

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	552
Land:	Irak
Kilde:	UK Foreign and Commonwealth Office
Titel:	Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report – Section VII: Human Rights in Countries of Concern – Iraq
Udgivet:	31. marts 2011
Optaget på baggrundsmaterialet:	14. april 2011

[EN](#) | [DE](#)**Source:**

FCO - UK Foreign and Commonwealth Office

Title:

Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report - Section VII: Human Rights in Countries of Concern

Publication date:

31 March 2011

ecoi.net summary: Annual report on human rights situation in 2010 (developments and concerns) [ID 157768]**Countries:**

Iraq

[Original link](#)**Recommended citation:**FCO - UK Foreign and Commonwealth Office: Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report - Section VII: Human Rights in Countries of Concern, 31 March 2011 (available at [ecoi.net](http://www.ecoi.net))http://www.ecoi.net/local_link/157768/260154_en.html (accessed 11 April 2011)

Foreign &
Commonwealth
Office

Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report - Section VII: Human Rights in Countries of Concern

Iraq

The year 2010 saw the government of Iraq make clear their commitment to human rights at the UN Human Rights Council Universal Periodic Review in February, where it accepted a number of recommendations from the UK and other countries. These included taking steps to eliminate torture and mistreatment in detention centres, address violence against women and ensure the rights of minorities. In November, progress was made to ratify the International Convention for Protection of All Persons from Enforced Disappearance, paving the way for the convention to come into force. In addition, legislation regulating the framework for NGOs was approved. The legislation encourages the development of an independent NGO sector. It also promotes the freedom to establish and join NGOs, as well as creating a central mechanism to regulate their registration. But challenges remain. Several attacks against the Christian community throughout 2010 highlighted how minority communities continue to face violence and persecution because of their religious beliefs. It is disappointing that Iraq has still not fully established an Independent Human Rights Commission, despite legislation being passed in November 2008.

The promotion of human rights remains an important focus for us in Iraq. The Iraqi constitution embodies a number of human rights principles and freedoms. Throughout the year we have had an open dialogue with the Iraqi government on human rights issues. We continued to raise our concerns with the Iraqi government, including at senior level, and encouraged it to take appropriate action where necessary. Elections in March were followed by nine months of political negotiations before a government was formed. This process slowed progress, though on human rights we still lobbied the caretaker government to improve legislation which would protect and enhance the rights of Iraqi citizens. We funded a number of projects in 2010 to promote human rights, including a human rights awareness campaign in the Kurdistan Region. This involved training 1,200 people on Iraqi constitutional protections, legal rights, democratic principles, respect for the rule of law, advocacy against domestic violence, and strengthening the role of women in Iraqi society.

Elections

In March 2010, Iraq held its second national elections since the fall of Saddam Hussein's regime. Our diplomatic officials visited polling stations across Iraq and witnessed Iraqi people voting in large numbers. We funded, in coordination with the Independent High Electoral Commission, a voter education programme in Basra Province, through the medium of radio and theatre. EU, UN and independent observers reported that the elections were free and fair. It took, however, nine months of political negotiation for a new government to be formed. On 21 December, incumbent Prime Minister Nuri Al-Maliki announced he had secured sufficient support to form a cabinet.

Rule of law

The security context in which Iraq operates is a challenging one. Despite some high profile attacks, independent organisations reported a reduction in the number of violent attacks across the country compared to 2009.

The Iraqi government continued to take steps to promote a strong adherence to the rule of law and measures to ensure security for its citizens. However, there are still significant weaknesses and the absence of strong rule of law remained a serious obstacle to an effective and functioning human rights culture in Iraq.

In March, the UK, together with the EU, funded a visit for six judges from the Kurdistan Region to visit the UK for training in forensics, court management and coordination with the

police.

In Basra, our Consulate-General has established a close working relationship with the local Iraqi judiciary and police which has assisted in the resolution of several consular cases. Our missions in Baghdad, Erbil and Basra also work with the EU Integrated Rule of Law Mission for Iraq, established to strengthen the rule of law and to promote a culture of respect for human rights in Iraq by providing professional development opportunities.

Death penalty

The death penalty continued to be carried out in Iraq throughout 2010. Iraq continued to defend the right to use the death penalty and has consistently opposed UN General Assembly resolutions calling upon states to establish moratoria on executions, including that in 2010.

During 2010, we raised our opposition to the death penalty with senior Iraqi government figures including the president, prime minister and minister for human rights. Our Embassy in Baghdad also joined the local EU presidency to lobby the minister for human rights on the EU's opposition to the death penalty. During the Universal Periodic Review at the UN Human Rights Council, we included as one of our recommendations that the government of Iraq establish a moratorium on the death penalty. The government of Iraq did not accept this recommendation.

Torture and other ill treatment

There were allegations that torture and other ill treatment were used in Iraqi detention centres to extract confessions. In a report in September called “**New Order, Same Abuses: Unlawful Detentions and Torture in Iraq**”, Amnesty International claimed that in some cases detainees were severely beaten, often in secret prisons, to obtain forced confessions.

