

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	393
Land:	Irak
Kilde:	United Kingdom. Foreign and Commonwealth Office.
Titel:	Annual Report on Human Rights 2008 - Iraq.
Udgivet:	26. marts 2009
Optaget på baggrundsmaterialet:	15. maj 2009

Title	Annual Report on Human Rights 2008 - Iraq
Publisher	United Kingdom: Foreign and Commonwealth Office
Country	Iraq
Publication Date	26 March 2009
Cite as	United Kingdom: Foreign and Commonwealth Office, <i>Annual Report on Human Rights 2008 - Iraq</i> , 26 March 2009. Online. UNHCR Refworld, available at: http://www.unhcr.org/refworld/docid/49ce361a2d.html [accessed 11 May 2009]

Annual Report on Human Rights 2008 - Iraq

Introduction

As security improves, Iraq has continued to emerge as a functioning democracy, with diverse political representation and a respect for human rights enshrined in its constitution. Iraqis are arguably freer now than at any time in the country's history. However it is undeniable that significant challenges do still remain, particularly relating to detention, women's rights, consolidating progress on rule of law and the protection of minorities throughout Iraq. Iraqi politics are characterised by open debate, broad representation, regular elections and a maturing political class. Iraq's struggle since 2003 when Saddam was removed has been not only to come to terms with the former regime's legacy but to move forward and allow the Iraqi people to enjoy new democratic freedoms of expression and human rights. Iraq, a country where for so long human rights violations were endemic is undertaking a long and difficult transition. The UK will continue to support Iraq as it seeks to bring about these changes. Prime Minister Maliki and his government have repeatedly made clear their commitment to human rights and its application across the government of Iraq. The most recent examples of this commitment are Iraq becoming a signatory to the United Nations Convention against Torture and the passing of legislation to enable the creation of the National Human Rights Commission for Iraq.

Political reconciliation between Iraq's various communities remains of paramount importance and building on the positive steps already taken, the UK will continue to work with the Iraqi government to help maintain progress. Adherence to the rule of law and respect for all citizens rights irrespective of faith, tribe, politics or gender will also be crucial.

Much of this broader political and legislative progress is underpinned by improvements in security. Security is vital but remains fragile. Real advances have been made in reducing violence across Iraq with the lowest levels for extremist attacks since 2003 being recorded in 2008, down 85 per cent from 2007. Significantly this is being achieved largely by Iraq's own security authorities, with Coalition (including UK) help and support. Real, self-sustaining progress in Iraq also requires good governance and a sound economy. Iraq has made progress in these areas over the last five years and the UK will continue to support the Iraqi authorities in making further progress.

Current concerns

Security and law and order

Insecurity and the weakness of the rule of law have been serious obstacles to promoting a human rights-based culture in Iraq over the last five years. Militia and extremists continue to kidnap, kill and injure those officials and professionals bravely attempting to rebuild Iraq as well as innocent civilians, but the overall security situation has much improved during 2008. This is in part due to the surge in numbers of United States troops, but also to the improved capacity and effectiveness of the Iraqi security forces and the formation of the 'Sons of Iraq' – the mainly Sunni groups who have rejected Al Qaida's nihilism and driven it from many of its strongholds. The number of Iraqi units capable of conducting independent counter insurgency operations is increasing steadily. There are now around 400,000 Iraqi Police Service (IPS) officers nationwide. The IPS has made significant progress in its capability to maintain public order, investigate crimes and arrest suspects.

With the improvements in security, Coalition troops have been handing responsibility for security back to Iraqis. At the time of going to print, 13 of Iraq's 18 Provinces have now transferred to Iraqi security control. The latest to transfer was the former Al Qaida stronghold of Anbar – the first majority-Sunni province to come back under Iraqi control.

The Iraqi-led Charge of the Knights operation in Basra in March 2008 greatly improved the security situation there. Normality is gradually resuming and everyday life and freedom of movement for Basrawis is much improved.

Impact of violence on vulnerable groups

Some groups remain at particular risk from violent persecution. These include internally displaced persons, refugees displaced regionally, many of whom are in Syria, and ethnic and religious minorities. The UN High Commission for Refugees estimates that more than two million Iraqis are currently displaced internally and a similar number have fled to nearby countries. A small number of refugees have returned from Syria during 2008 due to financial difficulties in the host country, improved security conditions, in Iraq, and a pattern of families sending a male family member to assess the situation on the ground.

