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SUBMISSION

TO THE HUMAN RIGHTS COUNCIL

FOR THE 4th CYCLE UNIVERSAL PERIODIC REVIEW OF THE REPUBLIC OF IRAQ

United Nations Country Team in Iraq

July 2024

Submission prepared with the contributions of: IOM; OHCHR; UNDP; UNESCO; UNFPA; UNHCR; and UNICEF

Engagement with United Nations human rights mechanisms

Iraq is a state party to core human rights treaties and during the current UPR cycle has engaged constructively with several human rights mechanisms.

The United Nations Committee on Enforced Disappearances visited Iraq from 12 to 24 November 2022. The three-member delegation of the Committee visited Anbar, Bagdad, Erbil, Mosul and Sinjar where it held meetings with government officials, victims of enforced disappearance, civil society organizations and UN officials and the diplomatic community. Upon the conclusion of its visit, the delegation shared its preliminary findings with the Government of Iraq, noting the lack of criminalization of enforced disappearance by the existing Iraqi legal framework; the institutional fragmentation and complexity in the federal Iraq and the Kurdistan Region of Iraq causing revictimization of victims; extortion of families of disappeared persons against false promises of locating or releasing them; intimidation, threats and reprisals against victims; the lack of centralized database for persons deprived of liberty and the missing persons (including the victims of enforced disappearances); and the allegations of existence of secret detention facilities. On 4 April 2023, the Committee published the full report its visit to Iraq.

Recommendations:

1. Enhance collaboration with the Committee on Enforced Disappearances to ensure implementation of the Committee's recommendations.

2. Enact comprehensive legislation on the Protection of Persons from Enforced Disappearances in accordance with Iraq's international human rights obligations.

On 26 and 27 April 2022, the 73rd Session of the Committee against Torture considered Iraq's second periodic report on measures taken to uphold the Convention against Torture. In its concluding observations adopted on 9 May, the Committee welcomed Iraq's initiatives to introduce legislation, policies and procedures relevant to the Convention while highlighting key concerns, including allegations of widespread torture or ill-treatment, lack of respect for fundamental legal safeguards, lack of accountability, and poor conditions of detention. The Committee provided concrete recommendations to address these concerns and urged Iraq to expedite the adoption of pending Anti-Torture legislation.

On 8 March 2022, the Human Rights Committee concluded its review of the sixth periodic report of Iraq on the implementation of provisions of the International Covenant on Civil and Political Rights. On 30 March, the Committee published its findings on Iraq, expressing appreciation of its constructive dialogue with the State party's high-level delegation. The findings contain positive steps taken by the State party and the Committee's main concerns and recommendations on the implementation of the Covenant.

On 20 February 2024, the Committee on Economic, Social and Cultural Rights (CESCR) concluded its review of Iraq's 5th periodic report.

The Committee on Elimination of Racial Discrimination will review Iraq's combined 26 and 27 National Report during its session in August 2024.

National Human Rights Institution

In June 2021, the Iraqi High Commission for Human Rights (IHCHR) was granted accreditation status "A" by the Global Alliance for National Human Rights Institutions (GANHRI), Sub-Committee on

Accreditations. In July 2021, the 4-year term of office for the IHCHR Board of Commissioners expired. In the absence of legally appointed Commissioners, the IHCHR has continued to function on an operational level, with its day-to-day administrative and financial responsibilities (including payment of salaries of IHCHR office staff) initially being carried out by an ad-hoc body appointed by the Council of Representatives. However, in 2023, the Iraqi Council of Ministers' issued Decree No. 23516, placing the IHCHR under the supervision of the Ministry of Justice. This decision was widely criticized by Iraqi activists and civil society describing it as a step towards undermining the independent functioning of the IHCHR.

In February 2023, in accordance with the requirements of the Iraqi Law on the Iraqi High Commission for Human Rights, the Council of Representatives established a Committee of Experts to select the members of the Board of Commissioners (BOC) of the IHCHR. The Committee of Experts issued a call for applications in March 2024 and received several hundred applications. However, to date the selection of the members of BOC remains pending.

Recommendations:

1. Ensure the selection of the IHCHR Board of Commissioners is carried out in accordance with relevant procedures of domestic law and in line with the Paris Principles.
2. Ensure full, independent functioning of the IHCHR in accordance with the Paris Principles.

Rule of law and administration of Justice

Death Penalty

Iraq continued to implement the death penalty and carried out executions despite concerns about due process of the law and procedural safeguards, particularly during trials of ISIL suspects under the Anti-Terrorism Law which contains overly broad definition of terrorism. OHCHR/UNAMI noted with concern the increase in mass unannounced judicial executions of adult males sentenced to death for terrorism related offences since the end of 2023. In 2023, OHCHR/UNAMI received credible reports of 29 judicial executions in Iraq (13 of which took place on 25 December 2023), and in 2024 (as of 17 July) OHCHR/UNAMI received credible reports of 30 executions.

In a joint press release issued on 27 June 2024, a group of special procedures mandate holders expressed concerns about the executions in Iraq, calling on the Government to immediately halt all executions, ensure a fair retrial for prisoners on death row and promptly initiate thorough and impartial investigations into all allegations of enforced disappearances, and torture and ill-treatment, in accordance with international standards.

Recommendations:

1. Halt all executions and ensure a re-trial for prisoners on death row.
2. Place a moratorium on executions

OHCHR/UNAMI trial monitoring programme observed concerns about the fair trial standards in relation to trials under the anti-terrorism law in Iraq. The main concerns include:

1. Defendants are placed at a serious disadvantage compared to the prosecution – with ineffective legal representation and limited possibility to challenge evidence.
2. Overreliance on confessions with frequent allegations of torture that are not properly addressed.
3. Prosecutions under the anti-terrorism legal framework – with its vague definition of terrorism – focused on 'membership' of a terrorist organization, without sufficiently distinguishing between those who participated in violence and those who joined ISIL for survival and/or through coercion.

4. The death penalty is applied even in cases falling below the 'most serious crimes' threshold necessary under international law of and often following trials in which due process rights and fair trial guarantees were not observed.

Recommendations:

1. Enhance protection of due process rights and fair trial guarantees through legislative, policy and institutional reforms in accordance with international standards.

Ministry of Interior and Policing

Iraq collaborated closely with UNDP on all programmes throughout the reporting period. On 13 February 2024, the Minister of Interior (MoI) endorsed the 2024-2026 MoI Strategy, continuing reforms from the previous local police roadmap and outlining the MoI's role in the security transition in Iraq from the military to the police over the next three years. Accordingly, the Ministry continued its reform towards a more people-centered approach (PCA) to justice and security in delivering its policing duties. In areas of return, Baghdad, and the South, the Ministry established model police stations committed to delivering security according to the needs of local communities. By combining top-down institutional support with bottom-up community interventions, the PCA addresses both immediate and systemic causes of injustice and insecurity.

In 2023, the MOI conducted a Women Barrier study and is working on implementing the recommendations, in particular to increase the role and number of women in the police. The Women Empowerment Directorate of the MOI was created in 2022 an continues to promote the impact of women in policing.

Recommendations:

1. Ensure full implementation of the 2024-2026 MOI Strategy.
2. Follow up on recommendations of the Women Barrier study.

Security Sector Reform

On 27 March 2024, the Security Sector Reform Strategy was formally adopted by the SSR Higher Committee chaired by the Prime Minister Mohammed Shia' Al Sudani. UNDP has provided advisory support to the Iraqi-owned and led drafting process. The final version of the Strategy includes three chapters and four classified annexes. The Strategy outlines eight priority areas and eight strategic objectives addressing the transition from "green to blue", improving security and intelligence capacities, enhancing rapid response capacities to disasters and crises, improving security services, strengthening oversight and building integrity, enhancing confidence in the security institutions. It further commits to respect of human rights, the rule of law, and promoting regional and international cooperation and coordination in the military and security affairs. The Strategy promotes people-centred security, women empowerment and climate security and SSR.

Recommendation:

1. Allocate funding for the Implementation of the SSR Strategy and work towards its implementation.

Collaboration with specialized women institutions in COMSEC

With the support of UNDP, Iraq developed the women empowerment strategy 2023-2030 which showed the commitment to support women and enhancing women's participation in leadership positions. Women

participation in Iraqi parliament according to the last election is 29 per cent while it was 25 per cent in the previous Parliament.

The Strategy of combating violence against women and girls 2023-2030 had been updated to include all types of violence with clear M&E framework with good space for CSOs and women led organization engagement.

Recommendation:

1. The Government to allocate necessary financial resources to fund strategies to combat violence against women.

National Action Plan 1325/2000

With the support of UNDP, Iraq is in the process of reviewing the second national action plan of 1325/2000 and in the preparation stage of developing the priorities for the third National Action Plan 2025 in consultation with CSOs and women led organizations in the country

Recommendation:

1. The government allocates necessary financial resources for funding the National Action Plan 1325.

Discrimination, violence/domestic violence against women

OHCHR/UNAMI continued to engage with the Government of Iraq, the Kurdistan Regional Government and other stakeholders to promote protection for women and accountability for perpetrators of domestic and gender-based violence. In March 2024, OHCHR/UNAMI jointly released a report entitled "Accountability for Domestic violence in Iraq: Promoting justice and non-discrimination." The report notes domestic violence as a form of discrimination that significantly hinders women's enjoyment of their rights and freedoms. It emphasizes the impact of social stigma and other barriers preventing survivors from reporting incidents and notes the absence of a legal protection framework, particularly a law on domestic violence.

UNFPA continued to contribute towards efforts to end violence against women by supporting the Government of Iraq in strengthening the legislative and policy framework.

OHCHR/UNAMI and UNFPA have been advocating with the Iraqi Parliament and the Council of Ministers since 2019 to enact anti-domestic violence law and for the protection of vulnerable groups, including women.

Reforming National Bylaws: UNFPA provided technical support to the Government to enhance legislative measures related to ending violence against women, including reforming bylaws for national laws to ensure well-designed services for vulnerable groups, including the running of safe shelters.

UNFPA continued to closely work with the Government to strengthen the legal system to protect vulnerable groups from abuse – in particular supporting the development of the anti-domestic violence law, and reforming bylaws in national legislation to ensure accessible and affordable services for vulnerable groups and advocating for their enactment.

Recommendations:

1. Adoption of measures to enhance the reporting of domestic violence cases, ensuring protection for survivors, and holding perpetrators accountable in line with international human rights standards *inter alia.*

2. Repeal Article 41(1) of the Penal Code No.111 of 1969 (as amended in 2010), which stipulates that no crime has been committed when a husband 'disciplines' a wife, providing legal exemptions for domestic violence, as well as article 398 which exempts an offender who has committed rape from prosecution if they marry their victim and articles 128, 130, 131 and 409, which allow perpetrators to invoke 'honour' as a mitigating circumstance for homicide.

