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ماعت للسلام والتنمية وحقوق الإنسان
Maat For Peace, Development, and Human Rights

A report submitted by Maat for Peace regarding the universal periodic review of the State of Iraq

Introduction

Maat presents this report to study the human rights situation in Iraq in the period following the latest review in November 2019. Iraq has been subjected to the review mechanism in three previous cycles; in February 2010, October 2014, and November 2019, respectively. In the latest review, Iraq received 298 recommendations, out of which 245 were accepted, 48 were noted, and 5 received partial support. This report focuses on Iraq's position regarding international mechanisms, fundamental rights, and freedoms. In contrast, the third part of the report addresses economic and social rights, and the fourth part focuses on specific groups' rights.

First: Iraq's situation on international human rights mechanisms

During the third review of Iraq in the Universal Periodic Review mechanism (UPR), Iraq received a set of recommendations aimed at cooperating with international human rights mechanisms. Iraq accepted most of these recommendations. Maat indicates that Iraq is a state party to eight of the nine basic human rights conventions. However, it has not yet ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families[1]. In a related context, Maat notes that Iraq has not sent a permanent invitation to the special procedures since 16 February 2010, Furthermore, the country still does not fully cooperate with the special rapporteurs who have requested to visit. Iraq has rejected invitations from the Special Rapporteur on the Independence of Judges and Lawyers, and the Special Rapporteur on the Situation of Human Rights Defenders[2]. Maat hopes that Iraq will translate the standing invitation extended to the special procedures into accepting actual visits from special rapporteurs and responding to requests for visits by the Special Rapporteur on freedom of religion or belief.

Second: Basic rights and freedom

- **The right to life**

[1] Ratification, Reporting & Documentation for Iraq, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Countries.aspx

[2] View Country visits of Special Procedures of the Human Rights Council since 1998,, Iraq, https://spinternet.ohchr.org/ViewCountryVisits.aspx?visitType=all&lang=en

In the third cycle of the Universal Periodic Review (UPR) in November 2019, Iraq received five recommendations related to the right to life, and Iraq accepted the five recommendations addressed to it, which in their entirety call for an investigation into extrajudicial killings, particularly targeting journalists, human rights activists, and protesters during the October 2019 demonstrations. During the widespread protests in Iraq in 2019 and 2020, known in the media as the October Movement, reports documented the killing of at least 500 civilians and the injury of over 20,000 others. The reports indicate that the measures taken by the government were not sufficient to bring those involved in the killings from the Iraqi security forces to justice[3].

In a related context, Maat observes the exacerbation of the suffering of Iraqi families who have missing persons, where estimates indicate that about 12,000 Iraqi families have filed reports about missing persons between 2017 and 2023. The International Committee of the Red Cross received 994 requests to search for missing persons between January and June 2023, and the actual numbers are likely much higher[4]. Respecting the right to life requires further efforts to determine the fate of these individuals.

- **The right to freedom of opinion and expression**

Iraq received 11 recommendations related to freedom of opinion and expression in the third review, all of which were fully approved by Iraq. The Iraqi Constitution provides in Article 38 the right to freedom of opinion and expression. However, in March 2023, the Iraqi Council of Representatives discussed a draft law on freedom of expression of opinion and peaceful demonstration, a draft that organizations expressed Iraqi civil society commented on it[5]. In December 2022, 36 representatives of the Iraqi parliament signed a petition calling for the withdrawal of a law and proposing amendments to it. According to the petition, the law does not comply with the principles of human rights and public freedoms stipulated in the Iraqi constitution[6]. In a related context, Maat noticed a governmental trend towards imposing

[3] U.S. DEPARTMENT OF STATE, https://2u.pw/aq3aXKl8 Country Reports on Human Rights Practices: Iraq,2022
[4] 2023 Country Reports on Human Rights Practices: Iraq, U.S DEPARTMENT of STATE, https://2h.ae/eJYZ
[5] In the presence of an official and a union...the Iraqi parliament holds a hearing to discuss the freedom of expression law, at the following link, https://tinyurl.com/rrek54am
[6] Iraq: New Draft Law Threatens Freedoms and Violates Constitution, https://smex.org/iraq-new-draft-law-threatens-freedoms-and-violates-constitution/

restrictions on freedom of expression on the internet. The Iraqi Ministry of Interior formed a committee in January 2023 to monitor what it considers to be explicit content on social media. It also created the "Ballegh" platform through which the public can submit reports about any content that undermines social stability, violates public morals, or contains negative and inappropriate messages. By mid-March 2023, the committee referred at least 16 cases to criminal investigation by official authorities and the "Ballegh" platform. The trials are often assigned to Article 226 of the Iraqi Penal Code, which punishes anyone who insults public authorities, constitutional bodies, official administrations, or semi-official ones with a fine or imprisonment for up to 7 years.

