

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	627
Land:	Irak
Kilde:	United Kingdom: Foreign and Commonwealth Office
Titel:	Human Rights and Democracy: The 2012 Foreign and Commonwealth Office Report – Iraq
Udgivet:	15. april 2013
Optaget på baggrundsmaterialet:	29. april 2013



Human Rights and Democracy: The 2012 Foreign & Commonwealth Office Report - Iraq

Publisher [United Kingdom: Foreign and Commonwealth Office](#)

Publication Date 15 April 2013

Cite as United Kingdom: Foreign and Commonwealth Office, *Human Rights and Democracy: The 2012 Foreign & Commonwealth Office Report - Iraq*, 15 April 2013, available at: <http://www.refworld.org/docid/516fb7c716.html> [accessed 24 April 2013]

Disclaimer This is not a UNHCR publication. UNHCR is not responsible for, nor does it necessarily endorse, its content. Any views expressed are solely those of the author or publisher and do not necessarily reflect those of UNHCR, the United Nations or its Member States.

Despite some progress in 2012, the human rights situation in Iraq remains difficult. However, there were some encouraging developments. The establishment in April of Iraq's Independent Commission for Human Rights (ICHR), progress on a bill to combat domestic violence, ratification of the Convention on the Rights of Persons with Disabilities, agreement of an exemplary NGO law by the Kurdistan Regional Government (KRG) and growing engagement on women's rights issues are all signs of movement in the right direction. Nevertheless, significant problems remain.

Iraq's emerging civil society faces a number of challenges, including lack of training and expertise and the difficulties which non-governmental organisations face in obtaining registration. Iraq's use of the death penalty increased dramatically during 2012, when 129 executions were carried out. Citizens continue to face difficulties gaining access to justice due to weak implementation of the law. Corruption remains endemic: Transparency International ranked Iraq 169 out of 176 in its 2012 Corruption Perception Index. Iraq's diminished religious and ethnic minority communities remain vulnerable. In the Kurdistan region, several laws designed to improve the human rights situation have been passed, but the implementation of some of these laws, for example the Family Violence Bill, has been slow.

The promotion of human rights continued to be an important part of the UK's Iraq Strategy, which was laid before Parliament in October 2012. Our priorities include supporting establishment of the ICHR, promoting women's rights and encouraging Iraq to implement its National Action Plan for Human Rights. Progress on these was mixed. Despite commissioners being appointed in April, the ICHR is not yet fully operational. The National Strategy for Women's Advancement is still in draft form after three years, although a number of women's rights groups are now working steadily towards an implementation plan for UN Security Council Resolution 1325 on Women, Peace and Security. On 19 December, the Ministry of Human Rights (MoHR) announced an implementation strategy for its National Action Plan, which was drafted in response to the UN Human Rights Council's Universal Periodic Review recommendations. We regularly raised human rights concerns with senior members of the government and encouraged them to take action to meet our concerns.

Our priorities for 2013 include supporting delivery of the National Action Plan. We will continue to support the UN and other partners to develop an action plan for implementing UN Security Council Resolution 1325 on Women, Peace and Security. Working through the EU and other partners, we will also support the development of the ICHR. We will continue to monitor the progress of legislation under consideration by the Council of Representatives, including the Freedom of Expression law and the draft Information Crimes law. We will also continue to provide training and funding for a variety of human rights projects across Iraq, with an emphasis on women's rights, freedom of expression and the rule of law.

Freedom of expression

Although Iraq enjoys a higher level of media freedom than many Arab countries, major problems still exist with legislation governing the media, and there is not yet a strong culture of supporting press freedom. Draft legislation currently being debated in the Council of Representatives is ambiguous and has the potential to restrict journalists' ability to report freely.

Although the Committee for the Protection of Journalists reported a decrease in the number of journalists killed for reasons related to their profession, media professionals continued to suffer harassment and violence, and to be arrested without proper cause. We were particularly troubled by the closure on 16 December of two media outlets in Baghdad, al-Baghdadia TV and Radio al-Marhaba, and are concerned that the government's action represents a disproportionate use of regulatory policy. The closures followed a threat in June, subsequently retracted, by the Iraqi Communications and Media Commission (CMC) to close 44 media organisations. These included the BBC, which the CMC claimed were operating without a licence.

The UK provided funding for a local NGO (IMCK – Independent Media Centre, Kurdistan) to run media-training sessions with former BBC World presenters for 80 MPs in Erbil.

A number of demonstrations took place across Iraq during 2012, many of which were free from interference by the government. However, Human Rights Watch reported that, in response to demonstrations marking the February anniversary of the start of weekly protests, security forces in Baghdad restricted demonstrators' access to protest sites. In the Kurdistan region's Sulaymaniyah province, a number of demonstrators were reported to have been harassed, beaten and arrested.

Access to justice and the rule of law

There were reports throughout the year of people being arbitrarily detained and not being given access to legal counsel, and of prison conditions which do not meet international and domestic standards. Human Rights Watch reported that the Iraqi government had carried out mass arrests during the build-up to the Arab League Summit in Baghdad in March, and had unlawfully detained people at Camp Honor prison. This is a facility which it had claimed in March last year to have closed following reports that detainees held there had been tortured. We were particularly concerned by allegations in October of sexual and physical abuse of female detainees by prison officers.