Torture is prohibited by the Iraqi constitution. The prohibition against torture and cruel, inhuman or degrading treatment or punishment is enshrined in the International Covenant

on Civil Political Rights, to which Iraq is a party. The government of Iraq has enacted all domestic formalities for the ratification of the UN Convention against Torture, but it has not yet formally ratified the treaty with the UN. Despite this, allegations of torture and mistreatment in detention centres in Iraq continue. Throughout 2010, the Ministry of Human Rights continued to conduct inspections of places of detention and conducted preliminary investigations into these allegations.

The Amnesty International report highlighting allegations of abuse in Iraq's detention facilities included the case of Ramze Ahmed, a dual British/Iraqi national. We understand that Mr Ahmed, who was detained in December 2009, had still not been charged by the end of 2010. Our embassy officials made consular visits to Mr Ahmed and raised concerns about his treatment with senior Iraqi government officials, including the Iraqi foreign minister. The Iraqi government agreed to carry out a full investigation into the allegations made by Mr Ahmed and to share their findings with us when completed.

We continued our efforts to promote the use of forensic evidence in the Iraq courts and thereby reduce the reliance on confessional-based evidence. Throughout 2010 a UK police forensic team continued to deliver specialist and general training in Basra, Baghdad and Erbil. In September, the DNA laboratory in Erbil became operational and made a significant and immediate impact by resolving current and historical cases. In one case, this exonerated a person who had already served 10 years in prison.

Participants who have benefited from UK forensics training include representatives from the police, medical and judiciary sectors. The UK forensic team delivered specialist training courses to over 200 police personnel in techniques such as crime scene investigation and firearms analysis. The team also provided general awareness training to an additional 500 police and judiciary and medical personnel. Forensic awareness training was also delivered to more than 10,000 trainee police officers by Iraqi forensic instructors who have previously benefited from UK "train the trainer" programmes.

Prisons and detention issues

A lack of capacity in Iraq's judicial system and the inability to cope with large numbers of detainees means many remand prisoners are forced to wait several years in detention

before facing trial. Under Iraqi law, a detainee must be brought before an investigative judge within 24 hours of arrest. In practice, this can often take several months. Whilst the situation in the Kurdistan Region has improved, there were still reports across the country of individuals being detained without charge or for longer periods than were warranted by the crimes of which they were accused.

Prison facilities in Iraq remained an area of concern. Overcrowding and poor sanitation are commonplace. A number of ministries and agencies operate detention facilities and they do not operate under a single authority. A Coalition Provisional Authority Order of 2003 recommended the alignment of all detention facilities under the Ministry of Justice. This had not happened by the end of 2010. The UN encouraged the Kurdistan Regional Government to move all prisons under the remit of one ministry. The International Committee of the Red Cross had regular access to detention centres and played an important role in monitoring the situation. During 2010 they conducted 227 visits to 82 different places of detention.

In early 2010 there were media reports of “secret prisons” operating in Baghdad, where torture and other ill treatment were common practice. The Iraqi government agreed to conduct a thorough investigation and to punish any perpetrators of such acts. The results of that investigation have not been made public.

Overcrowding in southern Iraqi jails was relieved by the opening in 2010 of a large new men’s prison in Basra, enabling women and juveniles to be located separately. Our officials visited the new Basra Central Prison in December to see at first hand the Iraqi government’s commitment to providing modern facilities. Our Consulate-General in Basra has helped the EU to deliver a comprehensive training programme to southern Iraqi prison governors.

Freedom of expression

Journalists are generally able to voice their concerns and opinions freely. In 2010, Iraq was listed 130 out of 178 countries by the Reporters Without Borders Index of Journalistic Freedom. This is an improvement on the previous year. Media articles criticising public officials and stories of corruption in business and government increased. But risks remain

and there were some high-profile attacks against journalists. In May, Zardosh Othman, a journalist and blogger, was murdered in the Kurdistan Region. We raised concerns with the Kurdistan Regional Government's Foreign Relations Department and Ministry of Interior. Whilst the Kurdistan Regional Government publicly condemned the murder, it was disappointing to see that, by the end of 2010, the perpetrators of the crime had yet to be brought to justice.

We funded a number of projects to promote freedom of expression in Iraq. These include a post-graduate journalism training course to improve media professionalism across Iraq. The course was designed to embed media best practice in the next generation of journalists.

Freedom of religion and belief

The Iraqi constitution provides for freedom of worship and the protection of places of worship for all religious communities. But the attack on the Our Lady of Salvation church in Baghdad on 31 October, in which 58 Christians were killed, showed that many Iraqis continued to face violence and persecution because of their religious beliefs. Extremist groups claimed responsibility for this and other attacks. There were also several attacks on Christians in the Mosul area in early 2010 which led to protests throughout the country and further attacks against predominantly Christian areas in Baghdad and Mosul later in the year.

