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Human Rights and Democracy Report 2013 - Section XI: Human Rights in Countries of Concern - Iraq

There was little progress on human rights in Iraq in 2013, with a significant deterioration in the security situation contributing to an overall downward trend. The UN reported an estimated 8,868 people killed as a result of terrorist violence, the highest number since 2008. The increased violence rests in part on events in neighbouring Syria, with armed groups operating with increased ease across the border. Protests by members of the Sunni community in parts of Western Iraq against perceived marginalisation began in December 2012 and continued throughout the year. Although these were largely peaceful, there were several violent clashes. The security situation was further complicated by developments in the west of the country at the end of 2013, with operations by the Iraqi security forces against groups affiliated with al-Qaeda in Iraq.

Significant problems remain with the administration of justice. This includes a continued, routine reliance on confession-based evidence, and increasing use of the death penalty. In 2013, at least 177 people were confirmed to have been executed. According to the Committee for the Protection of Journalists, Iraq was second only to Syria as the most dangerous country in the world for journalists. Corruption remained endemic with Transparency International ranking Iraq 171 out of 177 in its 2013 Corruption Perceptions Index. Women continued to face threats, notably the prevalence of domestic and gender-based violence, alongside a lack of institutional structures which allow women to access their rights. More positively, the Council of Ministers approved the National Strategy on Combating Violence against Women in March 2013, which aims to improve legal protections for women and girls, and which represents a significant milestone in the protection of women's rights.

In the Kurdistan region, an Independent Board for Human Rights, which will monitor human rights violations, was established in early 2013, and a Freedom of Information law was passed in June 2013, following a campaign by civil society groups. However, the implementation of legislation, including the Family Protection Law, was slow, and there were concerns about the application of the rule of law.

Reports of violence against women, including self-immolation, so-called honour killings, and female genital mutilation, also remained high.

Human rights remained a key part of our engagement with Iraq. Our priorities included promoting women's rights, including the Preventing Sexual Violence Initiative, and promoting an inclusive political environment which includes a respect for religious and ethnic minorities. Working with the EU and international partners, we encouraged the government of Iraq to deliver its National Action Plan on human rights, drafted in response to the UN Human Rights Council's Universal Periodic Review (UPR) of its human rights record, and supported the development of the Independent High Commission for Human Rights of Iraq (IHCHR). Progress on these was slow. The government of Iraq reported that it had fully implemented 25% of the 135 UPR recommendations, and that work continued on 73% of the recommendations. Although it lacks a chairperson and staffing resources, and is not yet fully functional, the IHCHR made some progress. It agreed a mandate for the next two years, and each commissioner carries a discrete portfolio. They have also begun to build a relationship with the Independent Board of Human Rights in the Kurdistan region.

In 2014, we will continue to focus our advocacy efforts and project activity on women's access to rights, promotion of freedom of expression and the media, and strengthening the rule of law and civil society. Working with the UN and other partners, we will also continue to support institutional reform, including the development of the IHCHR, and support Iraq as it undergoes the next UPR in October 2014.

Freedom of expression and assembly

Iraq enjoys a plurality of press compared with other countries in the region, with around 258 media outlets. However, many of these are aligned to specific religious or political groups, and both the Federal and Kurdish authorities exercise significant influence over how the press report. We were particularly concerned by the Iraqi Commission of Media & Communications' decision to revoke the operating licenses of ten TV channels on 28 April for allegedly breaching broadcasting guidelines, and the Ministry of Interior's decision on 13 September to close al-Baghdadia television channel. Though passage of the Freedom of Information Law in Kurdistan has been widely welcomed, many media professionals in that region still complain about the climate of intimidation in which they have to operate.

At least ten journalists across Iraq were killed for reasons related to their profession. This included Kurdish journalist Kawa Garmiyani, editor-in-chief of Rayalla magazine and correspondent of Sulaimaniya-based Awina newspaper, who was assassinated outside his home in Kalar on 5 December. HM Consul General in Erbil has called on the Kurdistan Regional Government to honour its commitment to

investigate the attack and to bring those responsible to justice.

Protests by members of Iraq's Sunni community in parts of Western Iraq against perceived political marginalisation continued throughout 2013. Although largely peaceful, there were a number of violent incidents, including at Hawija on 23 April, which left at least 44 protestors and one soldier dead. On 30 December, government forces dismantled Sunni protest camps in Anbar province, leading to a number of violent clashes between militants and Iraqi security forces.

On a number of occasions local authorities refused to issue permits to the organisers of demonstrations, often on the grounds of security. When protests were allowed to take place, there were reports of protestors being assaulted, or being detained by police. This included an incident on 2 August, when 13 people were detained and prevented from protesting against corruption and the deteriorating security situation in the country.

The UK, along with other international donors, is supporting a project which aims to work with Iraq to develop a clear, coherent legal and regulatory framework, in which journalists can work safely. In the Kurdistan region we are funding a local NGO to train Iraqi journalists to report effectively and responsibly on the human rights of religious and ethnic minorities.