- **The right to form associations**

The Iraqi Federal Constitution stipulates the right to form and join political parties and associations, with some exceptions. Maat notes that there are currently between 5 to 10 thousand civil society organizations in Iraq[7]. In the Kurdistan region of Iraq, registering non-governmental organizations is easier compared to other regions. However, non-governmental organizations are required to renew their registration annually[8]. Despite Iraq's acceptance of the recommendations regarding the right to form associations in the third review, Maat observed an increase in complaints from several non-governmental organizations about the difficulty of registration and renewal procedures, prompting the Kurdistan Regional Government to make some modifications to these procedures, albeit without significant improvement according to the testimonies of several organizations. Additionally, authorities sometimes intervene in the selection of names and internal structure of non-governmental organizations and procrastinate the registration of organizations that encompass democratic work or human rights for periods that may exceed a year[9]. In a related context, Maat noted that international non-governmental organizations face burdensome registration conditions and may pay bribes to facilitate the registration process, which contradicts Iraq's obligations under the International Covenant on Civil and Political Rights.

- **Impunity for perpetrators**

Despite Iraq's keenness to open investigations into the assassinations that targeted several public figures and human rights defenders, and in other cases, the Iraqi justice system

[7] The Space for Iraqi Climate Activism Is Dangerously Small, and Shrinking, https://tinyurl.com/k5wayzcs
[8] FREEDOM IN THE WORLD 2023 Iraq, https://freedomhouse.org/country/iraq/freedom-world/2023
[9] 2023 Country Reports on Human Rights Practices: Iraq, U.S DEPARTMENT of STATE, https://2h.ae/eJYZ

contributed to the escape of criminals from punishment. For instance, on 31 July 2023, the Federal Court of Cassation issued a ruling regarding the overturning of the death sentence issued by the Central Criminal Court against the perpetrator in the Hisham Al-Hashimi case and returning the case file to the Central Investigation Court to implement the necessary legal procedures again. The court explained its decision that the committee responsible for investigating the case, which is the Diwani Order Committee No. (29) formed by the former Prime Minister Mustafa al-Kadhimi to investigate major corruption cases, and was dissolved by a decision of the Federal Court in 2022, "has no legal authority to investigate the crime." Following this decision, a statement was issued by the family of the victim indicating their shock at the ruling, especially since the perpetrator had confessed to his crime[10].

- **The right to protection from torture**

Iraq received 24 recommendations related to torture and ill-treatment during its third review in the field of human rights. It agreed to 13 recommendations and took note of 11 others. Reports obtained by Maat revealed the involvement of Iraqi entities, including the Ministries of Interior and Defense, in torture incidents in 2023. These incidents targeted former prisoners and detainees, subjecting them to degrading and inhumane treatment to extract confessions. Some victims bore signs of severe beatings, and approximately 60 detainees lost their lives due to torture, starvation, and inadequate conditions[11]. Human rights organizations confirmed deaths in Iraqi prisons due to beatings, torture, malnutrition, and suicide, especially in the Hout, Rusafa, and Hillah prisons. Additionally, an Iranian Kurdish journalist named Nazila Mahroufian reported being tortured in Suleimaniya prison for 13 days in January 2023[12]. However, on 1 August 2021, the Iraqi Supreme Judicial Council issued a statement expressing its rejection of torture by some security agencies during investigations and interrogations, urging legal action against individuals involved in practices that violate human rights[13].

Third: Economic and social rights

- **Right to work**

[10] Challenges Persist: Human Rights in Iraq, https://www.iraqicivilsociety.org/archives/14026
[11] U.S. DEPARTMENT OF STATE, https://2u.pw/MGhZe1IK Country Reports on Human Rights Practices: Iraq, 2023
[12] 2023 Country Reports on Human Rights Practices: Iraq, U.S DEPARTMENT of STATE, https://2h.ae/eJYZ
[13] The Iraqi judiciary: We reject cases of torture of defendants during investigation, at the following link, https://tinyurl.com/yc7y6cw4