In response to the attack on the Our Lady of Salvation church, the Iraqi prime minister repeated his government's commitment to take whatever measures are necessary to ensure the safety of the Christian population in Iraq. Christians continued to flee Baghdad for the relative safety of the Kurdistan Region. More positively, there have been signs of elements of the Muslim community rallying to reassure the Christian community in Basra.

Parliamentary Under-Secretary of State Alistair Burt and our Ambassador to Iraq publicly condemned the attack on Our Lady of Salvation church, calling on *Iraq's politicians and communities to work together to tackle the threat of violent extremism*. Our missions in Baghdad, Basra and Erbil worked closely with members of the Christian, Muslim and other religious communities in Iraq to help promote tolerance amongst religious communities.

We continue to urge the Iraqi government to protect all its citizens and deliver security for all Iraqis.

Women's rights

Women in Iraq continued to face challenges. Iraq ranked 93 out of 102 on the OECD Social Institutions and Gender Index in 2009. Very recent figures are not readily available. However, according to previous UN figures, female illiteracy was twice as high as in men in rural areas of Iraq, and 82% of women remained outside the labour force. According to UN reports, one in five women claimed to have been a victim of domestic violence. The situation for widows remained particularly bad; local traditions discourage them from taking employment and access to pensions is limited.

Iraq has ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). During Iraq's Universal Periodic Review at the UN Human Rights Council in February, the Iraqi government made a commitment to continue its efforts to improve the situation of women. It also agreed to take steps to address violence against women.

There were some signs of improvement for women. The national elections in March saw the emergence of an all-female political party formed by 12 women. The Iraqi parliament, the Council of Representatives, continued to allocate 25% of its seats to women.

We continued to lobby the Iraqi and Kurdistan Regional Government on the need to improve the situation for women living in Iraq. In November, Mr Burt released a statement supporting a comprehensive study into honour-based violence and honour-based killings in the Kurdistan Region and in the Kurdistan diaspora in the UK. In his statement, Mr Burt made clear that honour crimes have no place in a modern society and welcomed the Kurdistan Regional Government's efforts to crack down on them. In December, our Consul-General in Erbil met the speaker of the Kurdistan Regional Parliament to lobby on the outstanding domestic violence law.

We provided funding to a number of projects related to women's rights, including the

refurbishment of three women's centres in the Kurdistan Region of Iraq. In Basra Province, we funded agricultural development programmes to help rural widows towards financial security. We also contributed funding to a project run by UK NGO War Child to establish a teaching programme in Dhi Qar Province for girls excluded from mainstream education.

For generations, female genital mutilation has been a traditional practice in the Kurdistan Region, but, with the help of a UK-funded project, this is starting to change. The project raised awareness of the issue using computer equipment and a specially produced film. Some 7,000 information booklets were distributed to MPs, health workers, imams, teachers, social workers and community leaders to encourage them to speak out against female genital mutilation.

Other issues: Freedom of association

The right to form and join trade unions in Iraq is embodied in Article 22 of the Iraqi constitution. There has, however, been an ongoing petition by the Iraqi National Labour Campaign to replace the existing restrictive trade unions laws with ones that guarantee freedom of association and the right of collective bargaining to all workers. More than 80 Iraqi MPs signed the petition. A new draft law prepared by the former Iraqi deputy prime minister was widely welcomed and was still in circulation in December. However, with the existing law still in place, several trade unions reported difficulties throughout 2010, including unions associated with the Ministry of Electricity.

Our Embassy remained in regular contact with the UK's Trades Union Congress about the issue of unions in Iraq. Our Ambassador and embassy officials in Baghdad also met the former acting minister of electricity, Dr Hussein Shahrstani, to discuss our concerns. Our embassy officials also raised concerns with the inspector-general of the Ministry of Electricity, and with the leader of the Electricity Workers and Employees Union in Basra. We were told that a full investigation into events at the Ministry of Electricity would be conducted and the results made public.

Camp Ashraf

Camp Ashraf, now renamed "Camp New Iraq" by the Iraqi authorities, is home to approximately 3,400 members of the Mujahedin e-Khalq (MeK), which claims to be the Iranian opposition in exile. Human rights groups have been sharply critical of the MeK and its practices. The MeK has banned marriage in the camp. Throughout 2010 there were reports of numerous small scale disputes between the Iraqi authorities and the camp

residents, where camp residents claimed to have been badly treated by the Iraqi authorities. There were also demonstrations outside the camp by the local community.

The Iraqi authorities have already made clear their commitment to close the camp and move residents elsewhere. The authorities have given assurances that none of the residents will be forcibly transferred to a country where they have reason to fear persecution, or where substantial grounds exist to believe they would be tortured.

Officials from our Embassy made three consular visits to the camp in 2010 to assess whether any of the residents qualified for consular assistance. The UN made regular weekly visits to the camp. We continued to urge the Iraqi authorities to deal with the residents of the camp in a way that meets international human rights standards and we maintained regular contact with the government of Iraq and UN, US and EU colleagues on this issue. We also continued to urge both the government of Iraq and the Mujahedin e-Khalq to refrain from actions that could lead to increased tensions and a deterioration of the situation.