Legal and policy reform for the protection of women

UNFPA plays a critical role in strengthening the legal and policy framework in Iraq to eliminate discrimination against women, protect and empower women, ensuring their participation in all aspects of society.

Key initiatives included:

National Population Policy 2023: This policy focuses on social justice and equal reproductive rights, aiming to ensure that all individuals, regardless of gender, have access to reproductive health services.

Family Planning (FP) Strategy: This strategy focuses on providing equal reproductive health rights to all, promoting gender equality in access to family planning services.

Male Engagement Strategy 2023: UNFPA's developed an internal male engagement strategy to eliminate harmful social norms that perpetuate discrimination and violence against women, actively engaging men in the process of gender equality and the promotion of women's rights.

Census 2024: UNFPA is supporting the GOI in conducting the 2024 census, which will provide comprehensive data on the population status in Iraq. This data is crucial for strengthening national plans that improve the rights to development for all populations, with a particular focus on women's inclusion in development agendas.

Civil Registration System: UNFPA is collaborating with statistical offices and relevant government bodies to establish a civil registration system. This system is crucial for preserving human rights and ensuring access to essential services such as identification, health, and social insurance.

UNFPA is implementing dedicated programmes for family planning counseling and services both in camps and health facilities. A dedicated helpline supported by UNFPA and implemented by the government is also providing counseling and referrals for family planning, sexual and reproductive health (SRH), and gender-based violence (GBV). In addition, UNFPA has established the adolescent girls focal points, parental support groups through which adolescent girls and young women were reached with information on RH including the FP. Through these initiatives, the UNFPA is ensuring women's right to specific educational information, ultimately enhancing their families' health and well-being.

Protection of the rights of vulnerable groups

Amendment to the Anti-Prostitution Law: On 27 April 2024, the Council of Representatives adopted an amendment to the Anti-Prostitution Law, criminalising consensual same-sex relations and other forms of private consensual behaviour. The newly adopted "Anti-Prostitution and Homosexuality Law" introduces prison sentence ranging from 10 to 15 years for "establishing a homosexual relationship" and at least seven years imprisonment for promoting homosexuality. The law also criminalizes anyone accessing or performing gender-affirming medical treatments, and those dressing in clothing associated with the opposite gender. The Amendment entered into force on 1 July 2024 following its ratification by the President of Iraq and subsequent publication in the Official Gazette.

Recommendation:

1. Repeal the amendment to the Anti-Prostitution Law and take steps to ensure that everyone, without distinction, is able to enjoy all human rights, including the right to privacy, to be treated as equal before the law and to protection from discrimination, including on the grounds of sexual orientation and gender identity.

Right to work and to just & favorable conditions of work & labour rights

UNFPA provided 21 youth centers with vocational training equipment such as (computer labs, mobile maintenance training halls and hairdressing halls) in eight governments (Baghdad, Anbar, Ninewa, Basra, Diwaniya, Erbil, Duhok and Sulaymaniyah). Furthermore, more than 2,017 adolescents and youth graduated from different vocational training courses.

Civic space, freedom of assembly, opinion and expression

In October 2019, anti-government demonstrations erupted on an unprecedented scale over large parts of Iraq. Between October 2019 and April 2020, excessive use of force by government security forces during the demonstrations, including the use of live ammunition in crowds, killed over 500 protestors and injured thousands.

During that time OHCHR/UNAMI also documented a pattern of targeted and arbitrary arrests of persons supportive of the demonstrations and/or expressing political dissent. Moreover, protesters provided reports of ill-treatment and torture while in detention. Many of those detained were unable to inform anyone of their whereabouts for several days, leading to concerns about incommunicado detention and to increased reports about the high numbers of missing people.

Additionally, and during those demonstrations, OHCHR/UNAMI recorded undue restrictions on the right to freedom of expression, including a total block on the internet, restricted access to social media platforms, raids on satellite television channels and attempts to interfere with broadcasting. Journalists also reported being injured at the site of demonstrations despite being identifiable as press, being assaulted and harassed, having their equipment confiscated or material deleted, and, in some cases, being temporarily detained.

In the context of these demonstrations OHCHR/UNAMI also documented patterns of abuses committed by multiple armed actors, including acts criminalized by domestic law, indicating the widespread targeting of protesters and persons allegedly critical of political parties and armed groups with various links to the State, including targeted killings, abductions, disappearances, violent attacks at demonstration sites or elsewhere, including in homes, and an unquantifiable number of online and offline threats. These incidents appeared aimed at the common goal of silencing prominent protesters and activists while creating an environment of fear and intimidation to dissuade others from participating in protests.

Whilst the Government has taken some steps to provide redress to those who suffered human rights violations and abuses during the 2019 demonstrations (including paying compensation to the families of those killed and injured persons, initiated some criminal investigations and establishing a fact-finding commission – although the commission's findings have not been made public), there remains limited accountability for these violations.

Iraq's constitution provides formal protections for freedom of opinion and expression. However, these protections are frequently undermined by restrictive laws and practices that curtail free speech. Broadly worded legislation that criminalizes defamation and insult of public officials in Iraq limits discourse on sensitive topics, including blasphemy, defamation, insult, and criticism of public officials, institutions, and national symbols. These laws create a chilling effect on free expression, discouraging open discussion and legitimate criticism of government actions and policies.

During the reporting period, there is an increasing pattern of threats, arrests, and harassment of activists, journalists, and media workers for highlighting issues of public interest, including allegations of corruption, both online and via traditional media. Civil society representatives, activists, journalists, bloggers and political commentators continue to be subjected to criminal prosecutions under the broad provisions of the Iraqi Penal Code relating to defamation and insult.

International Observations

International bodies have consistently raised concerns regarding Iraq's approach to freedom of expression. The United Nations and various human rights organizations have issued multiple communications addressing these issues in Iraq since 2016. The UN Special Procedures, a mechanism to address specific human rights violations, have highlighted the need for Iraq to align its practices with international human rights standards.

UNESCO underscores the importance of freedom of expression as a cornerstone of democracy and human rights. The organization advocates for the right to speak, as well as the right to seek, receive, and impart information without interference. This holistic view of freedom of expression is crucial for fostering an informed and active citizenry, essential for the protection and promotion of democracy and human rights.

Recommendations:

1. Ensure full respect for freedom of expression: Iraq should strengthen its commitment to safeguarding freedom of expression across all platforms, including social media. This involves revising and repealing restrictive laws that stifle free speech and adopting measures that allow individuals to express personal opinions without fear of reprisal.
2. Align National Legislation with International Standards: Iraq should align its national legislation with international human rights standards, ensuring that laws governing defamation, insult, and blasphemy do not infringe upon the right to free expression. Legal reforms should prioritize protecting journalists, activists, and ordinary citizens who engage in public discourse.
3. Protect Journalists and Media Workers: Implement specific protection measures for journalists and media workers to prevent harassment, intimidation, and unjust prosecutions. Establishing independent bodies to investigate attacks on journalists and ensuring accountability for such actions is critical.
4. Promote a Culture of Open Dialogue: Encourage a culture of open dialogue and debate by supporting initiatives that promote media literacy and critical thinking. Educational programs and public awareness campaigns can help foster an environment where diverse viewpoints are respected and valued.
5. Enhance Judicial Training and Awareness: Train judges, prosecutors, and law enforcement officials on international human rights standards related to freedom of expression. Such training can help ensure that legal professionals are equipped to handle cases involving free speech appropriately and justly.
6. Support Civil Society and Human Rights Defenders: Strengthen the role of civil society organizations and human rights defenders in promoting and protecting freedom of expression. Providing legal and financial support to these groups can enhance their capacity to advocate for individuals whose rights have been violated.
7. Promote meaningful accountability for human rights violations and criminal acts committed in the context of the 2019 Tishreen demonstrations.
8. Create conditions to promote the role of civil society in highlighting issues of public interest and for the promotion and protection of human rights.
9. Takes steps for the alignment of the draft law on freedom of expression with international norms and standards and prioritize the endorsement of this law by the Council of Representatives.

Economic, Social, and Cultural Rights

Adequate Standard of Living, including Housing: Iraq has received multiple recommendations to combat poverty and improve living conditions, particularly for marginalized populations, including refugees and internally displaced persons. The country has shown support for initiatives aimed at enhancing economic and social rights, including housing.

Key Challenges: Iraq's significant economic challenges have exacerbated social exclusion and financial hardship for many households. The housing sector is particularly strained, with many families facing challenges related to the security of tenure and rent affordability. Although there have been efforts to improve housing security, such as new rent laws, these measures have often fallen short of providing comprehensive solutions.

The economic challenges, including currency devaluation and inflation, have significantly impacted tenants. Many landlords prefer rent payments in US dollar due to the fluctuating value of the Iraqi dinar, making it difficult for tenants to meet these demands, thus increasing the risk of eviction. Refugees and internally displaced persons face additional risks of eviction due to local authorities' concerns about resource availability and security.

UNESCO has been actively supporting the government in addressing some of these issues through various initiatives aimed at improving living conditions and fostering social cohesion. The organization's projects have included efforts to rehabilitate and reconstruct housing and upgrade infrastructure (public lighting, streets, pavements, etc.) in residential areas, particularly in historic areas like Mosul and Basra, which have been heavily impacted by ISIL conflict.

For instance, UNESCO's "Reviving Mosul and Basra Old Cities" project has successfully rehabilitated numerous heritage houses, created thousands of jobs and provided vocational training to locals. These efforts have not only improved housing conditions but also contributed to the local economy by creating employment opportunities and enhancing skills among the local workforces.

Recommendations:

1. Ensure Security of Tenure: Protect the most disadvantaged and vulnerable groups, including refugees and internally displaced persons, from eviction.
2. Develop a Comprehensive Housing Policy: Introduce a national housing policy that includes equitable rent policies to ensure access to housing for different income groups. This should also include the renovation of houses in historic areas. Promoting the rehabilitation and/or adaptive reuse of existing buildings is energy-efficient, lowers the carbon footprint, and is more cost-efficient than constructing new housing.
3. Respect for Due Process: Ensure that any evictions, particularly of refugees, are conducted in accordance with due process and the rule of law.
4. Cultural Rights: Cultural rights protect the ability of individuals and groups to develop and express their humanity, worldview, and the meanings they give to their existence through values, beliefs, convictions, languages, knowledge, arts, institutions, and ways of life. The Mondiacult Declaration, adopted in 2022 by 150 states, is a major global commitment to promote and protect cultural rights. It is highly recommended that Iraq ensures adherence to their obligations regarding cultural rights and identifies opportunities towards the implementation of the MONDIACULT Declaration, as well as other possible policy avenues to support cultural rights.