Access to justice and the rule of law

Corruption, lack of judicial capacity, an absence of due process, and a continued reliance on confession-based evidence all contribute to a slow and inefficient administration of justice. There were regular reports of people being arbitrarily detained, detained without access to legal counsel, and not being brought before a judge within 24 hours of arrest, as is required by Iraq's Code of Criminal Procedure. A lack of resources has also led to many detainees being held for prolonged periods of time without conviction. However, the cases of high-profile opponents of the government are often resolved more swiftly.

The belief amongst members of the Sunni community that they are disproportionately targeted by authorities through, for example, mass arrests and anti-terrorism legislation, was one of the key grievances of the protest movement that took hold at the end of 2012. In response to protestors' demands, the government reportedly released several thousand detainees over the course of 2013. Although exact numbers are difficult to verify, the government's willingness to release detainees en masse highlights the absence of due process which underpins the justice system.

The UK provided funding for several projects designed to support reform of the Iraqi justice system. This included a pilot project aiming to bring local communities together with their police station in Baghdad in order to develop a community-based

approach to policing, which can better identify and pre-empt crime, social disorder and conflict. We also provided funding for the EU Integrated Rule of Law Mission, which sought to increase the capacity and levels of coordination within the Iraqi criminal justice system through training of police, judges and prison officers.

Torture

Iraq became a party to the UN Convention against Torture in 2011. However, although torture is prohibited under Article 37 of the Iraqi Constitution, there were consistent reports of prisoners being mistreated or tortured during 2013. We also have concerns about the number of prisoners who have died while in detention, along with the level of security at some prisons.

Responsibility for arrest and detention is spread across a number of ministries (Interior, Defence, Justice, and Labour and Social Affairs) and security agencies, and there is little coordination or oversight, as well as a lack of accountability. The majority of pre-trial detainees and convicted prisoners are located in facilities administered by the Ministry of Justice. The UN has reported an improvement in conditions at these facilities, including rehabilitation programmes, though physical conditions of many detention facilities continue to fall below international standards, with overcrowding and a lack of adequate health services cited as key problems. The government of Iraq has not granted the UN access to those facilities administered by the Ministry of Interior or Counter Terrorism Directorate, where many detainees, including those arrested in connection with anti-terrorism legislation, are held during the investigation phase, and where the majority of allegations of mistreatment occur.

We remain concerned about the case of Ramze Ahmed, a dual British/Iraqi national who has been in detention in Iraq since December 2009. In 2012, he was found guilty of terrorism-related offences, and sentenced to 15 years in prison, during a 15-minute hearing at which his lawyer was not permitted to speak. Along with Amnesty International, we remain concerned about the nature of his conviction, including allegations of the use of evidence obtained through torture during his detention. We continue to provide consular assistance and to raise the allegations of mistreatment with the Iraqi government.

Death penalty

The Iraqi government has continued to argue and maintain public support for its position that the death penalty is a legitimate response to the high level of terrorist violence. The use of the death penalty increased sharply again during 2013. The UN reported at least 177 people executed, which was up from 123 in 2012 and 67 in 2011, making Iraq the country with the third highest number of executions in the world after China and Iran. Sentences were often carried out in mass executions,

such as in October when 42 people were executed in the space of two days. There are also serious concerns about the transparency of death penalty cases, with the government often failing to provide information about exact charges, appeals or trial procedures. While accurate figures are difficult to obtain, we understand that over 800 prisoners remain on death row. In the Kurdistan region, there has been an unofficial moratorium on the use of the death penalty since 2008.

We frequently raised our concerns about Iraq's continued application of the death penalty. HM Ambassador Baghdad joined other EU Heads of Mission as signatories to a statement on World Day Against the Death Penalty in October, which called on the government of Iraq to introduce a moratorium.

Conflict and protection of civilians

There was a sharp deterioration in the security situation during 2013, with almost 9,000 people reported to have been killed as a result of terrorist violence. Attacks occurred on an almost daily basis and were predominantly directed at civilians, often in market places or places of worship. Al-Qaeda in Iraq, seeking to cause sectarian divide, is thought to be responsible for many of the attacks.

There was also an increase in the frequency of large-scale coordinated attacks designed to cause mass casualties, along with a marked increase in well-planned attacks on government infrastructure. These included a coordinated assault on the Ministry of Justice on 14 March, and attacks on Abu Ghraib and Taji prisons on 23 July, which resulted in the escape of several hundred prisoners, most of whom were believed to be convicted terrorists affiliated with al-Qaeda in Iraq.

We repeatedly condemned these attacks, and urged Iraqi political and religious leaders to resolve political differences and work together to defeat extremism. Our broader efforts to improve security included providing officer training for members of the Iraqi armed forces, and part-funding a UN Development Programme project to help the Iraqi government to develop its National Security Strategy.

The upsurge in violence added to Iraq's already large number of internally displaced persons (IDPs), a legacy of decades of instability and conflict. IDPs, often largely made up of female-headed households, are some of the most vulnerable people in Iraqi society, and experience difficulty accessing employment and healthcare opportunities. The unrest in Fallujah and Ramadi alone is thought to have led to up to 15,000 IDPs. This is in addition to the more than 200,000 Syrian refugees currently in Iraq (located mainly in the Kurdistan region).

