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Human Rights and Democracy Report 2014 - Section XII: Human Rights in Countries of Concern - Iraq

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The human rights situation in Iraq deteriorated significantly over the course of 2014. This was due primarily to the advance of ISIL into northern and western Iraq, and the widespread and systematic abuses which ISIL fighters perpetrated against the civilian population. The UN estimates that 2.1 million people were displaced in Iraq in 2014, causing what the UN declared to be a humanitarian emergency of the highest level. In addition, ISIL fighters perpetrated extrajudicial executions, sexual violence, targeted persecution of religious groups,

abduction of women, forced displacement, and the recruitment of child soldiers. For further information on the human rights situation in areas under ISIL control, see Chapter VI.

The situation of women, children and religious minorities remained a particular concern. Likewise, there continued to be significant and systemic problems with the administration of justice across the country. These included reliance on confession-based convictions, the use of torture to obtain these confessions, poor detention standards, and a continued reliance on the death penalty, particularly for terrorism offences. There were also concerns around the performance of the Iraqi Security Forces (ISF) and police, and the role and conduct of Shia militias. Iraq's Universal Periodic Review (UPR) took place at the UN Human Rights Council (HRC) on 3 November. This focused primarily on the current security situation and highlighted the progress that had been made over the last four years on the human rights agenda, including on the rights of children and persons with disabilities. Concerns raised by numerous UN member states included the death penalty, the use of torture, the situation of minorities, Iraq's declining to accede to the Rome Statute of the International Criminal Court, and women's rights.

Human rights remained a key part of our engagement with the Iraqi government in 2014. Progress on our priorities was, however, slow. This was due partly to the advance of ISIL, but also reflected the failure of previous Iraqi administrations to govern inclusively and protect human rights, which contributed to ISIL's rise. We continued to encourage the Iraqi government to act together against the threat posed by ISIL, to protect all Iraqi citizens and promote the rule of law.

The UK is part of a coalition of more than 60 countries supporting the Iraqi government in its fight against ISIL, and Royal Air Force strikes are assisting Iraqi ground forces. Pushing back ISIL is key to protecting civilians and enabling internally displaced persons (IDPs) to return to their homes. The UK has been clear that, to be effective, efforts to tackle terrorism should build support from local communities, and require an effective justice system that respects human rights. We co-sponsored a resolution at the HRC on 1 September which was passed by consensus. It mandated the Office of the UN High Commissioner for Human Rights (OHCHR) to despatch a mission to investigate and report on ISIL abuses in Iraq. Through the Department for International Development (DFID), we are one of the largest bilateral donors supporting the humanitarian crisis. DFID has supported vulnerable populations displaced by the conflict, including funding specifically designed to support women and children.

We welcomed the formation of a unity government whose aims are to be inclusive and representative. This is a crucial step to addressing the challenges facing Iraq and to promoting human rights within the country; the Iraqi government must continue this commitment to inclusivity in 2015. We will continue working with the new government to support all Iraqi citizens, particularly in the fight against ISIL. In 2015 we will focus on combating violence against women and preventing sexual violence in conflict. We will also be engaging on the rule of law and promoting freedom of religion or belief. In addition, we are investigating how we can support the implementation of recommendations from the UPR, particularly building capacity within the Iraqi High Commission for Human Rights to ensure it is an independent and effective monitoring body.

Elections

Parliamentary elections were held on 30 April. Despite the difficult security situation, the elections took place on time and saw over 60% voter turn-out. It was a genuinely competitive election, with a 25% increase in the number of candidates since 2010. There was general consensus that the elections process went well, although there were some complaints of vote-buying and other irregularities. Attacks on campaign rallies in the run-up to the elections and at polling centres may have prevented some people from exercising their right to vote. Iraq's Independent High Electoral Commission announced the preliminary results on 19 May with no one party having a clear majority. An inclusive and representative government was formed on 18 October, with the appointment of the Ministers of Interior and Defence and the swearing in of six Kurdish federal ministers.

The Foreign Secretary, Philip Hammond, welcomed the formation of a unity government as a crucial milestone on the way to addressing the serious security, political and humanitarian challenges facing Iraq.

Freedom of Expression and Assembly

Iraq remained one of the most dangerous countries in the world for journalists to operate in, and media professionals were frequently faced with violence and intimidation, not least from ISIL. While Iraq enjoys a more pluralistic press than other countries in the region, many media outlets are aligned to specific religious or political groups, and the authorities continue to exercise control over how and what the press report. In a speech delivered in a conference held by the Communications and Media Commission on freedom of expression, Speaker Saleem al Juboori pledged to prevent any legislation that may lead to a restriction on freedom of expression, especially in relation to auditory, visual and print media. Despite this, reports of media staff being banned from entering the Council of Representatives or attending conferences continued.