Education

Iraq has supported numerous recommendations aimed at strengthening its education system, including enhancing accessibility and quality. Although the Compulsory Education Law No. 118 of 1976 stipulates

that primary education is compulsory and free until the age of 12 in public schools, full implementation remains a challenge. The public education system in Iraq is under-resourced, with an annual government budget of about $1.2 billion – approximately 5.7 per cent of GDP.

The post-conflict environment and economic challenges in Iraq have severely strained the capacity of the public education system. The presence of large numbers of displaced persons and refugees further exacerbates the situation, making it difficult for vulnerable Iraqi and refugee children to access education. These children face barriers such as difficulties in physically accessing schools and higher dropout rates due to the risk of child labor and early marriage.

To address these issues, the Ministry of Education, with support from UNESCO and other international partners, has developed non-formal education programs to help reintegrate vulnerable children into formal education or employability programs.

A large-scale revision of the education curriculum is underway in Iraq, focusing on improving teacher training and the overall education framework. These efforts include enhancing the capacity of educational institutions and establishing long-term strategies to ensure effectiveness.

Launch of the National Education Strategy 2022-2031

In an effort to comprehensively address the issues in its education sector, in May 2023, Iraq launched a new National Education Strategy, 2022-2031, in collaboration with UNESCO, UNICEF, and the World Bank. This strategy outlines clear strategic goals to ensure the provision of quality education for all at all levels of general education. It prioritizes equitable access, quality improvements, governance, educational management and finance, and human resources to reach the Sustainable Development Goals (SDG4) by 2030.

Recommendations:

1. Ensure that basic education is accessible to all children, including those with disabilities, as well as stateless, refugee, and migrant children.
2. Establish a formal mechanism for identifying and referring out-of-school children to formal education and other learning opportunities.
3. Address regional disparities in teacher distribution by ensuring a decent living wage and enhancing the profession through training and capacity building.
4. Develop a cost action plan to align key system components—curriculum, learning environments, and school management—with SDG4 targets.
5. Implement a unified education management information system to improve the quality and timeliness of education data.

Healthcare services for returnees

With IOM support, the Government of Iraq (GOI) reinitiated the provision of material and child health-care services for returnees in areas of return, and for IDPs and host communities in and out of camps (recommendation 147.226).[1] IOM has also contributed to expanding access to healthcare for migrant mothers, children and adolescents through health promotion and engagement activities. Nonetheless, returnees and IDPs continue to face barriers towards their full enjoyment of their right to health. IOM has identified barriers relating to the availability (limited services in areas of return and displacement and out-of-stock medication) and the accessibility (distance of the health facilities, the cost of medical care and medications, and discrimination) elements of the right to health.

[1] Rec. 147.226*: "Continue efforts in promoting health care for mothers, newborns, children and adolescents (Brunei Darussalam)*"; Source of the position: A/HRC/43/14/Add.1 - Para.II (b).

IOM acknowledges that the GoI is in the process of implementing recommendation 147.298[2] through the adaption of existing labour laws and the National Migration Management Strategy (NMMS) to protect and promote the rights of international migrant workers in Iraq (hereafter migrant workers). The NMMS aims to improve the regulation of recruitment agencies and labour controls, increase coordination to reduce the exploitation of migrant workers, including 'ghost hiring', and promote ethical recruitment and awareness of migrant workers' rights. However, challenges to the full enjoyment of the right to work remain. These include strengthening legal frameworks according to international standards and policies;[3] promoting ethical employment/recruitment; limited awareness of foreign workers' rights and available support services; and insufficiently trained labour inspectors who can investigate complaints.

IOM is particularly concerned about children's access to educational services affected by displacement, reflecting the partial implementation of recommendation 147.278.[4] Accessing civil documentation remains the primary barrier to school enrolment for these children. Similarly, access to education, especially in informal IDP sites, areas of low returns, and locations impacted by conflict, is still a barrier to the relocation, return, and integration of IDPs, reflecting the partial implementation of recommendation 147.100.[5]

Reflecting partial implementation of recommendation 147.268,[6] IOM reiterates the importance of securing HLP rights for displaced populations.[7] In Iraq, access to identity and civil documentation is directly linked to the enjoyment of HLP rights: legal identity is a pre-requisite to obtaining ownership or tenure documents, applying for compensation for damaged property and exercising any HLP right. The principles concerning HLP rights are rooted in international human rights norms, particularly about the entitlement to suitable housing.

Recommendations:

1. Continue to undertake efforts to ensure the availability, accessibility, and quality of health-care services for all returnees, IDPs, and migrants in all areas of return, displacement, and mobility routes.
2. Join the Global Policy Network on Ethical Recruitment (including Iraqi private sector and non-government stakeholders), align with international best practices, and actively participate in global dialogues. The GoI should also strengthen and enforce Bilateral Labor Migration Agreements to protect migrant workers' rights and regulate recruitment agencies. To facilitate this, GoI should develop online platforms for migrant workers to file complaints efficiently.
3. Provide education for displaced/returnee children, regardless of their ethnicity, language and displacement status.
4. Continue working with national and international actors to assist displacement-affected populations in achieving housing solutions in areas of return, relocation, or local integration.

Humanitarian support, durable solutions, promoting peace and stability

IOM has cooperated with the GoI and the Kurdistan Regional Government (KRG) to address humanitarian needs, support durable solutions for displaced populations, and contribute to stability and

[2] Rec. 147.298: "*Continue to promote measures to protect and promote the rights of migrant workers in line with the relevant international instruments (Sri Lanka)*"; Source of the position: A/HRC/43/14/Add.1 - Para.II (b).

[3] IOM, "Study on Ethical recruitment practices and labour exploitation risks in Iraq", not published yet.

[4] Rec. 147.278: "*Provide basic services to children returning to their homes after displacement and develop reintegration programmes (Kazakhstan)*"; Source of the position: A/HRC/43/14/Add.1 - Para.II (b).

[5] See (n. 16).

[6] Rec. 147.268: "*Further enhance measures, in cooperation with the international community, to protect and promote the rights of the child, including through the strengthening of the educational system and the provision of adequate food, housing and health services (South Africa)*"; Source of the position: A/HRC/43/14/Add.1 - Para.II (b).

[7] See (n. 23 and n. 15).

peacebuilding. IOM supports the GoI in managing safe, orderly, and regular migration, including interventions related to assisted voluntary return and reintegration, movement and resettlement, community policing, immigration and border governance. IOM also provides humanitarian assistance, including shelter, non-food items, health, protection, and mental health and psychosocial support. IOM follows an integrated approach to address immediate needs, supporting economic opportunities and private sector revitalization, strengthening social cohesion, and enhancing resilience. Committed to providing humanitarian and recovery assistance, IOM's interventions contribute to a sustainable and stable environment, paving the way for recovery and long-term peace.

Since the previous Universal Periodic Review cycle, IOM has been actively addressing migration issues in Iraq, which continues to face many complex drivers, including the aftermath of the conflict with ISIL, the political environment, economic downturns, and environmental degradation issues.

Through its Displacement Tracking Matrix (DTM), IOM has identified over 4.8 million formerly internally displaced persons (IDPs) returning to their areas of origin. However, over 1 million Iraqis remain displaced, with around 14 per cent still residing in 22 IDP camps. Nearly 605,000 returnees are in areas with high-severity living conditions, and another 1.91 million are in medium-severity areas.[8] Returnees often encounter significant barriers that impede their efforts to reestablish normal lives.[9]

Since 2019, the GoI has pursued a policy of camp closure nationwide. This strategy makes it challenging to make voluntary and informed decisions and sustainably attain durable solutions. In 2024, the GoI endorsed the Implementation Plan for camp closure in Kurdistan by 30 July 2024;[10] however, the KRG opposes this plan.

IOM provides technical assistance to the GoI regarding the return, rehabilitation and reintegration of Iraqi nationals from Northeast Syria,[11] where 91 per cent of residents are women and children, and Iraqi nationals make up approximately 21,000 of the residents in Al-Hol camp.

Acceptance of International Norms & Legal, institutional & policy framework

[8] IOM, "Displacement Index Report - Findings Round Eight - Iraq", April 2024, <https://iraqdtm.iom.int/files/DisplacementIndex/2024425630692_DTM_Displacement_Index_Round8.pdf> accessed 18 June 2024; IOM, "Return Index Report - Findings Round Twenty - Iraq", April 2024, <https://iraqdtm.iom.int/images/ReturnIndex/2024418711539_IOM_DTM_Return_Index_Round20.pdf> accessed 18 June 2024. For each assessed location of return, the severity score is calculated. The scores range from 0 (all essential conditions for return are met) to 100 (no essential conditions for return are met). Higher scores denote more severe living conditions for returnees. The scores are grouped into three categories of severity: low, medium and high (which also includes very high); source: https://iraqdtm.iom.int/ReturnIndex.

[9] Idem.

[10] The General Secretariat for Council of Ministries, "Decisions of fourth regular session held on 1/23/2024" (Federal Government of the Republic of Iraq) <https://cabinet.iq/en/category/aDOu$GSzDnEA-_z/aDOu$GSzDnEA-_z> accessed 18 June 2024.

[11] Further information on https://www.un.org/counterterrorism/events/launch-global-framework-united-nations-support-syria-iraq-third-country-national-returnees#:~:text=The%20Global%20Framework%20is%20co,%2C%20men%2C%20girls%20and%20boys.

[12] Rec. 147.1: "*Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Senegal)*"; Source of the position: UN Human Rights Council, Report of the Working Group on the Universal Periodic Review: Iraq, A/HRC/43/14/Add.1 - Para.II (b), 26 December 2019, <https://documents.un.org/doc/undoc/gen/g19/353/47/pdf/g1935347.pdf?token=MwzJyU4OPa4e3FdmT2&fe=true> accessed 18 June 2024 (hereafter A/HRC/43/14/Add.1 - Para.II (b))

[13] Rec. 147.2: "*Continue efforts to accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Indonesia*)"; Source of Position: A/HRC/43/14/Add.1 - Para.II (b)

[14] Rec. 147.3: "*Become a party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Seychelles*)"; Source of Position: A/HRC/43/14/Add.1 - Para.II (b)

[15] Rec. 147.4: "*Positively consider acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Kyrgyzstan*)"; Source of Position: A/HRC/43/14/Add.1 - Para.II (b)

The GoI has taken note of recommendations 147.1,[12] 147.2,[13] 147.3,[14] 147.4,[15] and 147.26[16] relating to becoming party to the International Convention on the Protection of the Rights of all Migrants Workers and members of their families, and recommendation 147.32[17] about the 1951 Refugee Convention and its 1967 Protocol, but it has not yet supported them.