Freedom of religion or belief

Despite its rich and diverse history, Iraq remained one of the most dangerous

countries in the world for minority groups in 2013, and the country's already diminished religious minority communities were targeted by extremists throughout the year.

For example, Christians and Yezedis continued to be targeted for engaging in practices considered un-Islamic. In May, a group of ten Yezedi shopkeepers, who are permitted to sell alcohol, were rounded up in Baghdad and executed, and their stores set on fire. Christmas day attacks, some in Christian areas of Baghdad, left 38 dead. The Embassy in Baghdad issued statements condemning these attacks.

We continued to support an initiative aiming to support religious reconciliation at a community level, by communicating messages of peace from influential religious leaders in order to combat sectarian violence. The work is being led by Canon Dr Andrew White, who has played a key role in forming the High Council of Religious Leaders in Iraq.

Women's rights

Iraq is a signatory to the Convention on the Elimination of All Forms of Discrimination against Women, and has formally identified women's empowerment as a priority. The State Ministry of Women's Affairs has also developed a National Strategy for the Advancement of Iraqi Women, which includes mainstreaming gender rights in government planning, and a National Strategy for Combating Violence against Women was endorsed by the Council of Ministers in March.

However, in practice, the situation for Iraqi women in 2013 remained difficult. Domestic and gender-based violence, including so-called "honour" crime, is a key problem, with some reports suggesting that almost 50% of married women have been exposed to some form of violence by their spouse. A draft Family Protection Law, which seeks to combat domestic violence, remained stalled in the government's Shura Council. In spite of possible new legislation, the Iraqi Penal Code continues to allow reduced sentences for "honour" crimes, for example, allowing men who kill their wives to serve a maximum sentence of three years in prison, and classifies domestic violence as a private crime. Meanwhile, a draft Personal Status Law, designed to govern marriage, divorce, inheritance and the custody of minors, represents a serious step backwards for the rights of women and girls, if implemented.

Wide levels of displacement and the absence of employment opportunities have also left women increasingly vulnerable to trafficking. The UN reported that a number of women were imprisoned for enforced prostitution and trafficking, despite the passage in 2012 of a Trafficking in Persons Law, containing provisions for the protection of victims of trafficking. The UK funded a number of projects designed to improve the situation for women. These included training police in the Kurdistan region in how to respond to and tackle violence against women and girls, and a

project designed to build the capacity of civil society organisations to lobby government, and challenge gender discrimination in Iraqi legislation. We are also funding a project which seeks to reduce levels of sexual violence against women and girls in Southern Iraq, and which will facilitate access to services for victims and survivors of sexual violence.

Children's rights

Although Iraq is a signatory to the Convention on the Rights of the Child, many Iraqi children are subject to significant human rights violations and abuses, including those who have lost family members as a result of the increased violence. In some instances children were directly targeted by terrorists. For example, on 6 October a suicide bomb attack on a Turkmen school in the village of Qabak left 13 children dead. There were also reports throughout the year of children being detained under Article 4 of the Anti-Terrorism Law.

Minority rights

Members of Iraq's ethnic minority communities were targeted throughout the year as part of the increase in violence. Ethnic and religious minority groups are more vulnerable to attacks because they do not have militias or traditional tribal structures that help the majority Sunni/Shia population protect themselves. Attacks were often located in Baghdad and the disputed provinces of Kirkuk, Nineveh and Diyala. There were, for example, several attacks on members of the Turkmen community, including an explosion in a coffee shop in Kirkuk on 12 July which left 30 people dead.

Attacks in Kirkuk, particularly those directed against Turkmen, are believed to be designed to force the migration of minorities to the benefit of dominant ethnic groups. In response to the violence, members of Iraq's minority communities have fled the country to escape the violence and pursue better economic opportunities.

LGBT rights

Despite not being illegal under Iraqi law, homosexuality remains a taboo issue, and it is difficult to assess the size, or relative freedoms of Iraq's LGBT community. Although there were reports of individuals being targeted by extremists, it is likely that many more instances of violence or discrimination go unreported, with victims fearful of the possible repercussions of doing so. In 2012, the government established a committee on LGBT rights, which meets regularly to look at ways to improve protections of people on account of their sexual or perceived sexual identity. The committee has yet to report its findings.

Other issues

Camp Ashraf/Liberty

There were several attacks on residents of Camp Ashraf and Camp Liberty during 2013, including an attack on Camp Ashraf on 1 September which left 53 dead. We condemned these attacks, and support UN calls for more to be done to protect residents. We also called on the government of Iraq to do all it can to locate those residents reported missing following the 1 September attack.

The final group of residents were transferred from Camp Ashraf to Camp Liberty on 11 September, where residents are being assessed for refugee status by the UN High Commissioner for Refugees, with a view to being relocated in third countries. We welcome the government of Iraq's continued engagement with the UN on plans to relocate residents outside of Iraq. UN monitors reported human rights concerns within Camp Liberty throughout the year, including restrictions placed by the camp's leadership on residents' movements, contact with others, and access to information.

This publication is part of the [2013 Human Rights and Democracy Report](#).