghdad, Iraq; General Arab Women Federation (GAWF)*, Sana'a, Yemen;
JS11	The Coalition of Freedoms in Iraq include: Kurdish Human Rights Watch (KHRW), Karbala, Iraq; Public Aid Organization (PAO), Erbil, Iraq; Kurdistan Youth Empowerment Organization (KYEO), Erbil, Iraq; Kirkuk Social and Cultural Association, Kirkuk, Iraq; Vin Organization for Child Protection, Iraq; Gender Studies Center, Iraq; Human Rights Trainers League, Iraq; Yalla Shabab League, Iraq; Students Association for Human Rights, Iraq; Women Rehabilitation Institute, Iraq; Women for Peace Association, Iraq; Babil Center for Human Rights, Iraq; Iraqi Women and Child Association, Iraq; Women Human Rights Center, Iraq; Al-Rafidain Association for Human Rights, Iraq; Future Women for Development Organization, Iraq; Al-Fajr Al-Jadid Organization, Iraq; Disabled Rights Association, Iraq; Kurdish Women Forum, Iraq;
JS12	Iraqi Women Will Association (WWA), Baghdad, Iraq; The Organization for Widows and Orphans, (OWO), Iraq;
JS13	Justice Network for Prisoners Iraq (JNP), Iraq;
JC	Jubilee Campaign*, Fairfax, USA;
Karama	Karama, Cairo, Egypt;
KCHR	Kyrgyz Committee for Human Rights*, Bishkek, Kyrgyzstan;
NCCI	NGO Coordination Committee for Iraq, Iraq;
ODI	Open Doors International, Harderwijk, The Netherlands;
SOITM	Iraqi Turkmen Human Rights Research Foundation, Nijmegen, The Netherlands.

² AI, p. 3, See also JS1, p. 3, 4

³ JS1, p. 10

⁴ JS1, p. 3, 4; See also Karama, paras. 1.3.4

⁵ JS13, p. 7, 8; See also AI, p. 7; See also ICRN, p. 10

⁶ JS2, para.2, See also AI, p. 1

⁷ SOTIM, p. 2

⁸ JS2, para.2, See also AI, p. 1

⁹ JS2, para.2, See also AI, p. 1

¹⁰ SOITM, p. 1

¹¹ SOITM, p. 2

¹² SOITM, p. 5

¹³ JS6, p. 6; See also JS7, p. 3

¹⁴ JS11, pp. 1, 2

¹⁵ ICRN, p. 3

¹⁶ ICRN, p. 10

¹⁷ JS1, p. 6

¹⁸ JS1, p. 1

¹⁹ JS7, p. 1

²⁰ AI, p. 3, See also BF, p. 2

²¹ JS2, para.4

²² BF, p. 5

²³ ICRN, p. 9

²⁴ ICRN, pp. 1, 10

²⁵ JS3, p. 9

²⁶ JS3, p. 5

²⁷ JS9, p. 6

²⁸ JS9, p. 6

²⁹ JS5, p. 10; See also AI, p. 6

³⁰ JS10, p. 9; See also IHRC, p. 5; JS7, p. 9; Iraqi-CHR, p. 5; JS9, p. 9;

³¹ JS10, p. 9 See also Iraqi-CHR, p. 5; JS9, p. 6,

³² JS1, p. 1

³³ JC, p. 4

³⁴ JS1, p. 4

³⁵ JS1, p. 1

³⁶ JC, p. 5

³⁷ ICRN, p. 1

³⁸ ICRN, p. 8

³⁹ JS1, p. 9

⁴⁰ JS1, p. 10

⁴¹ JS2, para. 57

⁴² JS2, para. 58; See also JS1, para. 8

⁴³ AI, p. 3; See also JS9, p. 4; JS13, pp. 4, 5

⁴⁴ IraqiCHR, p. 3; See also AI, p. 4

⁴⁵ AI, p. 7 See also JS1, p. 1; JS2, para. 13

⁴⁶ JS2, p. 1 and para. 9; See also Alkarama, pp. 4, 5; JS7, p. 3, 4 ;JS5, p. 1; JS7, p. 2