IOM notes Iraq's positive progress in implementing the Global Compact for Safe, Orderly and Regular Migration (GCM).[18] For instance, the GoI, supported by IOM, established an inter-ministerial Technical Working Group on Migration in 2019. This group is a key platform to facilitate coordination, communication and decision-making on migration issues among relevant ministries, both from the federal government and the KRG.

In 2020, the GoI, with IOM technical support, completed the first Migration Governance Indicators (MGI) assessments, providing evidence-based data that informed the development of the National Migration Management Strategy. A second assessment was conducted in 2023 to evaluate the implementation of the NMMS and the GCM.[19] The NMMS aims to enhance Iraq's migration management for socioeconomic progress and migrant rights, aligning with the GCM, the Sustainable Development Goals, and the Iraq Vision 2030.

GoI established the National Referral Mechanism (NRM) in 2020. The system links Iraqi returned migrants with reintegration services, which are provided by government and non-government actors. These services are needed to preserve their livelihood, ensure dignity, and facilitate inclusion in their home country. As of September 2023, the NRM was operational in six governorates: Anbar, Baghdad, Basra, Erbil, Ninewa, and Sulaymaniyah. However, IOM is concerned about the lack of voluntariness of some returnees with no legal stay in third countries.

Recommendations:

1. Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and accept any other international norms related to protecting people affected by displacement and their rights.
2. Safeguard the voluntariness of the return of Iraqi nationals who have no legal rights to stay in third countries.

Civil and Political Rights

[12] Rec. 147.1: "*Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Senegal)*"; Source of the position: UN Human Rights Council, Report of the Working Group on the Universal Periodic Review: Iraq, A/HRC/43/14/Add.1 - Para.II (b), 26 December 2019, <https://documents.un.org/doc/undoc/gen/g19/353/47/pdf/g1935347.pdf?token=MwzJyU4OPa4e3FdmT2&fe=true> accessed 18 June 2024 (hereafter A/HRC/43/14/Add.1 - Para.II (b))

[13] Rec. 147.2: "*Continue efforts to accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Indonesia*)"; Source of Position: A/HRC/43/14/Add.1 - Para.II (b)

[14] Rec. 147.3: "*Become a party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Seychelles*)"; Source of Position: A/HRC/43/14/Add.1 - Para.II (b)

[15] Rec. 147.4: "*Positively consider acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Kyrgyzstan*)"; Source of Position: A/HRC/43/14/Add.1 - Para.II (b)

[16] Rec. 147.26: "*Accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Uruguay*)"; Source of Position: A/HRC/43/14/Add.1 - Para.II (b)

[17] Rec. 147.32: "*Accelerate the process of ratification of the Convention relating to the Status of Refugees (Burundi)*"; Source of Position: A/HRC/43/14/Add.1 - Para.II (b)

[18] Further information on https://www.iom.int/global-compact-migration.

[19] Further information on https://publications.iom.int/books/migration-governance-indicators-second-profile-2023-republic-iraq.

IOM is concerned about the enjoyment of all civil and political rights by displaced populations, including those Families with Perceived Affiliation (FPA) to ISIL, persons with disabilities,[20] and ethnic and religious minority groups.[21] IOM reiterates the importance of respecting, protecting, and fulfilling the rights to legal identity, freedom of movement, and a life free of violence (particularly for women and girls) in conditions of equality and non-discrimination for all.

Access to legal identity and civil documentation is essential to access basic services and other human rights such as freedom of movement, education, health, and Housing, Land and Property (HLP) rights. During the conflict and displacement in Iraq, many documents were lost, destroyed, or taken by ISIL. This development made it challenging to register life events like marriages and births while displaced. In this regard, IOM is concerned about the legal challenges faced by displacement-affected women and children to be recognized as persons before the law,[22] reflecting the partial implementation of recommendations 147.100,[23] 147.101,[24] and 147.213.[25]

IOM has identified two main legal challenges in Iraq. The first is the need for paternal DNA testing to get identity documents. If the father is missing or deceased, the only options are witness testimony or DNA testing, which is limited due to only one testing facility in the country. However, progress has been made, such as a judge in Kirkuk allowing a child's lineage proof to be issued without a DNA test in December 2023. The second challenge is that women with perceived affiliation to ISIL must go through *ikhbar* and *ta'briya*[26] to get identity or civil documents for themselves or their children. This can cause significant legal and emotional stress, making it harder for them to reintegrate into society.

IOM identified many barriers regarding recommendation 147.242, reflecting its partial implementation.[27] Particularly, female returnees with perceived affiliation to ISIL – including female-headed households and those in areas of return, IDP camps, and informal sites – face a higher risk of violence or long-term

[20] IOM, "Report on Persons with disabilities and their representative organisations in Iraq: Barriers, challenges and priorities", March 2021, <https://iraq.iom.int/news/challenges-and-priorities-persons-disabilities-iraq-outlined-new-iom-report> accessed 19 June 2024; IOM, "Report on Deaf people in Iraq, a cultural-linguistic minority: their rights and vision for inclusion", September 2022, <https://iraq.iom.int/resources/deaf-people-iraq-cultural-linguistic-minority-their-rights-and-vision-inclusion> accessed 18 June 2024; IOM, "Barriers to Durable Solutions Experienced by Persons with Disabilities: A Rapid Consultation", February 2023, <https://iraq.iom.int/resources/barriers-durable-solutions-experienced-persons-disabilities-rapid-consultation> accessed 19 June 2023.

[21] IOM, "Mapping Needs of Yazidi Women in Sinjar and Displaced Communities", May 2021, <https://iraq.iom.int/sites/g/files/tmzbdl1316/files/documents/mapping-needs-of-yazidi-women-sinjar-agreement.pdf> accessed 19 June 2024; IOM, "Yazidi Displacement and Migration from Iraq: Trends, Drivers, and Vulnerabilities", 2024, <https://iraqdtm.iom.int/files/BorderMonitoring/20244304316478_iom_iraq_protection_yazidipaper_digital.pdf> accessed 19 June 2024.

[22] IOM, "Pathways to Legal Identity: Exploring the legal framework and barriers to obtaining lineage and nationality in post-conflict Iraq", April 2023, <https://iraq.iom.int/sites/g/files/tmzbdl1316/files/documents/2024-04/report_lineage_citizenship_short-version-march-2024-final_jm.pdf> accessed 18 June 2024.

[23] Rec. 147.100: "*Halt the practice of arbitrary confiscation or non-issuance of identity documents of individuals in internally displaced persons camps and ensure that they can voluntarily and safely return to their places of origin or habitual residence (Austria)*"; Source of Position: A/HRC/43/14/Add.1 - Para.II (b).

[24] Rec. 147.101: "*Provide guarantees for the protection of women and children during conflict, end impunity and take measures to end discrimination faced by displaced women, survivors and returnees, including those with perceived ties to Da'esh (Austria*)"; Source of Position: A/HRC/43/14/Add.1 - Para.II (b).

[25] Rec. 147.213: "*Continue efforts towards the provision of protection and humanitarian assistance to those displaced by the internal conflict, particularly women and children, within the framework of international human rights law and international humanitarian law (Uruguay)*"; Source of Position: A/HRC/43/14/Add.1 - Para.II (b).

[26] "Ikhbar" refers to the process of reporting or informing, while "Ta'briya" refers to the process of filing a complaint against an ISIL/Da'esh-affiliated male relative. Both terms are used in the context of the return and reintegration of Iraqis coming back from Al Hol camp. More information in Schadi Semnani, Siobhan O'Neil, Mélisande Genat, and Yousif Khoshnaw, "Return and Reintegration Prospects for Iraqis Coming Back From Al Hol," Findings Report 32, UNIDIR, Geneva, 2023, https://doi.org/10.37559/MEAC/23/06.

[27] Rec. 147.242: "*Implement laws and policies to further promote women's political and economic empowerment and combat all forms of discrimination and violence against women, including migrant women (Thailand)*"; Source of the position: A/HRC/43/14/Add.1 - Para.II (b).

discrimination and stigmatization.[28]

IOM notes progress through the development and implementation of the National Community Policing Action Plan, which aligns with the Women, Peace, and Security Agenda, particularly the UNSC Resolution 1325. Additionally, IOM has provided capacity-building for female officers, enhancing their capabilities and increasing access to support services for women survivors of violence. IOM also provided capacity-building activities to the Department of Labour and Social Affairs and the Directorate of Combating Violence Against Women to support government-led survivor-centred service delivery for survivors. In KRG, IOM notes existing legal frameworks on combating violence against women and girls.[29]

IOM is concerned about climate change and environmental degradation in southern and central Iraq, which is causing local populations to (forcibly) migrate, exposing themselves to the risk of exploitation and facing barriers accessing identity and civil documentation, food assistance, and land tenure.[30] This reflects the partial implementation of recommendation 147.77.[31]

Recommendations:

1. Facilitate access to legal identity and civil documentation without discrimination for all displacement-affected populations, including FPA to ISIL and those displaced by climate change and environmental degradation. IOM also recommends providing capacity-building, especially for those front-line government officials, to ensure consistent and dignified access to services.
2. Create an enabling environment for women to participate in public and political life, to increase protection safeguards, and to improve services for survivors and those at risk of violence against women and girls and help them claim their rights.
3. Align the draft of the Anti-Domestic Violence Law with international standards and to adopt it expeditiously. This would largely help address gaps in legal protection safeguards for survivors of violence against women and girls, including ensuring the availability and accessibility of shelters and enshrining the establishment of domestic violence courts in law.

Internal Displacement and Return

[28] Jacqueline Parry and Yousif Khalid Khoshnaw, with Siobhan O'Neil and Juan Armando Torres Munguía, "Coming Home: The Return and Reintegration of Families with Perceived ISIL Affiliation in Iraq", UNIDIR, Geneva, 2023, <https://doi.org/10.37559/MEAC/23/02> accessed 18 June 2024; IOM, "Protracted Displacement in Iraq: Revisiting Categories or Return Barriers", January 2021, <https://iraq.iom.int/resources/protracted-displacement-iraq-revisiting-categories-return-barriers> accessed 18 June 2024; International Organization for Migration, "Protection Monitoring Activities in Iraq" (internal/non-published information).

[29] Further information on https://gov.krd/hcwa-en/publications/laws/.