Minority communities still face violence throughout Iraq, but in the last year, the Iraqi government has taken some action to preserve minority rights. After the attacks against the Christian community in Mosul in September the government of Iraq worked quickly to ensure security was restored, and established a high level task force to investigate the situation. Their action allowed displaced families to begin returning to their homes. Officials in our missions in Iraq and in London regularly meet with representatives of the Christian community to hear their concerns. The Prime Minister's Special Envoy for Human Rights in Iraq (the Rt Hon Ann Clwyd MP) also raised the situation in Mosul with the Iraqi Minister for Human Rights (herself a Christian) in Geneva in October 2008.

Alongside the Iraqi government's response, the UN Refugee Agency (UNHCR) has responded by sending an international team to Mosul. Together with the International Committee of the Red Cross (ICRC) and the World Food Programme (WFP), it has distributed emergency assistance including food parcels, blankets and hygiene kits to those displaced. UNHCR is also engaged in providing emergency shelter and shelter rehabilitation in Mosul and across Nineveh. Although the UK has not given direct financial support to Assyrian Aid the UK supports these efforts through DfID's wider financial support this year for UNHCR, ICRC and the WFP and their work with Iraqi internally displaced people and refugees.

Representation is an important issue for minorities in Iraq. Iraq's parliament passed legislation governing provincial elections for 2009, which provided guaranteed representation for minorities. Although the final quota of 6 seats proved contentious it nonetheless will help ensure minority voices will be heard and represents a genuine acknowledgment by Iraq of the importance of minority representation in the political process.

Women's rights

The abuse of women's rights continues to cause some concern in Iraq, although encouragingly, there has been some progress. The introduction of the 25 per cent quota system for female representatives elected to the Council of Representatives and the creation of the Ministry for Women's Affairs are significant steps forward. But there remains some way to go. Societal and cultural changes come about at a slow pace. Reliable statistics on the current situation are at a premium. Our knowledge relies heavily on other stakeholders, including NGO in country engagement, Iraqi government officials and academics as well as through the PM's Special Envoy on Human Rights in Iraq, Rt Hon Ann Clwyd MP

We are concerned about reports of the limited availability of education and employment for women, as well as access to health care, especially those in rural areas. It is also still the case that thousands of women in Iraq face violence from men, including from within their own families. Honour crimes, in which women are beaten or killed for wanting independence and freedom of choice, remain a problem in Iraq. The Iraqi authorities are aware and have made commitments to address such abuses. Education of human rights issues is now a part of police training. For example, the Baghdad Police College houses the Institute of Ethics and Human Rights which focuses on training officers in police ethics, the use of force, the constitution, inter alia. In 2008, this institute trained over 1500 officers. We expect that as this education is reinforced by police and the judiciary an understanding of human rights enforced through the law is then filtered down into civil society.

The relationship between women and the security situation is an important one as it affects them in a number of ways. Women have been used as a tool to destabilise the security situation acting as willing or unwilling suicide bombers. Nonetheless, it is important to recognise that security situation in Iraq has improved vastly in the last few years, which has in turn improved the living conditions of the citizens of Iraq immeasurably, including women. The UK government continue to work with the Iraqi security forces to ensure that further gains are made on the security situation and that rights and freedoms are protected. We would expect that as a result of the improvement of the security situation fewer incidents of violence against women occur. We have received reports that murders of women have declined in the south, and we will continue to monitor the situation.

The Iraqi Police Service are working to recruit more women who could investigate women's related issues. However, this is a slow process and the few women police officers who are recruited are often diverted to more 'urgent' priorities. The UK highlights women's safety and security as a prominent issue and we will continue to work to ensure that conditions for women do improve.

The UK maintains excellent relations with Minister for Women's Affairs who visited the UK for the FCO Human Rights Forum in December 2008. She informed us that Iraqi government continue to work to improve women's access to education, employment and health care, although readily admits that more needs to be done. This Ministry suffers from a relatively small budget at present which in time the Minister hopes will grow to enable the Ministry to undertake more ambitious projects. We will continue to work with the Ministry of Women's Affairs and recommend it be strengthened to address concerns about women's rights immediately.