A key problem is the lack of resources, including limited forensic capability, available to police, judges and prosecutors. This has contributed to a continued overreliance on confession-based evidence, despite Iraqi law prohibiting its use when obtained through coercion, as evidence at trial.

The UK provided funding for several projects to strengthen the rule of law and to move the Iraqi security forces away from reliance on confession-based evidence. This included contributing to the EU Integrated Rule of Law Mission for Iraq (EUJUST LEX). We also funded a project to help develop and build a professional, accountable, non-sectarian security force. As part of a long-standing engagement programme on civil defence, the Ministry of Interior announced that they are sending 12 key staff to the UK's Civil Defence College for 18 months from February 2013.

Torture

The UN reports that many detention facilities in Iraq are overcrowded, suffer from poor sanitary conditions and lack prisoner rehabilitation programmes. There were also regular reports that authorities had not implemented court orders, including orders to release detainees after they had completed their sentence or following their trial. In some instances, there were allegations of people being detained until a bribe could be paid to secure their release. These conditions contribute to an environment where torture and other ill-treatment can take place with impunity. Iraq became a party to the Convention against Torture in 2011, and although torture is also prohibited under Article 37 of the Iraqi Constitution, there were a number of reports this year that prisoners had been subject to torture or other ill-treatment. This included NGO reports that female prisoners were routinely tortured and raped. Disappointingly, the MoHR has so far ignored calls to investigate the most recent allegations.

We remain concerned about the case of Ramze Ahmed, a dual British/Iraqi national who has been in detention in Iraq since December 2009. In his most recent and final court hearing on 20 June, he was found guilty of terrorism-related offences and sentenced to 15 years in prison in a 15-minute hearing at which his lawyer was not permitted to speak. Along with Amnesty International, we have concerns about the nature of the charges and allegations of mistreatment as well as about the trial proceedings. We continue to provide consular assistance and to raise the allegations of mistreatment with the Iraqi government.

Death penalty

The Iraqi government remains resolute on the need for the death penalty as a response to the high level of terrorist activity in Iraq, citing widespread public support for its continued application. We were deeply concerned by the increase in executions in 2012 to 123, compared to 67 in 2011 and 18 in 2010. We continued to urge the Iraqi government to introduce a moratorium on the use of the death penalty, with a view to its abolition, as pledged in the National Human Rights Plan and in the formal response from the MoHR to last year's Human Rights report. The number of offences punishable by the death penalty increased in 2012, however, with the passing of the Trafficking in Persons Law. In a high-profile case, former Vice President Tariq al-Hashemi was sentenced to death in absentia in September.

We urged the government to provide greater transparency in death penalty cases by releasing more information about charges, sentences, appeals and trial procedures. Alistair Burt MP, Foreign Office Minister for the Middle East, issued a statement on 30 August condemning the rise in executions, and we joined an EU démarche to the Iraqi parliament in Baghdad on 27 September. The UK also co-sponsored an event in Baghdad to mark World Day Against the Death Penalty.

Conflict and protection of civilians

Security has improved since the height of the insurgency in 2006-7, but attacks continue to occur on an almost daily basis, many targeted on the security services. Al-Qaeda, seeking to cause sectarian divide and destabilise the country, is believed to have been responsible for a large proportion of them. There was also an increasing pattern of coordinated attacks against civilians involving improvised explosive devices and intended to cause mass casualties.

Following a series of car bomb attacks across Iraq on 9 September, Mr Burt issued a statement condemning the attacks and reiterating UK support for Iraqi government efforts to defeat terrorism. There have been no major attacks in the Kurdistan region since 2007.

Freedom of religion or belief

The situation for Iraq's ethnic and religious minority groups remained precarious. Minority Rights Group International ranked Iraq as the fourth most dangerous country in the world for minorities

in their 2012 list of "Peoples Under Threat". A proliferation of extremist and militant groups seeking to destabilise Iraq, insufficient security and poor application of the rule of law all contributed to the violence against minority communities. We were particularly troubled by reports in September of violent raids by government of Iraq forces on Christian and Yezidi social clubs in Baghdad, reportedly for selling alcohol.

Many of those trying to escape ongoing ethnic and religious persecution in Iraq seek refuge in the northern provinces of the Kurdistan region. An estimated 80,000 families of various ethnicities and religions have fled there, including approximately 20,000 Christian families from Baghdad and Mosul. Some have found a temporary safe haven in the cities of Duhuk and Erbil; others are living in the Nineveh Plains as internally displaced persons.

Although the government has taken steps to help stem the violence by measures such as increasing security at minority places of worship and publicly condemning attacks, minority communities continue to live in fear. Following the success of a project in 2011 which resulted in a fatwa outlawing violence against religious minorities, we are funding a further series of grassroots meetings bringing together people from different faiths to combat sectarian violence. The work is being led by Canon Andrew White, who has played a key role in establishing the High Council of Religious Leaders in Iraq.