[30] IOM, "Environmental Migration in Southern and Central Iraq: Assessing Access to Civil and Identity Documentation and Tenure Security", April 2024, <https://iraq.iom.int/sites/g/files/tmzbdl1316/files/documents/2024-04/report_lineage_citizenship_short-version-march-2024-final_jm.pdf> accessed 18 June 2024.

[31] Rec. 147.77: "*Ensure that women, children, and persons with disabilities are meaningfully engaged in the development of legislation and programmes on climate change and disaster risk reduction (Fiji*)"; Source of the position: A/HRC/43/14/Add.1 - Para.II (b).

[32] Rec. 147.133: "*Continue to address the challenges posed by internal displacement resulting from the ISIS terrorist organization (Syrian Arab Republic*)"; Source of the position: A/HRC/43/14/Add.1 - Para.II (b).

[33] Rec. 147.284: "*Improve the reintegration and protection of members of ethnic and religious minority groups, and those displaced by conflict, and ensure access to public services, including the issuance of identity documentation (United States of America*)"; Source of the position: A/HRC/43/14/Add.1 - Para.II (b).

In line with recommendations 147.133[32] and 147.284,[33] IOM emphasizes the importance of taking measures to prevent secondary displacement to ensure that all returns, local integration, and relocations are informed, safe, voluntary, dignified, and inclusive, following the announcement of the GoI to close all IDP camps by 31 July 2024.[34]

IOM highlights existing barriers to the return of IDPs, such as lack of appropriate shelter and infrastructure, livelihood opportunities, security, and political obstacles. Moreover, IOM reiterates that in-camp IDPs are only a fraction of the displaced populations and that returnees are often as vulnerable as in-camp IDPs. It is important to encourage the government to include these populations in its plan and incentive mechanism to ensure no one is left behind, address the challenges posed by displacement, and promote durable solutions.

Recommendations:

1. Stand by its commitment to apply all durable solutions pathways of return, local integration, and relocation while adopting an inclusive approach that considers the needs of IDPs (both in camps and outside of them – i.e., informal settlements) and vulnerable returnees, including those members of ethnic and religious minority groups.
2. Fulfil its commitment to address barriers to returns, especially by increasing the budget allocation for infrastructure and shelter in areas affected by conflict, by ensuring the availability and accessibility of education, health services, and livelihood opportunities in all areas of return, including those with complex barriers for return.

Trafficking in Persons

IOM notes the substantial efforts undertaken by the GoI and the KRG to combat trafficking in persons (TiP). The GoI focused on improving victim identification and referral mechanisms, enacting and amending the 2012 Anti-Human Trafficking Law (No.28 of 2012), laws criminalizing TiP, and training law enforcement officials. Additionally, the GoI established an inter-ministerial committee dedicated to combating TiP, further enhancing its anti-trafficking framework. Meanwhile, the KRG intensified its efforts by raising public awareness, strengthening legal frameworks,[35] and establishing a specialized anti-trafficking unit within its police force. Implementing victim referral systems and enhancing support services and shelters for victims were also prioritized. Similarly, the NMS has adopted measures to enhance the prevention, protection, and prosecution of human trafficking and exploitation of migrant workers.

In line with the recommendations 147.206[36] and 147.207,[37] Iraq has formal cooperation arrangements with other countries to prevent and counter smuggling. The government is reviewing a Memorandum of Understanding with the Philippines, initiated in 2019, to enhance cooperation to combat TiP.[38] Moreover,

[32] Rec. 147.133: "*Continue to address the challenges posed by internal displacement resulting from the ISIS terrorist organization (Syrian Arab Republic*)"; Source of the position: A/HRC/43/14/Add.1 - Para.II (b).

[33] Rec. 147.284: "*Improve the reintegration and protection of members of ethnic and religious minority groups, and those displaced by conflict, and ensure access to public services, including the issuance of identity documentation (United States of America*)"; Source of the position: A/HRC/43/14/Add.1 - Para.II (b).

[34] See (n. 3).

[35] The KRG has several laws and articles against human trafficking as well. In accordance with Law No. 6 (2018) of the Kurdistan Parliament, the trafficking of children is enshrined in the same legal framework as the Iraqi Parliament's Law on Combating Human Trafficking (2012), with corresponding heavy punitive measures.33 In the case of foreign workers, Labour Law No. 37 of 2015 is implemented. KRG gives victims of human trafficking the option to return to their homes, or they can refer them to the Ministry of Labour and Social Affairs for support.

[36] Rec. 147.206: "*Continue strengthening efforts in training and capacity-building programmes for duty bearers on combating trafficking in persons, especially women and children (Philippines*)"; Source of the position: A/HRC/43/14/Add.1 - Para.II (b).

[37] Rec. 147.207: "*Continue to implement the recommendations related to human trafficking as well as to the protection of children and women (Angola*)"; Source of the position: A/HRC/43/14/Add.1 - Para.II (b).

[38] This does not include the KRG.

IOM has supported the GoI in training and capacity-building programmes for duty bearers on combating TiP and proper identification and assistance to victims of trafficking (VoTs). Similarly, the MoI conducts regular training for border staff through its Directorate of Training and Rehabilitation, including modules on border security, human rights, passport control, and document fraud detection.

Despite these achievements, challenges persist, including inconsistent law enforcement and limited victim support services, in the partial implementation of recommendations 147.206[39] and 147.208.[40] For instance, IOM identified a lack of data on trafficking in persons in the country, as well as gaps in legislation and its implementation from a victim-centred approach (putting victims first versus criminalizing them).[41] Iraq's protection services for VoTs are below minimum standards, with limited shelters, no specific facilities for under-represented victims like males, and inadequate mental health support due to insufficient personnel and services.

Recommendations:

1. Address gaps in the Iraqi TiP law and ensure international migrants VoTs are not criminalized on the basis of other laws such as the Residency Law and Prostitution Law
2. Scale up the capacity of local actors on counter-trafficking, including by building the capacity of state and non-state actors on survivor-centred protection and ensuring shelter services.

Transitional justice

IOM acknowledges the partial implementation of recommendations 147.36,[42] 147.41,[43] and 147.60[44] by the GoI relating to the promotion of transitional justice.

In 2021, the government passed the Law No. 8 on the Yazidi Female Survivors (YSL) and the related bylaws No. 4. These laws provide reparations for victims of conflict-related sexual violence and survivors of crimes committed by ISIL against Yazidis, Christians, Shabak, and Turkmen.[45] The reparations stipulated in the YSL include a monthly salary, a plot of land or a housing unit, access to health and rehabilitation services, return to education, and priority in employment.[46] In 2023, the GoI allocated USD 12 million to implement the YSL from 2023 to 2025.[47]

IOM acknowledges that the GoI is in the process of implementing the YSL by providing survivors with monthly salaries, support in accessing identity and civil documentation, resuming education, and referring them to specialized MHPSS service providers. However, IOM identified inadequate staffing to fully

[39] See (n. 36).

[40] Rec. 147.208: "*Step up efforts to combat trafficking in persons, especially women and children, and provide special psychological care to child victims of sexual violence and ensure their physical and psychological recovery and reintegration (Belarus)";* Source of Position: A/HRC/43/14/Add.1 - Para.II (b).

[41] United States Department of State, "2023 Trafficking in Persons Report: Iraq", June 2023, <https://www.state.gov/reports/2023-trafficking-in-persons-report/iraq> accessed 18 June 2024.

[42] Rec. 147.36 Sustain its efforts at ensuring national reconciliation (Nigeria); Source of the position: A/HRC/43/14/Add.1 - Para.II (b).

[43] Rec. 147.41 Prioritize national reconciliation and transitional justice processes, including by establishing a strategy to address the human rights violations perpetrated by all parties to the armed conflict (South Africa); Source of the position: A/HRC/43/14/Add.1 - Para.II (b).

[44] Rec. 147.60: "*Establish a clear national action plan for the implementation of recommendations from the international mechanisms, including the treaty bodies, the special procedures and other mechanisms of the Human Rights Council (Bahrain)"*; Source of the position: A/HRC/43/14/Add.1 - Para.II (b).

[45] Republic of Iraq, "Law no 8 of 2021, published in the Official Gazette" <https://www.moj.gov.iq/upload/pdf/4621.pdf> accessed 19 June 2024.

[46] Other transitional Justice mechanisms stipulated in the Yazidi Survivors Law include searching for missing persons, exhumation of mass graves, accountability and prosecution of perpetrators of crimes of genocide and crimes against humanity perpetrated by ISIL against communities, memorialization, and guarantees of non-repetition.

[47] Republic of Iraq, "Law no 13 of 2023 'Federal Public Budget Law 2023-2025", <https://moj.gov.iq/upload/pdf/4726_72.pdf> accessed 19 June 2024; Statement of the Minister of Labor and Social Affairs, (Ministry of Labor and Social Affairs website) <https://www.molsa.gov.iq/?article=2432> accessed 19 June 2024.

implement the YSL due to the GoI's decision to freeze public employment and insufficient governmental presence in all areas where survivors live, except in Sinjar.

In September 2022, the Committee for the Verification of Claims launched the Application procedure to verify survivors' eligibility for the YSL benefits. The Procedure introduced criminal investigations against perpetrators as mandatory evidence to be submitted by the survivors.[48] This requirement, not stipulated in the YSL or related bylaws, has had an adverse impact on the survivors in terms of re-traumatization, worsening stigma in the community, duration of the process and financial burden, especially in the case of survivors who reside outside of Iraq, who do not have physical access to Iraq judicial authorities.[49]

Moreover, the YSL recognizes that the crimes committed against Yazidi and other communities amount to genocide and crimes against humanity. However, Iraq, to date, does not have a legal framework to prosecute perpetrators of international crimes, including genocide, war crimes, and crimes against humanity. Since 2022, with IOM support, the Directorate has conducted several consultations with national and international legal experts, members of the Council of Representatives, civil society, survivors and victims' groups on the draft national framework to prosecute perpetrators of international crimes committed by ISIL.[50]

UNITAD's mandate will end in September 2024, based on the request of the GoI.[51] To date, there is no clear framework for accessing the evidence collected by the UNITAD by national judicial authorities to prosecute ISIL members for international crimes.[52]

Access to compensation for damaged property by acts of war or terrorism remains challenging. Despite a compensation scheme for damaged property regulated by Law No.20, according to an assessment by IOM, in 2023, only one in ten individuals whose claim had been approved were receiving payments from the government.

Recommendations:

1. Remove the mandatory requirement of initiating an investigative procedure for survivors who want to apply for the YSL to enable all eligible survivors in and outside of Iraq to apply for the reparation benefits.
2. Continue to provide sufficient funds for implementing the Yazidi Females Survivors Law and to continue the institutional strengthening of the Directorate and capacity-building within the federal health system establishment for specialized MHPSS services for beneficiaries of YSL.
3. Adopt the national legislation for the prosecution of ISIL members for genocide and crimes against humanity, aligned with international standards and best practices in victims and witness protection and support.
4. Allocate sufficient funds to pay for approved compensation to claims for damages of property by acts of war and terrorism and develop vulnerability criteria to prioritize payments.