Iraq has been a member of the International Labor Organization since 1932. Since that date, Iraq has ratified 72 of the organization's conventions, including 56 in force, including nine of the ten basic conventions. The Iraqi government works closely with the International Labor Organization and related organizations to develop the Iraqi labor market[14]. In the recent review, Iraq received nine recommendations related to the right to work, agreeing to five recommendations related to youth employment promotion and joining International Labour Organization agreements not yet joined, and was informed of four recommendations urging it to join the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Iraq has attempted to promote equality in the workplace by adopting a national strategy in March 2024 to prevent and reduce inequality in work for the years 2024-2028, based on internationally adopted principles to create a work environment that ensures equal opportunities for employment and fair treatment of Iraqis without any discrimination[15]. The Iraqi Council of Ministers also took a decision to ratify International Labor Organization Convention No. 190 regarding the elimination of violence and harassment in the workplace[16]. According to the Ministry of Planning in Iraq, the unemployment rates, based on the latest survey conducted by the Central Statistical Organization in cooperation with the International Labor Organization, have reached 16.5% among the economically active population aged 18 to 63. The unemployment rate among the youth, aged 18 to 30, exceeds 20%, while the percentage decreases for the older age group of the workforce. The number of graduates from Iraqi universities who have been unable to secure jobs is increasing due to the lack of security, and political, and economic stability. Meanwhile, protests by unemployed youth continue in several Iraqi provinces, leading to the closure of state institutions and the headquarters of oil companies in southern Iraq, despite the government's commitment to reducing unemployment and poverty in the country.

- **The right to health care**

The Iraqi constitution grants the right to health, and the state accepted eight recommendations in its recent review within the review mechanism related to providing healthcare. However, this has not led to concrete actions. Healthcare indicators show that Iraq ranks as the third-worst

[14] Iraq, International Labour Organization, https://www.ilo.org/iraq
[15] Groundbreaking Iraqi national strategy set to reduce inequalities in the world of work, International Labour Organization, https://2h.ae/WuJF
[16] Iraq is looking forward to ratifying Convention 190 of the International Labor Organization, the International Labor Organization, https://2h.ae/AtEI

country in the world in providing healthcare in 2023[17]. Baghdad ranked last in the world's cities' healthcare index in the same year[18]. Iraq also ranked 79 out of 110 countries in the 2024 overall ranking[19]. Decades of conflicts, international sanctions, government neglect, and insufficient funding have led to serious damage to the healthcare system in Iraq. Iraqis suffer from the deterioration of healthcare services in government hospitals, the high financial fees for treatment imposed randomly since the cancellation of the free healthcare system in 2016, in addition to a severe shortage of medical staff and equipment in hospitals. In a related context, reports continue to indicate that government officials are accused of squandering funds allocated for social protection programs in favor of political parties and militias in Iraq, by disbursing huge amounts to fictitious or deceased individuals[20].

- **The right to education**

Iraq received 14 recommendations related to education during the recent review in 2019, all of which were fully endorsed by Iraq. However, Iraq has not taken sufficient measures to improve education, as it suffers from the presence of about 12 million illiterate people out of the total population. According to relevant reliable estimates, about 2.3 million Iraqi children of school age are out of school. Maat notes that the education system in Iraq suffers from a severe shortage of teachers, school seats, and textbooks, in addition to the deterioration and lack of maintenance of school buildings. Government estimates indicate that Iraq needs to establish 9,000 new schools to address student overcrowding in classrooms and the extension of school periods. Experts attribute these challenges to Iraqi policies that favor private education, hindering children's access to quality education in government schools, in line with international standards[21].

- **The right to clean drinking water**

Iraq agreed to two recommendations during the recent review, calling for the provision of safe drinking water and the improvement of water resource management. Iraq ranks fifth globally

[17] Iraq is the third worst country in the world in terms of health care, according to the Numbeo classification, Kurdistan 24, https://2h.ae/UOMO
[18] Iraq's wealth does not change its position among the worst countries in the world in health care, Al-Rafidain, https://2h.ae/JhWp
[19] Countries With The Best Health Care Systems, 2024, ceoworld, https://2h.ae/tXOY
[20] Wasted dignity and expensive treatment fees increase the pain of Iraqis in government hospitals, Al-Rafidain, https://2h.ae/nNat
[21] Education in Iraq... This is how illiteracy is created that includes 12 million citizens, Al-Arabi Al-Jadeed, https://2h.ae/Qpqx

among the most climate-vulnerable countries, with about 740,500 people in need of water, sanitation, and personal hygiene services, especially in the southern provinces facing a rapid water shortage, which has led to the displacement of more than 21,798 families by September 2023, alongside the absence of basic services in those areas. Estimates indicate that in 2024, Iraq will face a water scarcity problem due to climate change, leading to a decrease in groundwater levels and reduced flows in major rivers[22].