We continued to highlight the importance of a free press in a democratic society. Our Ambassador in Baghdad highlighted the role of the media and the importance of freedom of expression in an interview to mark World Press Freedom Day.

Access to Justice and the Rule of Law

Corruption remained widespread with Transparency International ranking Iraq 170 out of 175 in its 2014 Corruption Perception Index. Lack of capacity within the judicial system and a continued reliance on confessions to secure convictions contributed to the inefficient administration of justice. Criminal investigations and judicial proceedings frequently failed fully to respect and protect international and constitutional guarantees of due process and fair trial standards. There remained a lack of transparency and reports continued of people detained arbitrarily and without access to legal counsel. Distrust of the police remained prevalent, particularly within the Sunni population.

We funded a community policing project which aimed to make a substantial and practical contribution to developing an Iraqi police force that works with the community, is professional and accountable, and observes human rights, including women's rights and rule of law. The project began in just one governorate but, over 2014, spread to three. Its success is evidenced by the reaction of the local communities, who now say they trust the police force, and also by the fact that Iraq is taking forward the funding to ensure the community policing boards set up by the project continue. In addition, we funded a conflict resolution project through Mercy Corps, which developed a network of individuals trained to manage conflicts. This network continues to grow. In 2014, the project helped resolve conflicts all over Iraq, on issues ranging from land ownership to crimes of retribution.

Death Penalty

Iraq continued to apply the death penalty, and the Minister of Human Rights and other government officials have publicly supported it as a legitimate response to terrorist violence. During the UPR, the delegation stated that the current situation with ISIL meant that it was unlikely to abolish the death penalty at present. However, a department within the Ministry of Human Rights will be looking at the use of the death penalty to ensure it is restricted to only the most serious crimes. The UN reported at least 62 people executed in 2014. This included several mass executions, for example 26 people on 19 January, and 11 on 23 January. There were also serious concerns about the transparency of death penalty cases. The unofficial moratorium on the use of the death penalty, imposed by the Kurdistan Regional Government in 2008, remained in place.

We frequently raised our concerns about Iraq's continued use of the death penalty; during the UPR we made a recommendation that they establish a moratorium on executions and move towards abolition.

Torture and Cruel, Inhuman or Degrading Treatment

The government of Iraq has implemented a number of measures to ensure compliance with international commitments on torture, through training courses for those working in the Ministry of Justice and law enforcement. Human rights are also taught in police academies and institutions. However, we continued to receive reports of the mistreatment of suspects in detention and prisons, for example confessions obtained by torture, and the extrajudicial killing of prisoners accused of terrorism offences. In February, Human Rights Watch (HRW) published a report on the treatment of women in Iraqi detention facilities. The report claimed that many women were detained illegally for months or even years without trial, and were routinely tortured and threatened with sexual abuse. Allegations of torture and forced confession were often dismissed by judges. The UN Special Rapporteur on torture will visit Iraq in 2015, and the Iraqi government has set up a committee to

assist with the visit.

In December, on the fifth anniversary of his arrest, Amnesty International (AI) again called for the release of Ramze Ahmed, a dual British/Iraqi national detained in Iraq. In 2012, after a 15-minute trial where his lawyer was not allowed to speak, he was sentenced to 15 years in prison for terrorism-related offences. We remained concerned about his conviction, including allegations of the use of torture to obtain evidence, and further reports of torture during his detention. We continued to provide consular assistance, and to raise this case and allegations of torture with the Iraqi government.

During the UPR we recommended that the Iraqi government should ensure the equitable treatment of all people through an improved justice system and increased respect for human rights within the police and security forces, including the ratification of the Optional Protocol to the Convention against Torture.

Conflict and Protection of Civilians

Civilians suffered enormously in the conflict with ISIL throughout 2014. The advance of ISIL led to widespread displacement and, in turn, this caused a humanitarian crisis. Along with widespread reports of ISIL abuses, reports from AI and HRW alleged that Shia militias perpetrated human rights abuses against civilians, particularly against Sunnis. These included abductions, killings and extortion. There were also reports of ISF committing human rights violations, including the use of barrel bombs and shelling in civilian areas. Prime Minister Abadi's commitment to the creation of a National Guard, which would bring militia groups under government control, and reform of the ISF, including the dismissal of commanders for corruption, are signs that the Iraqi government is addressing these reports. However, the Iraqi government must hold those responsible for human rights abuses to account, and gather more documentation. Civil society activists continued to be at risk, with reports of disappearances and killings; for example the killing of Saad Abdul Wahab Ahmed, a civil society activist, by unidentified gunmen.