[48] Amnesty International and others, "Iraq: Statement on the Implementation of the Yazidi Survivors Law", April 2023, <https://www.amnesty.org/en/documents/mde14/6680/2023/en/> accessed on 14 June 2024.

[49] IOM Iraq & Team of Experts of UN of Special Representative for Sexual Violence in Conflict, "Mandatory Requirement to Initiate a Criminal Investigation Within the Application Process for the Yazidi Survivors Law: Implications for a Survivor- Centered Approach", (to be published in July 2024).

[50] Information obtained by IOM Iraq based on the Agreement of Cooperation signed between the Directorate for Survivors Affairs and IOM Iraq in October 2021.

[51] UN Security Council, "Resolution S/RES/2697 on UNITAD" September 2023, <https://www.securitycouncilreport.org/un-documents/document/s-res-2697.php> accessed 19 June 2024.

[52] UN Security Council, "Road map for completion of the mandate of the United Nations Investigative Team to Promote Accountability for Crimes Committed by ISIL/Da'esh (S/2024/238)", March 2024, <https://www.securitycouncilreport.org/un-documents/document/s-2024-238.php> accessed 19 June 2024.

Protection and welfare of children and child protection services

Iraq ratified the Convention on the Rights of the Child (CRC) in 1994 and two related Optional Protocols in 2008 (Protocol on the sale of children, child prostitution and child pornography and the Protocol on the involvement of children in armed conflict). Hence, Iraq became a party to the CRC, committing to uphold the rights and principles outlined in the convention to ensure the protection and well-being of children within its jurisdiction.

According to the 1983 Juvenile Welfare Law, Iraq considers all persons below 18 years old as juveniles. However, this law preceded the UNCRC. Iraq has very low age of criminal responsibility: 9 and 11 years at Federal and Kurdish Region of Iraq (KRI) respectively. Laws affecting children, in addition to being dispersed across different pieces of legislation, are frequently not in line with the CRC and other International Conventions that Iraq has ratified.

The Child Protection Law has been in the first reading by the Parliament of Iraq, since 2022, as the first stage of the legislative process. The Parliamentary Committee of Women, Family and Childhood is leading the legislative process with all stakeholders agreeing that the current draft of the law needs to be strengthened to be in line with international standards. The Committee has requested UNICEF's support to review and strengthen the law, share good practices of child legislations from other Arab countries and organize consultation sessions with stakeholders to finalize the draft law before submitting it for a second reading and discussion in the parliamentary session, after which it can proceed to the vote stage to finalize the legislative process. In KRI, the draft law went through Shura Council, in 2022, and is awaiting deliberation in the parliament. Barriers to aligning with international standards are varied, but the evolving illicit drug crises in Iraq has led to the exploitation of children indicating that criminal law must be aligned to the Child Protection Law.[53]

UNICEF supported the Ministry of Labour and Social Affairs (MoLSA) to develop and endorse a National Child Protection Policy based on a situation analysis of children's protection in Iraq. This analysis included a review of the child protection legal framework such as the Social Welfare Law, the Labour Law, Juvenile Care Law, etc. Because of the low age of criminal responsibility combined with punitive justice, a significant number of children are in detention in Iraq.[54] UNICEF is working with the Government of Iraq to promote a child-friendly justice system among others, advocating for the adoption of alternative measures to detention as part of the juvenile justice (such as diversion and restorative justice) to handle cases of children accused of alleged association with ISIL.[55]

The family is a fundamental institution in Iraqi society, with extended family networks playing a crucial role in providing emotional and financial support. Armed conflicts and violence, particularly post-2003 and the 2014-2017 ISIL conflict, especially in northern Iraq, have severely impacted family structures.

Foster care and kinship care are alternative options where children are placed with extended family members or unrelated caregivers. These arrangements are less common in Iraq due to cultural preferences for extended family care and the lack of a formalized foster care system. Adoption is another avenue for providing children with a stable family environment. However, legal, and cultural barriers often complicate the adoption process in Iraq, limiting its utility as an alternative care option.

[53] Drug Trafficking Dynamics Across Iraq and the Middle East (2019–2023): Trends and Responses | United Nations in Iraq

[54] Most children in various detention facilities have been detained because of armed conflict, specifically the war of ISIS. The Iraqi government, both in Federal and KRI, use a punitive legal framework related to the Juvenile Care Law (No. 76, 1983) rather than diversionary justice or alternatives to detention.

[55] As of March 2024, there are over 2,142 children (including 200 girls) and adolescents in pre- and post-trial detention in Iraq across 29 different detention centers and police stations including those who are accused of perceived or real association with ISIS. In addition, there are 26 foreign children (all boys) from 16 nationalities in pre- or post-trial detention held in Iraq because of their association with ISIS.

Institutional care is an alternative to children without caregivers. Efforts to identify extended family members should be prioritized and defined as the "best option" for children without caregivers, including for NES Returnees; and considered in the Child Protection Law.

The Government of Iraq and UNICEF have been supporting coordination efforts in protecting the rights and wellbeing of children affected by conflict and violence in Iraq. These coordination efforts include the collaboration with the UN country task force on monitoring and reporting (UNCTFMR) that focuses on the prevention of the recruitment and use of children by armed groups. In March 2023, the National Committee for Monitoring and Reporting Mechanism (NCMRM) and the UNCTFMR signed the Action Plan for the prevention of use and recruitment of children by the Popular Mobilization Forces (PMF).

The Government of Iraq, represented by the MoLSA, appointed coordinators to implement activities to prevent child recruitment into the PMF. Key measures taken to implement the Action Plan include strengthening child identification and age verification processes, developing PMF staff capacity on child rights, and establishing child protection units. The signing of the Action Plan with the government of Iraq and the engagement with the UNCTFMR led to the delisting of the PMF in the UN Secretary General annual report 2022 on children and armed conflict.

The UN Special Representative of the Secretary-General for Children and Armed Conflict (SRSG CAAC), Ms. Virginia Gamba, conducted her first visit to Iraq from 7 to 11 January 2024 to commend the progress made by the Iraqi Government on the protection of conflict-affected children and to engage with the Government on areas in which the United Nations may offer further support. SRSG Gamba welcomed the significant progress achieved in the implementation of the Action Plan on the Prevention of Recruitment and Use of Children by PMF.

Recommendations:

1. Encourage Iraqi State to align the Child Protection Law (Federal) and child rights law with CRC standards and approve these laws in Parliament.
2. Advocate for adequate budget allocation to relevant ministries (MoLSA, Ministry of Interior (MoI), Ministry of Justice (MoJ)) for child protection prevention and responsive services implemented by a funded and qualified social service workforce to support the most vulnerable children/families.
3. Call on the Government, through MoLSA as the chair of the inter-ministerial committee, to develop a comprehensive equitable and responsive plan of action to prevent grave violations of child rights. This will ensure that the gains made in the implementation of measures to protect children in armed conflict are continued in a fragile situation in Iraq.
4. Encourage the Government of Iraq to strengthen family support systems and prevent the separation of children due to economic hardships. This can be achieved through the Social Security Law passed in 2023, by ensuring that financial and social safety net support to reach the most vulnerable children, including those with disability and those in female-headed and poor households.
5. Encourage the Government of Iraq to work on reforming adoption laws and make the process more accessible and less bureaucratic, while ensuring the best interests of the child are protected.

Implementation of international human rights obligations

Right to *inclusive and equitable quality education and* lifelong learning opportunities

Disparities in equitable access to education leading to exclusions and poor learning outcomes for an increasing child population, coupled with a weak educational system are at the heart of the challenges facing the education sector in Iraq. Access to education remains high at primary school level with net

enrolment at 94 per cent. UNICEF's initiatives have been relevant and effective in addressing disparities in access to education as well as improving the quality of education.[56] UNICEF's Back-to-Learning campaigns target out-of-school children and ensure their enrolment in school at the beginning of the school year. The government's adoption of the Out of School dashboard which documents all children out of school and reasons for lack of enrollment is a good practice.

UNICEF's support for expanding the Education Management Information System for school data collection, developing the Governorate-level Education Sector Plans (GESPs), and establishing education sector coordination mechanisms at the decentralized level are means to strengthening evidence generation, strategic frameworks, and government leadership and accountability in reducing disparities and inequities in education services.

At early childhood education (ECE) level, only 11 per cent of children attend pre-primary before entering the primary cycle. Challenges to access education are more pronounced at the lower secondary level evidenced by a significant decrease in net enrolment for adolescent boys and girls (12–14-year-old) at 58 per cent. The situation is even worse at upper secondary with net enrolment at 33 per cent. While there is gender parity at primary level, transition for girls from primary to secondary is a challenge with 93.5 per cent of girls transiting compared to 99.2 per cent of boys transitioning, indicating a significant increase in dropout rates for girls (Ministry of Education (MoE) data 2020-2021).

Quality in education is based on interrelated factors: input-related resources such as classrooms and facilities, learning materials and competent motivated teachers; as well as critical process-related factors for learning, including pedagogy, strategies for teaching and learning, curriculum implementation, feedback mechanisms, support and supervision of pupils and teachers, school leadership, and professional development for teachers. In Iraq, the MoE responds to the lack of school infrastructure by resorting to double and triple occupancy of school buildings. When multiple schools share buildings, school management and administration teams are different for each school. When the same level of education shares school buildings (e.g., two primary schools sharing one building), lessons are run in shifts.

Recommendations:

1. The Government of Iraq to increase government budget allocation to the education sector, especially the governorate education sectoral plans (GESP) to address infrastructure to accommodate the increasing number of students, especially girls and young women, while reducing multiple shifts and provide access to healthy safe learning environment for children and youth.
2. The MoE to strengthen alternative education pathways and provide digital, flexible open learning opportunities as well as non-formal education programmes. This will increase enrollment of out-of-school children, especially girls and young women, and retain learners in pre-primary, primary and secondary levels, especially girls, learners affected by conflict and displacement, and students with special needs.
3. Reaffirm the government's commitment to get children back into learning and promote collaboration with MoLSA to ensure eliminate the root causes, such as poverty, violence and physical and mental disability, children displaced by climate and other vulnerabilities.
4. Undertake evidence-based planning and budgeting management to enable increased access to quality education.
5. Ensure pre-primary education mandatory in Iraq and scale up school-based early childhood education model.