Women's rights

Women in Iraq continue to face a number of threats, notably gender-based violence. Inadequate or unimplemented legislation remains a key challenge, with "honour" still permitted by the Iraqi penal code as a mitigating factor in crimes involving violence by men against women or children. Perpetrators of crimes involving sexual violence are exonerated if they marry their victim. Surveys indicate that 21% of women have been beaten by their husbands and that in some provinces a majority of women believe that it is acceptable for a man to beat his wife under certain circumstances. More positively, the government has taken steps to address the problem of trafficking through its adoption in May of the Trafficking in Persons Law. In the Kurdistan region, the newly elected (April 2012) Prime Minister, Nechirvan Barzani, has taken a personal interest in the promotion of women's rights, appointing his own Special Adviser on Women's Issues to work alongside the High Council of Women's Affairs to implement the Family Violence Bill.

We continue to support efforts to improve the position of women in Iraqi society, working closely with the UN, EU and other international partners. Following the success of a similar project in the Kurdistan region in 2011, we are funding a police-training project in Baghdad to develop a more effective police response to incidents involving violence against women. In the Kurdistan region, we are funding a project run by the Westminster Foundation for Democracy to increase the participation of female parliamentarians in the Kurdistan parliament. We also funded a project to support female journalists in 2012.

The UK supported events in the Kurdistan region to mark the international campaign of "16 Days of Activism Against Gender Violence". HM Consul General in Erbil was invited to speak alongside Prime Minister Nechirvan Barzani at the opening of the campaign, and we published articles in several of the most widely read newspapers and news websites reaffirming the UK's commitment to tackling violence against women and girls. In contrast to 2011, when Prime Minister Nouri al Maliki publicly appealed to all government departments to strengthen legislation on domestic violence and underlined the need for more education and reform to protect women's rights, activities in central Iraq were, disappointingly, limited to a small cultural event led by the Ministry of Women's Affairs.

Minority rights

Ethnic minorities, mostly concentrated in northern Iraq, continue to report instances of discrimination as well as considerable problems in gaining proper access to employment, healthcare and education.

In 2012, there was a continued trend of sectarian violence. Minorities located in the disputed areas of northern Iraq were disproportionately affected. For example, in August at least nine people were killed and fifty injured in an attack against a Shabak mosque in Mosul. In October, several members of the Shabak community were killed and a number of others injured after homes and businesses in Mosul identified as belonging to the group were attacked. A lack of evidence of investigation by security forces into attacks has contributed to a growing mistrust by minority communities in the security forces' ability to protect them.

Lesbian, gay, bisexual and transgender rights

Although not illegal under Iraqi law, homosexuality is still not widely accepted in Iraq, and the situation for the homosexual community and other sexual minorities remains difficult. We were concerned by reports earlier in the year that members of the LGBT community and Iraqi followers of the "Emo" fashion culture were attacked, and in some cases murdered, for their appearance or their sexual identity (or perceived sexual identity). It is difficult to judge the accuracy of such reports or the scale of the problem. Disappointingly, and despite the evidence, the government response has been one of denial.

Camp Ashraf

Camp Ashraf is controlled by the People's Mojahedin Organisation of Iran (PMOI), also known as the Mujahedin-e-Khalq (MeK). The Iraqi government announced in 2011 its intention to close Camp Ashraf.

On 25 December 2011, as part of this process, the government signed a Memorandum of Understanding with the UN Assistance Mission for Iraq (UNAMI), which allowed for the voluntary relocation of residents from Camp Ashraf to Camp Liberty, a former US base near Baghdad International Airport. Residents were transferred throughout the course of 2012.

The final, major, relocation exercise took place in September. Some 3,100 residents are now based at Camp Liberty. Approximately 100 remain at Camp Ashraf to dispose of residents' remaining property there.

We welcome the government's continued flexibility over its deadline to close Camp Ashraf, and its willingness to engage with UN plans to relocate residents. In accordance with its mandate, the UN High Commissioner for Refugees has started assessing applications from the residents of Camp Ashraf for refugee status. The UK has re-admitted four people from Camp Ashraf holding valid UK travel documents. We have also undertaken to examine exceptionally the cases of those residents with previous refugee status in the UK but who do not have current or valid UK travel documents, subject to UNHCR confirmation of their refugee status.

We continue to urge the government of Iraq to respect the human rights of the camp's residents in accordance with international and Iraqi domestic law.

Search Refworld

by keyword

and / or country

All countries



Clear

Search

[Advanced Search](#) | [Search Tips](#)

Countries

- [Iraq](#)

Topics

- [Conflict situation](#)
- [Death penalty](#)
- [Freedom of religion](#)
- [Lesbian, gay, bisexual, transgender and intersex \(LGBTI\)](#)
- [Minority rights](#)
- [Protection of civilian persons in time of war](#)
- [Refugee camps](#)
- [Right to justice](#)
- [Rule of law / Due process / Procedural fairness](#)
- [Torture](#)
- [Women's rights](#)