Fourth: The rights of specific groups

- **Women's rights**

Iraq received 64 recommendations related to women during the recent review in November 2019, especially regarding domestic violence and gender-based violence. It endorsed 61 of them and took note of three recommendations. Despite its support for the majority of recommendations seeking to enhance the protection of women within Iraqi society, various reports documented the continued occurrence of so-called "honor crimes" in Iraq and other acts of gender-based violence. One of the most prominent violations was the killing of a 22-year-old girl named "T.A." who was strangled to death by her father in January 2023 under the pretext of defending honor. However, the murder was not classified as "premeditated murder," and her father was sentenced to only six months in prison. Iraq still lags in taking serious measures to combat gender-based violence and enact a domestic violence law in line with international standards in this regard, as the Iraqi Penal Code allows for lenient penalties for honor killings and domestic violence in general[23].

- **Children's rights**

Iraq received 64 recommendations related to the protection of children's rights in times of peace and armed conflict during the third cycle of the comprehensive periodic review. 61 recommendations were accepted, and three others were noted. Rights estimates accessed by Maat indicate that the Iraqi authorities detain children in overcrowded prisons under unhealthy and inhumane conditions. As of the beginning of 2023, there were nearly 100 children detained with their mothers in the Rusafa prison in Baghdad. Since 2019, children detained on suspicion of affiliation with ISIS have not received any education, are frequently deprived of breastfeeding, making phone calls to their relatives, and information also indicates that these

[22] Right to health and education in Iraq, reliefweb, https://2h.ae/XUee
[23] [23] Iraq: Government must match rhetoric on human rights with meaningful action, reliefweb, https://2u.pw/T6M5KAOB

children have been subjected to torture by the detention authorities. In a related context, Maat noted the continued societal acceptance of physical punishment against children in Iraq, where the Iraqi Penal Code shields parents and teachers from criminal responsibility for disciplining children under their authority within the limits imposed by law or custom, despite the Iraqi Constitution of 2005 prohibiting all forms of violence and abuse in the family, school, and society[24], conflicting with the provisions of the Convention on the Rights of the Child. Government statistics indicate that one million Iraqi children are deprived of their basic rights to food, health, and education, and 5% of them have been pushed into labor, leading to an increase in child violence in Iraqi society[25].

- **Internally displaced persons**

There are about 1.14 million internally displaced people in Iraq, about 175,000 of whom live in 25 camps within the Kurdistan region. Internally displaced people in Iraq suffer from insecurity, difficulty in accessing education, health, water and electricity services, and difficulty in obtaining job opportunities to satisfy their basic needs or social security benefits. In some areas, Sunni Arabs are also viewed as refugees. Five million internally displaced returnees also face obstacles to effective integration, especially as they do not possess civil documents[26]. Some internally displaced people face challenges that prevent them from returning to their original communities. For example, in Dohuk Governorate, Maat reviewed testimonies stating that the lack of housing is among the most important obstacles preventing the return of displaced people[27].

Maat encourages the Iraqi government to:

- Join the International Convention on the Protection of the Rights of Migrant Workers and Members of Their Families, as well as the International Labor Organization conventions which it has not yet joined.
- Re-introduce the draft law on freedom of opinion and expression within a community dialogue that includes civil society organizations and reach a consensus formula on the draft law before its approval.

[24] "Children of Iraq" between violations, lack of education, and unregistered marriage...so where are their rights?, The New World, https://2h.ae/mmDb
[25] One million Iraqi children are deprived of food, health and education, Sky News Arabic,, https://2h.ae/omQp
[26] Iraq situation, UNHCR, https://2h.ae/eVSc
[27] Global Report on Internal Displacement, page 43, https://reliefweb.int/report/world/2024-global-report-internal-displacement

- Investigate allegations of torture inside detention facilities and bring those involved to trial.
- Prohibit disciplinary violence against children in all its forms in schools, homes, and any other place.
- Accelerate the adoption of a comprehensive law to combat domestic or family violence.
- Work to include enforced disappearance as an independent crime in Iraqi legislation, with severe punishment for individuals affiliated with official authorities in the state who perpetrate it.
- Adopt dedicated programs to address the issue of internally displaced persons and ensure the provision of safe spaces for their return to their communities.
- Increase the penalties for honor crimes to the maximum limits set for similar criminal crimes.
- Immediately release all children detained without formal charges of a crime, and implement the provisions of the Convention on the Rights of the Child.

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