Right to survival, growth, and development

[56] UNICEF (2023). Final Evaluation of UNICEF's intervention 'Systems building and capacity strengthening of the Ministry of Education and its sub-national Directorates of Education for effective delivery of quality education outcomes' in Iraq.

Recent data indicates a continuing decline in the under-five, infant, and neonatal mortality rates, which now stand at 24, 22 and 14 deaths per 1,000 live births, respectively.[57] However, the reduction in neonatal mortality (newborn deaths) which constitutes 58 per cent of under-five deaths is not on track with SDG 3.2 target of 12 deaths per 1,000 live births.

The health of children and women is further compromised by limited access to early childhood development (ECD) interventions which limits access to benefits of early nutrition and nurturing care, vaccinations, timely detection, referral, and response to childhood developmental delays, and care for common childhood illnesses.

High teenage pregnancy (adolescent birth rate) at 70 births per 1,000 females aged 15-19 poses significant risks to young mothers and their newborns, potentially contributing to high burden of newborn deaths.

Despite the high access rate to essential services and coverage, the utilization of public health services remains low, underscoring the low quality of essential services to children and women which is manifested in a statis Universal Health Coverage (UHC) index at about 60.[58]

Recommendations:

1. Support the Government to prioritize universal access to health coverage to promote and protect the right to health for all in Iraq, including by addressing the special needs of children and adults with physical and mental disabilities, vulnerable populations, and by improving the mental health of children and young people.
2. Advocate with the Government of Iraq to scale up and finance ECD interventions for every child, everywhere in Iraq with focus on vulnerable communities including in those in urban poor, remote rural, and affected by emergencies and climate crisis; and to work with MoLSA to identify poor household for social safety net subsides to improve ECD outcomes.
3. Support the Government of Iraq to improve quality of care for newborns at all levels with focus on improving community health systems, evidence, and data systems to inform actions, enhance capacities of health workers on newborn care, and improve follow-up during pregnancy, childbirth and after childbirth (postnatal period).
4. Support the Government of Iraq to develop, implement, and monitor multisectoral, gender-responsive sexual and reproductive measures including awareness, early care seeking, and client-responsive services to mitigate teenage pregnancies.

Right to a clean and safe environment and clean water

Iraq is ranked 61 out of 163 countries on UNICEF's Children's Climate Risk Index.[59] The United Nations Global Environment Outlook 6 (GEO-6) considers Iraq as the fifth most vulnerable country to the impacts of climate change in terms of water and food shortages and extreme temperatures.[60] Iraq's progress towards achieving water-related SDG goals and targets remains significantly off track.

Water scarcity has become the country's most critical environmental issue. Of particular concern is the increasing vulnerability of children to climate and environmental hazards, shocks, and stresses due to lack of access to safe WASH services. As water quality declines, families experiencing poverty and marginalization are more likely to use unsafe water sources contributing to morbidity and mortality in children and young people. Limited and/or negative water flows in river systems are increasing salinity,

[57,5] UNICEF data: Monitoring the situation of children and women.

[59] UNICEF (2021), The Climate Crisis is a Child Rights Crisis: Introducing the Children and Young People's Climate Risk Index
[60] UNEP (2019), Global Environment Outlook 6 – GEO-6: Healthy Planet, Healthy People

which is linked to bacterial infections such as cholera and other water borne diseases. There are currently only a limited set of procedures to support children affected by disasters. Cash transfers, which were widely used during the humanitarian response phase, have not transitioned into social assistance, to secure mechanisms for a shock-responsive social protection system.

Recommendations Climate Landscape Analysis for Children (CLAC) findings for children:

1. Improve data collection pertaining to the impact of climate on children for health, school, and social protection.
2. Work with children and young people as agents of change. They will inherit Iraq and all the challenges that climate change brings. Focus on working with young people to drive "learning to earning" efforts that capitalize on a green economy; and to influence change to mitigate and adapt to climate impacts of water scarcity, water pollution and air quality.
3. Ministry of Health, Climate and Public Management to adopt measures to decrease water pollution, implement water meters to influence behavior change and increase Iraqi awareness of water scarcity issues in Iraq.
4. Adopt measures for the use of renewable energy sources, especially for child services which are essential for full realization of human capital from a young age, i.e. solarization of schools, and health facilities.

Right to protection

Violence against children

Previous conflicts' impact, poverty, gender-based discrimination, and entrenched social norms exacerbate violence against children and women in Iraq. According to Multiple Indicator Cluster Survey (MICS) 2018, nearly 81 per cent of children aged 1 to 14 experience violent discipline, with physical punishment normalized by caregivers. Online violence further compounds the physical and mental health risks for children, adolescent girls, and young women.

Gender-based violence, including sexual violence, family violence, domestic violence, child marriage, and forced marriage, persists, perpetuating fear, stigma, and barriers to justice. Within families, violence against women is often rationalized and legitimized by cultural, legal, and religious norms, with husbands commonly identified as perpetrators.[61] Iraqi law allows men to discipline their wives and children within certain limits prescribed by law or by custom. The law also allows reduced sentences for violence or killing were applicable if the perpetrator had 'honourable' motives.

Conflict-related violence

Women and girls in Iraq have been disproportionately impacted by the 2014-2017 conflict with ISIL and subsequent multiple and protracted displacement. Their safety and well-being are significantly affected by exposure to extreme forms of violence, oppression, systematic discrimination, child marriage, forced marriage, sexual slavery, and other forms of gender-based violence. Survivors of conflict-related sexual violence (CRSV) are marginalized and excluded, and at risk of further exploitation and abuse, necessitating specialized interventions.

Children born as the result of CRSV or fathered by ISIL fighters face difficulties obtaining birth registrations and national identity cards, without which they cannot access basic services, as well as stigma, expulsion from community and abandonment by mothers. Moreover, this puts the children and their mothers at risk of violence and exploitation, including retributory violence and honour killing; and critically require support and assistance. Iraqi CRSV survivors are diverse, coming from different religious groups, backgrounds and having different community standards.

The limited or lack of legal and financial support available for survivors of sexual violence in Iraq is compounded by a lack of reporting. The survivors often find themselves trapped in abusive situations due to lack of structured support and negative conservative social norms that consider it shameful for women to seek justice. According to the Monitoring and Reporting Mechanism (MRM) in Iraq, the killing and maiming of children—predominantly because of explosive ordnance—remains the most widespread grave violation of child rights, with boys disproportionately impacted. The Action Plan to prevent the recruitment and use of children by the Popular Mobilization Forces (PMF) was signed in March 2023.

Child labour

According to the Multiple Indicator Cluster Survey (MICS) 2018, in Iraq, approximately 7 percent of children aged 5-17 were engaged in child labour. Poverty, armed conflict, displacement, socio-economic challenges and the COVID-19 pandemic, during which children were learning remotely, which increased the risk of school dropouts, are contributing factors to an increase of child labour in Iraq.

A 2020 assessment in collaboration with the Ministry of Planning, the World Bank, UNICEF and the Oxford Poverty and Human Development Initiative showed an alarming increase in child poverty because

[61] Around 40 per cent of women believe that a husband is justified in beating his wife for any reason, reflecting deeply ingrained patriarchal attitudes.

of COVID-19 in Iraq, a key driver for child labour. According to the assessment, an additional 4.5 million (11.7 per cent) of people in Iraq risked falling below the poverty line because of the socio-economic impact of COVID-19. This sharp increase would have brought the national poverty rate to 31.7 per cent from 20 per cent in 2018 and the total number of poor to 11.4 million. Children and adolescents faced the highest increase in poverty.[62] As of 2024, the poverty rate in Iraq stands at approximately 31.7%. This increase is attributed to the socio-economic impact of the COVID-19 pandemic, fluctuations in oil prices, and ongoing economic challenges. In some governorates, the poverty rate is even higher, exceeding 50% in certain areas *(World Food Programme) (Asharq Al-Awsat).*

Recommendations:

1. Support the Government of Iraq to align Iraq's labour laws to comply with international standards, specifically the International Labour Organization (ILO) Convention 182 against worst forms of child labour.
2. Encourage the Government of Iraq to improve the capacity of labour inspectors and law enforcement agencies to identify and penalize those who exploit children through child labour practices.
3. Lobby the Government of Iraq to implement social protection schemes such as cash transfers, food assistance, and health care subsidies to alleviate poverty that pushes children into child labour, especially the worse form of child labour.

Juvenile Justice

Iraq has one of the lowest age of criminal responsibility (9 in Federal Iraq and 11 in KRI), which, combined with punitive justice, results into a considerable number of children being in detention. The Government of Iraq, both in Federal and KRI, use the legal framework related to punitive j*uvenile Welfare Law (No. 76, the year 1983*), which comprises Juvenile Police, Juvenile Courts, and Juvenile Detention Centers and does not foresee diversionary justice or alternatives to detention. Efforts are made to institutionalize capacity building for justice for children in KRI to sustain the technical capacity of the service providers and decision makers. Coordination mechanisms at the regional and governorate level are created and strengthened to ensure that basic services are in place and a child-friendly system is promoted.

Children face a range of issues including deprivation of liberty, family separation, inadequate living conditions, lack of formal education, and limited access to services including health, mental health and psychosocial support, legal aid, and child protection. UNICEF is working with the Government to promote a child-friendly justice system.

Recommendations:

1. Encourage the Government of Iraq to ensure children's equitable access to justice. This is achieved by strengthening the capacity of the justice system and child-friendly legal reform and legal procedures that consider girls and boys as victims, including those with alleged terrorism charges.

2. Call on the Government of Iraq to endorse the proposed increase of the age of criminal responsibility from current 9 years to 14 years as proposed by the Juvenile Care Council; as well as UNICEF's recommendations to support restorative justice approaches, scale up alternatives to detention (including diversion schemes), and end children's arbitrary and unlawful detention,

[62] Before the COVID-19 pandemic, one out of five children and adolescents were poor. At the time of the assessment, it was set to double to almost 2 out of every 5, or 37.9 per cent of all children.

collaborating with law enforcement agencies.

Birth registration, name and nationality

Although Iraq had a high reported birth registration rate in 2011 (99 per cent) and the MICS 2018 indicates that the national coverage rate remains high (at 98.8 per cent), overall 7.8 per cent of children under 5 are either not registered or do not have birth certificates, which are fundamental for them to obtain identity documents and other civil documentation necessary to access social services such as education, healthcare, and social security benefits.