Other vulnerable groups

We have received reports of violence committed against individuals because of their sexual orientation. We will continue to monitor this situation carefully.

There have also been reports of journalists being threatened and deliberately targeted across the country. Again we continue to monitor this situation.

Justice system and death penalty

There have been some encouraging signs of growing independence in the Iraqi judiciary.

In November, the Iraqi High Court ruled that it would be unconstitutional were Parliament to strip Sunni lawmaker Mithal al-Alusi of his immunity from prosecution following his attendance at a conference in Israel – a welcome and courageous decision. The justice system does however still lack capacity in some areas, including a shortage of trained judges, and vulnerability to political and sectarian pressure. The number of individuals held in Iraqi detention has largely remained stable in 2008 despite the implementation of an Amnesty Law in February. The Amnesty Law has resulted in over 6000 pre-trial detainees and prisoners being released, but this has been balanced by the new detainees arising from security operations in Basra, Diyala and Mosul. In this connection the capacity of the Iraqi Judiciary to process these cases will need to be enhanced significantly further if it is to successfully match the high volume and reduce the backlog.

There have been documented (through UN reports) and well publicised allegations of cases of deliberate abuse in Iraqi prisons, and widespread reports of overcrowding. The UK recognises overcrowding in detention facilities as a major threat to human rights in Iraq. The efficient and humane running of these facilities and the continued well being of the detainees concerned is vital. We have also expressed our concern during 2008 at the number of juveniles held in overcrowded prisons under the authority of the Ministry of Labour and Social Affairs. The Iraqi Ministry of Justice has taken forward an initiative to speed up processing of paperwork, introducing rehabilitation and vocational training and addressing overcrowding in detention centres. The Ministry of Interior has similar problems to address needing assistance from, among others prosecutors to ease the burden of overcrowding in their facilities. We will continue to explore ways in which the Iraqi authorities can better address detainee processing and tackle overcrowding.

The UK lobbies in Baghdad at senior levels against the implementation of the death penalty.

The Iraqi High Tribunal (IHT) upheld death sentences against Ali Hassan al-Majeed ('Chemical Ali') on 4 September 2007 and against Sultan Hashim, Saddam's former defence minister and Hussein Rashid al-Tikriti, the former deputy commander of operations for the Iraqi military. These sentences have not yet been carried out. In addition the IHT passed a further death sentence in November 2008 against al-Majeed after he was found guilty of further crimes in relation to the 1991 massacres (in which the former regime murdered an estimated 100,000-180,000 mainly Kurds and Shias in retaliation for the post first Gulf War uprising). Trials of former regime members under the IHT continue, with the trial of former Deputy Prime Minister Tariq Aziz being the most high profile.

Coalition detention

In 2008, UNSCR 1790 authorised Multi-National Forces in Iraq to intern Iraqis for imperative reasons of security. The UK took its power to intern in Iraq seriously and only used it when absolutely necessary. The ICRC and the Iraqi Ministry of Human Rights have had regular and open access to our detention facility and to our internees. Wherever possible, we ensured that those detained had their cases heard in the Iraqi courts.

The last two Iraqi nationals held in UK military detention, Mr al-Saadoon and Mr Mufdhi were transferred to the Iraqi authorities on 31 December 2008. They had been detained on behalf of the Iraqi authorities for their alleged involvement in the killing of two UK service personnel. The transfer came in response to requests from the Iraqi authorities and was carried out following the approval of the UK courts. Assurances were received from the Iraqi government that the two detainees would be treated humanely, in accordance with Iraq's legal obligations and this has subsequently been reconfirmed by the Deputy Minister of Justice. Ahead of the transfer we received assurances from the Iraqi authorities concerning the application of the death penalty in this case. The UK considers these assurances credible and consequently the transfer went ahead.

UK action

The UK focus continues to be on helping build Iraqi capacity to implement human rights objectives through reform of key state institutions and security forces. UK support is not only focused on raising the profile of human rights at all government levels, but also bringing our own expertise and adding value to areas where the government of Iraq are already engaged. The UK is working closely with international partners and NGOs to ensure a coordinated approach.