The humanitarian situation in Iraq severely deteriorated in 2014 with the displacement of an estimated 2.1 million people. In addition, the UN estimates that 2.2 million people in areas controlled by ISIL and affiliated armed groups are in urgent need of aid and are, with few exceptions, beyond the reach of humanitarian partners. The UK is supporting the international humanitarian effort and has pledged £39.5 million. This funding is providing shelter, winter supplies, food, water, sanitation and medical care to thousands of displaced families, as well as services to protect vulnerable civilians, such as legal assistance and support groups for women.

Freedom of Religion or Belief

The situation for religious groups, including Muslims, Christians, Yazidis and others, remained deeply concerning. ISIL committed numerous atrocities against religious groups and persecuted individuals and communities on the basis of their religion or belief. While the Iraqi government made commitments to protect all Iraqis, more needs to be done to protect vulnerable groups and to enable them to return to their homes in areas re-taken from ISIL. This is particularly difficult where victims' neighbours have allegedly been complicit in persecution. Although the situation for religious minorities deteriorated since the advance of ISIL, many individuals had already left Iraq as a result of persecution since 2003. This is an issue that the Iraqi government must address. While freedom of religion or belief is protected by the constitution, in practice this is often not the case.

We condemned persecution on the grounds of religion or belief and engaged with religious leaders both in the UK and in Iraq. We funded a series of grassroots meetings among religious leaders in Iraq to promote religious tolerance and freedom of religion or belief. We also encouraged influential religious leaders in Iraq to speak out publicly and condemn sectarian violence.

Women's Rights

It is clear that ISIL is using sexual violence as a tool to spread terror among communities. This includes rape, abduction, forced marriage, sexual slavery, sex trafficking, and other forms of sexual assault. There is also anecdotal evidence of other armed groups, including militia linked to the government, perpetrating sexual violence. However, this appears to be largely opportunistic rather than as the result of specific strategies.

Displaced women and girls are also vulnerable in and outside internally displaced persons (IDP) camps. They are exposed to increased levels of domestic violence, and there have been reports of sexual harassment, organised prostitution and sex trafficking. Attitudes on sexual violence remain a serious obstacle to tackling the issue. Reporting these forms of violence brings shame to the individual, the family and the wider community, often with tragic results, including so-called honour killings, suicide, or the survivor being forced to marry the perpetrator.

Discriminatory laws, like the draft Personal Status Law approved by the Council of Ministers on 25 February, remain a barrier to women's rights. This law would create inequality between citizens before the law. While the draft is not expected to go forward to parliament, its approval is worrying.

From 7-14 November, the Preventing Sexual Violence Initiative (PSVI) conducted a joint scoping mission with the Canadian government. This aimed to understand better the scale of the issue and the services being provided, thus informing UK and Canadian policy and programming.

Our Embassy continued to work with women's groups to promote women's rights, setting up two working groups – one focused on female MPs and the other on young women. The aim of the groups is to improve women's access to employment and the political process, and to combat the effects of sexual violence.

Minority Rights

The situation for minorities has deteriorated in the wake of ISIL's advance. ISIL has committed atrocities against minorities such as the Turkmen community, forcing thousands to flee their homes. On 22 December, the Iraqi Minister for Human Rights hosted an event focused on the need to bring together minorities. This was a positive step, but much more remains to be done to protect vulnerable communities.

Children's Rights

There were reports of children being abducted by ISIL and trained as soldiers or used as suicide bombers. Large numbers of children were displaced and others lost family members as a result of recent violence. Displaced children continued to suffer from the psychological trauma of conflict, and access to education and development opportunities were severely limited. Schools in the Kurdistan Region were used as housing for IDPs, resulting in a delayed start to the school year in some governorates, and many children not being able to attend lessons.

UK humanitarian assistance in Iraq included activities specifically focused on protecting vulnerable displaced children, such as the provision of psychosocial support and safe spaces to play.

Other Issues

Camp Liberty

Over 2,500 Iranian nationals remain in Camp Liberty, with the final group transferring from Camp Ashraf in September 2013. Residents are being assessed for refugee status by the UN High Commissioner for Refugees (UNHCR), with a view to being relocated to third countries. We have agreed to consider, exceptionally, whether 52 residents previously settled in the UK, but who left the UK many years ago, should be readmitted. The Home Office has agreed to the re-admission of the 17 residents so far referred by the UNHCR.

We support UN calls for more to be done to protect the residents of Camp Liberty but, in common with international partners, remain of the view that the Iraqi government, as the sovereign government, is responsible for security at the camp. In all of our engagement with the Iraqi government on this issue, we have emphasised that it is their responsibility to ensure the safety of the residents at Camp Liberty.

Our Embassy in Baghdad continues to monitor the situation; the UN's overall assessment of the camp is that the provision of life support systems, such as water, electricity, and food, are well in excess of basic humanitarian standards.

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