⁴⁷ JS2, para. 11, See also AI, p. 4

⁴⁸ ICHR, p. 4

⁴⁹ AlKarama, p. 6

⁵⁰ AMSI, p. 1, See also JS5, p. 4; JS2, para.10; JS9, p. 4

⁵¹ JS5, p. 4

⁵² AlKarama, p. 5; See also JS5, pp. 4, 5; JS9, p. 2

⁵³ JS1, p. 3

- ⁵⁴ AlKarama, p. 6
- ⁵⁵ IHRC, para. 8; See also JS2, para. 14; JS9, p. 1; AI, p. 4; AlKarama, p. 5; IHRC, para. 7
- ⁵⁶ AI, p. 4; See also JS5, p. 5; JS6, pp. 4, 7; JS2, para. 25; HRW, p. 2; IHRC, paras. 4, 16; JS7, p. 4, JS9, p. 1
- ⁵⁷ AI, p. 5
- ⁵⁸ HRW, p. 5
- ⁵⁹ IHRC, p. 5
- ⁶⁰ IHRC, p. 5
- ⁶¹ JS2, para. 23
- ⁶² JS2, para. 24, See also AI, p. 5; JS1, p. 3, JS5, p. 5
- ⁶³ JS1, p. 3; See also JS13, p. 9; JS13, p. 9
- ⁶⁴ JS10, p. 4
- ⁶⁵ AlKarama, p. 5; See also JS12, pp. 5, 6
- ⁶⁶ Iraqi-CHR, p. 3
- ⁶⁷ IHRC, p. 5
- ⁶⁸ JS9, p. 2
- ⁶⁹ AlKarama, p. 6
- ⁷⁰ IHRC, p. 5; See also AI, p. 7; HRW, p. 5
- ⁷¹ AlKarama, p. 6; See also JS1, p. 3
- ⁷² JS2, para. 39
- ⁷³ HRW, p. 4, See also JS1, p. 4; JS2, paras.41, 43; JS5, p. 4; JS6, p. 6
- ⁷⁴ HRW, p. 4, See also JS1, p. 4; JS2, paras.41, 43; JS5, p. 4; JS6, p. 6
- ⁷⁵ JS1, p. 4
- ⁷⁶ AMSI, p. 4, See also AI, p. 6; JS6, p. 5, 6; JS10, p. 4, JS12, p. 5; See also Iraqi-HRC, p. 3
- ⁷⁷ Karama, para. 1.3.1; See also JS1, p. 4
- ⁷⁸ Karama, para. 1.3.2
- ⁷⁹ JC, p. 5; See also JS10, p. 7
- ⁸⁰ JS8, p. 2
- ⁸¹ JS8, p. 3
- ⁸² JS8, p. 9
- ⁸³ JC, p. 5
- ⁸⁴ JS1, p. 6; See also JS2, para. 46
- ⁸⁵ JS2, para. 47, See also JS1, p. 5; JS4, p. 5
- ⁸⁶ JS1, p. 6
- ⁸⁷ JS7, p. 7
- ⁸⁸ GIEACPC, p. 1
- ⁸⁹ AIJDHR, p. 1
- ⁹⁰ KCHR, p. 1; See also AI, p. 5

⁹¹ IJO, p. 1; See also KCHR, p. 2

⁹² IraqiHRC, P. 5; Humanitarian Assembly of Retired in Iraq; Al Hayat Society for Arts and Culture; Council of Figures of Tahrir District Diala; Democracy Christian Movement; Gathering of Hosseini Groups in Karbala; The Humanity Association for Supporting the Needy Families; The Iraqi National Association of Jurists and Intellectuals- Mandaly; Iraqi National Council of Leaders and Tribes Sheikhs; National Assembly of Iraq Tribes- Vaset Provinc; The Society for War Victims; Students Solidarity Union Evolving Better Future for Students; Union of Patriot Iraqi Sheikhs and Citizens; Advocates Association in Salaheddin; Tribe Aloosin Alhosseinin; Council of Kanaan Tribe; Council of Fallujah Tribes.