In addition, the following groups continue to face challenges in obtaining civil documentation: persons in possession of documentation issued by ISIL; orphaned children lacking any documentation found in areas previously controlled by ISIL; women who married during ISIL control whose spouses are missing; mixed marriages (one non-Iraqi spouse and one Iraqi spouse); those who entered Iraq regularly before the conflict in 2014 and those who entered Iraq irregularly during ISIL control after 2014; and individuals transferred from North-Eastern Syria custody/detention facilities to Iraqi custody/detention facilities lacking any documents (Custody-to-Custody transfer).

Recommendations:

1. Encourage the Government of Iraq, especially the Directorate of Civil Documentation, to implement simplified and expedited procedures for obtaining civil documentation for children and their caregivers, particularly for those in vulnerable situations or conflict-affected areas.
2. Advocate with the supreme Judicial Authority to develop and disseminate clear guidelines and legal frameworks outlining the rights of children and caregivers to obtain civil documentation, regardless of their circumstances.

Right of specific persons or groups

Women

Despite significant progress in recent years, gender-based discrimination and violence remain pervasive and the promotion of women rights has recently been affected by a backlash.[63] Discrimination against girls and young women through harmful practices, including child marriages,[64] needs to be addressed given that the country has one of the highest adolescent fertility rates[65] in the region. Unplanned pregnancies have major implications for the wellbeing of young mothers and children. Traditional practices, such as '*fasliya'*, which involves the exchange of family members (a young girl in most cases) to resolve tribal conflicts, along with forced child marriages and 'temporary' marriages, significantly heighten the vulnerability of women and girls to trafficking within the country.

There is evidence of gender-based violence including domestic violence and intimate partner violence and female genital mutilation (FGM) in Iraq. This requires raising awareness at community and service provider levels about gender-based violence and FGM as violation of rights of the girl child and young

[63] Anti-gender campaigns on social media platforms started taking place just before *Muharram* 2023 and were part of Husseini councils' public gatherings and discussions before the commemoration of the *Ashura*, the 10th of *Muharram* on 29 July. Additionally, the letters issued by the ministers of health and higher education and scientific research on 4 and 13 July respectively raised concerns around the position of the Government of Iraq. The letter of the minister of health ordered abolishing gender and human rights departments and changing the name of women empowerment departments to community development departments. The letter from the minister of higher education and scientific research urged universities to promote Arab ethical values to counter "unfamiliar challenges (homosexuality) that attempt to undermine the tenets of the society and dismantle its solid foundations" and stated that caution should be applied when using the term gender adding that "the necessary clarification and understanding must be given when communicating official correspondences".

[64] According to MICS 2018 the percentage of women 20-24 who were first married or in union before the age of 18 years is 28 per cent in Iraq.

[65] Adolescent fertility rate 62.2 - World Bank Data 2021

women.

The lack of appropriate legal frameworks and survivor-centered services to protect women, paired with conservative social norms and high stigma, hinder many female survivors of abuse and family separation from being fully protected under Iraqi law. Due to deep rooted harmful social and gender norms, attitudes are deeply ingrained and severely restrict the social, civic and economic development and participation of young people in society, especially the most vulnerable segments, including girls and young women.

Women's labour force participation is amongst the lowest in the region, with occupational segregation across sectors. This leads to missed opportunities for economic growth for young women. More women than men are not in education, employment or training, and women and young mothers are particularly vulnerable to low wage employment and poorer financial outcomes.

Recommendations:

1. Encourage the Government of Iraq to enact and enforce comprehensive legislation to combat gender-based violence and honour killings and strengthen workforce capacities for improved implementation.
2. Advocate with the Government of Iraq to put stringent measures in place for the documentation of birth and marriage registration under civil registration and vital statistics (CRVS) reform.
3. Call on the Government of Iraq, especially the Directorate of Civil Documentation, to expedite procedures for obtaining civil documentation for birth of girls and boys and marriage registration for women and men, particularly for those in vulnerable situations or conflict-affected areas.
4. Encourage the Government of Iraq to make equitable fiscal allocations for girls and boys and increase access to education and economic opportunities for girls and young women. This includes vocational training to promote skills development and entrepreneurship for young women and life skills for adolescent girls through collaborations with the private sector including the chambers of commerce, economic development agencies and industry training institutes.

Children with disabilities:

Article 34 of the Iraqi Constitution guarantees the right to education for all. This includes provisions outlined in MoE Law No. 22 of 2011, which affirms that every individual, including children with disabilities, has the right to learn. Additionally, Law No. 38 of 2013, concerning the care of people with disabilities and special needs, further reinforces this right.[66] The age range for enrollment typically spans from 6 to 16 years, depending on the specific nature of the disability, such as visual impairment, hearing impairment, mental disabilities, or physical disabilities. Nevertheless, the needs of children and youth with disabilities continue to be invisible for reasons including insufficient learning institutions for children with disability, teachers' weak pedagogical skills, weak financial and human resources, and limited referrals.

Recommendations:

1. Encourage the Government of Iraq to implement the inclusive education framework ensuring equitable access to quality education for girls and boys and young women and men with disabilities.

[66] According to Ministry of Education data from 2018, 15,683 children with special needs, including 7,212 girls, were enrolled in formal education at the primary level. These children receive their education through specialized institutions that adhere to the Ministry of Education curriculum.

2. Using the school-based management (SBM)[67] model, enhance community awareness on the significance of inclusive education to enable children with disabilities to have access to formal education settings.

Asylum system and protection environment in Iraq

While not a party to the 1951 Convention and its 1967 Protocol, Iraq has demonstrated an ongoing commitment to hosting asylum-seekers and refugees and to establish the asylum system. Iraq is in the process to finalize a refugee law and Administrative Instructions (AI) that meet the acceptable international norms and practices. It is expected that the implementation of Kurdistan Region of Iraq AI will address restrictive issuance of Humanitarian Residence Permit currently in place based on the mode of entry and other criteria. In Federal Iraq, the Permanent Committee of Refugee Affairs of the Ministry of Interior (PC-MoI) card is issued for refugees as a residency document for asylum-seekers, but for Syrian refugees, PC-MOI cards can be issued only to those who arrived prior to 2019 as the authorities consider that since that date, Syrians are not fleeing armed violence or persecution.

Accelerating the finalization and adoption of the new refugee law, as well as operationalizing Administrative Instructions and harmonizing practices across Iraq will ensure fundamental aspects of refugee protection, such as non-refoulment principle, access to territory and right to seek asylum.

Recommendations:

- Accedes to the 1951 Refugee Convention and its 1967 Protocol;
- Finalizes and adopts and implements a new refugee law and relevant administrative instructions which clearly define the rights and scope of protection for refugees and asylum-seekers, including their right to work and access to social protection;
- Expands and improves the quality of registration procedures for asylum-seekers; and ensures all refugees and asylum-seekers have access to documentation and a fair and efficient Refugee Status Determination procedure.

Arrest, detention and deportation of asylum-seekers and refugees

Iraq continues to use deportation of refugees and asylum-seekers for migration related offences and removal of certain profiles and individuals whose presence in the country is perceived as threat to the national security or social cohesion. Refugees and asylum-seekers in Iraq need residence permits to enjoy freedom of movement, access to public services and protection from arbitrary arrest/detention and possible deportation.

Restrictive policies and limited issuance of residency cards by the Ministry of Interior put many of 30,000 refugees residing in Federal Iraq at risk of arrest and detention, if not refoulement, as well as complicates their access to basic public services. In KR-I, those who entered regularly on a visa require to obtain a residency permit as other foreigners. For those who hold a humanitarian residency permits issued to asylum-seekers and refugees are exposed geographical limitation for freedom of movement between Federal Iraq and Kurdish territories, putting them at risk of arrest and detention. Furthermore, Iraqi courts would impose deportation as an additional punitive measure to be implemented based on the Foreigners Residence Law No. (76) of 2017 both for those detained on migration and criminal related charges.

Recommendations:

[67] The SBM is a model where schools, parents, and communities can make school-related decisions collectively, ensure equitable access to a conducive school environment considering the specific needs of children with disabilities.

- Ensures full respect for the principle of non-refoulement by applying the procedural safeguards provided for in national law, including Article 21(second) of the Iraqi constitution of 2005 and Article 4(A) of the Political Refugee Law of 1971; fully implements Iraqi's *non-refoulement* obligations under international law and ensures that this obligation is given due consideration by national courts.

Situation of Internally Displaced Persons

In January 2024, Iraq's Prime Minister confirmed the intended closure of the remaining IDP camps (as of 27 June 2024) in the KR-I by end July 2024. This decision was part of efforts to fully close the displacement file. In line with global policies against encampment of forcibly displaced populations the UN acknowledges these efforts but also recognises that for many IDPs, whilst hoping to return to their homes at some point, there are a variety of reasons for why return is not an option at this moment for many, including because of their specific profiles, such as Ezidis or Sunni Arabs with perceived affiliations with extremist groups, or because of conditions in their areas of origin. Many IDPs continue facing barriers to return such as insecurity, lack of services and livelihood opportunities, damaged housing in areas of origin, a perceived affiliation with extremist groups as well as issues of reconciliation/ access to justice.

Therefore, to ensure a comprehensive and sustainable approach to solutions to displacement, all three solutions to internal displacement need to be explored: safe return home, relocation to an alternative area within Iraq or local integration, respecting IDPs' voluntary and well-informed choices. In the meantime, while durable solutions for those still in displacement are not found, the current undignified living conditions in camps and informal settlements should be addressed, including issues pertaining to freedom of movement.

In addition, civil documentation remains a central pillar in the return and reintegration processes, as without documentation, returning Iraqis cannot access critical services. It is important that all IDPs obtain unified ID in a timely manner, which is the sole identity document recognized by the Government of Iraq (GoI) as of April 2024.

Recommendations:

- Ensures a holistic approach to solving internal displacement in Iraq, for both IDPs residing in camps but also IDPs in informal settlements and urban settings with reasonable timeframe, that allows for free and informed choice and appropriate support to ensure the sustainability of the option chosen.
- Ensures all three durable solutions continue to be available to IDPs, and equal support packages are available for all solutions, ensuring IDPs do not feel limited in their options.
- Ensures that adequate support remains available through Government authorities for those remaining in displacement as to not increase undue pressure on IDPs to move out of camps prematurely as well as freedom of movement,
- Remove all requirements (formal or informal) of Tabri'a (the process whereby one disavows one's incriminated relative and pledges to sever all bounds with him) in place that hinder access to security clearances, assistance packages and services.
- Ensure the swift and comprehensive rollout of the new UID technological system across Iraq and full-scale implementation which will allow persons to apply for the document in any location, not just their area of origin.
- Disseminate clear instructions to all CAD and UID offices across the country on the requirements to apply for the UID, including a full set of alternatives for those who are not in possession of the pre-requisite documents (the issuance of which has been suspended) and do not have access to the documents of a family member.