⁹³ JS6, p. 3

⁹⁴ JS5, p. 8; See aslo JS1, p. 3, JS9, p. 5 IraqiHRC, p. 4

⁹⁵ JS1, p. 3

⁹⁶ IHRC, paras. 2, 15; See also JS6, p. 4; JS7, p. 8; JS12, p. 5

⁹⁷ JS6, p. 4

⁹⁸ AI, p. 6, See also AlKarama, p. 6, IHRC, paras. 6, 7

⁹⁹ IHRC, para. 7; See also AI, p. 6

¹⁰⁰ JS6, p. 4; See also JSP, p. 5

¹⁰¹ AI, p. 6, See also AlKarama, p. 6; JS5, p. 9; JS9, p. 5

¹⁰² AI, p. 6, See also AlKarama, p. 6; JS5, p. 9; JS9, p. 5

¹⁰³ AI, p. 8

¹⁰⁴ AI, p. 4, See also AlKarama, pp. 2 ,3, 5, JS5, p. 1

¹⁰⁵ JS6, p. 3

¹⁰⁶ Iraqi-CHR, p. 4

¹⁰⁷ AI, p. 5 ; See also JS5, p. 3

¹⁰⁸ JS2, para. 19

¹⁰⁹ JS2, para. 20; See also JS1, p. 2; JS6, pp. 2, 3

¹¹⁰ JS7, p. 2, 3; See also, JS8, p. 6

¹¹¹ JS12, p. 3

¹¹² AI, p. 6; See also HRW, p. 4; FMDVP, p. 4; IRPP, para. 14

¹¹³ JS1, p. 2

¹¹⁴ JS3, p. 6

¹¹⁵ Becket Fund, p. 5

¹¹⁶ IRPP, para. 16

¹¹⁷ AI, p. 8; See also HRW, p. 6

¹¹⁸ Becket Fund, p. 1, See also BF, p. 4; See also IRPP, para. 13

¹¹⁹ ODI, pp. 1, 4

¹²⁰ IRPP, para. 16

¹²¹ JS11, p. 5; See also JS1, p. 10

¹²² JS2, para. 30

¹²³ JS4, p. 3, See also IraqiHRC, p. 4

- ¹²⁴ JS1, para. 11
- ¹²⁵ ABMA, p. 5; See also AI, p. 8; JS4, p. 3; IraqiHRC, p. 4
- ¹²⁶ JS11, p. 6; See also JS12, p. 8; JS4, p. 3
- ¹²⁷ JS4, p. 4; See also JS1, p. 2
- ¹²⁸ JS4, pp. 2, 3
- ¹²⁹ JS11, p. 8
- ¹³⁰ NCCI, p. 2
- ¹³¹ NCCI, pp. 2, 3, 4, 5; See also JS2, para. 27
- ¹³² NCCI, p. 5
- ¹³³ JS1, p. 2
- ¹³⁴ JS7, p. 4
- ¹³⁵ JC, p. 4
- ¹³⁶ JS7, pp. 1, 2
- ¹³⁷ JS11, p. 10
- ¹³⁸ JS11, p. 11
- ¹³⁹ JS2, para. 31
- ¹⁴⁰ JS1, p. 7
- ¹⁴¹ JS6, p. 5
- ¹⁴² JS9, p. 4
- ¹⁴³ JS7, p. 7
- ¹⁴⁴ JS7, p. 8; See also JS9, p. 3; JS10, p. 6; JS12, p. 6
- ¹⁴⁵ JS2, para. 32; See also, JS7, p. 7; JS10, p. 6
- ¹⁴⁶ JS2, para. 33; See also JS1, p. 7
- ¹⁴⁷ JS12, p. 3
- ¹⁴⁸ JS1, p. 7, See also JS9, pp. 3, 4
- ¹⁴⁹ JS1, p. 7
- ¹⁵⁰ AlKarama, p. 2; See also JS9, p. 2; JS10, pp. 3, 5
- ¹⁵¹ JS9, p. 3
- ¹⁵² JS6, p. 5; See also JS12, p. 6; JS9, p. 1
- ¹⁵³ JS7, p. 8; See also JS12, p. 6
- ¹⁵⁴ AlKarama, p. 2
- ¹⁵⁵ JS6, p. 2; JS7, p. 5
- ¹⁵⁶ JS2, para. 34; See also JS1, p. 7
- ¹⁵⁷ JS2, para. 35
- ¹⁵⁸ JS7, p. 5
- ¹⁵⁹ JS7, p. 6
- ¹⁶⁰ JS2, para. 9

¹⁶¹ JS6, p. 5; See also, JS7, p. 6

¹⁶² JS7, p. 9, para. 4

¹⁶³ HRW, p. 3; See also JS1, p. 8; JC, paras. 8, 9

¹⁶⁴ IRPP, para. 1; See also JC, para.1; JS2, para. 29

¹⁶⁵ JS2, para. 53, See also JS1, P. 9 JC, paras. 5, 6, 7; IRPP, para. 9

¹⁶⁶ JS2, para. 54, See also JS1, p. 9; AI, P7, ODI, pp. 1, 2, JC, para. 3; IRPP, para. 7

¹⁶⁷ JS2, para. 55; See also IRPP, para. 4

¹⁶⁸ JS2, para. 56; See also IRPP, para. 8

¹⁶⁹ HRW, p. 3; See also SOITIM, p. 4

¹⁷⁰ JS7, p. 8

¹⁷¹ Becket Fund, p. 5; See also JS1, p. 9

¹⁷² JS1, p. 8

¹⁷³ JS2, para.51; See also IraqiHRC, pp. 4, 5

¹⁷⁴ JS3, p. 1

¹⁷⁵ HRW, p. 1

¹⁷⁶ JS3, p. 8; See also JS1, p. 8 JS2, para. 48; JS7, p. 7

¹⁷⁷ JS3, p. 4

¹⁷⁸ JS3, p. 5

¹⁷⁹ HRW, p. 2

¹⁸⁰ JS1, p. 8

¹⁸¹ JS2, para. 18

¹⁸² Iraqi- CHR, pp. 3, 5

¹⁸³ AI, p. 3

¹⁸⁴ AI, p. 4

¹⁸⁵ JS5, p. 6; See also JS2, para. 16; HEW, p. 3

¹⁸⁶ Karama, para. 1.1

¹⁸⁷ JS1, p. 4

¹⁸⁸ JS2, para. 43; See also HRW, p. 5

¹⁸⁹ Iraqi-CHR, pp. 3, 4; See also JS9, p. 5

¹⁹⁰ JS2, para. 49

¹⁹¹ ICRN, p. 4

¹⁹² JS1, p. 2