Rule of law

A secure and strong rule of law sector is vital in promoting a culture based on human rights. This year, the Iraqi government has taken further measures, including working towards developing a Baghdad Security Plan, to address violence affecting ordinary citizens. This is being done with the support of the Coalition. The transition of security responsibility to Iraqi control in Basra in December 2007 marked a key shift, and the Charge of the Knights operation in March this year demonstrated the capabilities of the Iraqi Security Sector. In 2008, the FCO, in coordination with DfID and MoD, continued its support to the Iraqi authorities to build an effective and accountable Iraqi Police Service (IPS) with strengthened civilian oversight under the control of the Ministry of the Interior (Mol). The UK has further assisted the Mol and the IPS through training and mentoring, including building capacity in leadership development, strengthening institutional functions, and internal governance.

Forensics

The Iraqi criminal justice system has traditionally relied on confessional evidence to secure convictions against suspects. Under Saddam Hussien torture and death in custody were commonplace. Systems that depend on confessions all too easily lead to abuses taking place during the process. To redress this situation the UK and Iraq have been working together to increase the use of forensics to create a more transparent and professional investigative process and protect the rights of those under investigation. The UK is assisting Iraq in developing forensic capability and has run a National Forensics Project since 2005. The UK's Team based in Baghdad and Basra has helped build and equip laboratories, train scientists in various techniques including finger printing, ballistics, DNA and toxicology as well as police training in crime scene investigation and forensic awareness. The UK will remain heavily involved in assisting the government of Iraq as it implements the National Forensics Strategy in addition to providing a substantial amount of training in forensic science at the National Forensic Training Institute in Baghdad.

The presentation of forensics based evidence is increasingly coming before the courts and Iraq has identified a need to increase judicial capacity to use such evidence properly. In 2008, the UK was involved in the creation of the Iraq led Evidence Steering Group (ESG). The aim of the group is threefold: to develop common guidelines to use forensic evidence in criminal cases; to measure the effectiveness of various types of evidence within the criminal justice system; and to draft legislation on forensics. The ESG held its inaugural meeting in November 2008.

Iraqi detention

As echoed in the UN's own recent assessment, Iraq's pretrial detention and prison facilities remain an area of concern. Many of the Ministry of Justice (MoJ) detention facilities remain overcrowded. There are cases of long-term detention without trial as a result of the inability of the judicial systems to cope with the number of cases pending, with detainee populations building up as a result of this backlog. The UK worked alongside our coalition partners and the MoJ and Higher Judicial Council to develop further the number of prison facilities available and the capacity of the Judiciary to process cases at a higher rate. In 2009, newly built prisons will become available, increasing cell spaces significantly above the current population levels for both pre-trial detainees and prisoners.

Anecdotal reports of physical abuse of detainees in MoI facilities to extract confessions remain of some concern. The Ministry of Human Rights has expressed its similar concern towards the treatment of detainees in MoI facilities. The UK welcomes the Interior Minister's action this year to enhance the MoI's human rights oversight by establishing a full Human Rights Directorate, headed by a Director General and reporting directly to the Minister. The UK also welcomed the invitation to participate in meetings of a Committee established by the Human Rights Directorate to oversee detention operations. The MoJ and HJC are working on this and the UK and Coalition continue to provide support.

Minorities and vulnerable groups

The UK enjoys a close working relationship with the Iraqi MoHR and through our regular dialogue raises issues of concern and works to ensure human rights features prominently on the government's agenda. The Rt Hon Ann Clwyd MP, the Prime Minister's Special Envoy on Human Rights in Iraq, who remains a key figure in our engagement on human rights, has raised the issues of detention, women's rights, honour based violence and voices concerns over the situation of minorities in Mosul.

The UK continues to press the government of Iraq and members of the Iraqi Council of Representatives, at official and ministerial level, to protect all of Iraq's communities, regardless of faith, political persuasion and sexual orientation and to take tough action against those responsible for violence and intimidation. We continue to meet members of Iraq's minority communities, including Christians, Shebak, Mandeans and Yazidis, across our network of posts in Iraq, and in the UK to hear their concerns.

The UK works closely with humanitarian partners in Iraq, including the Office of the UN High Commissioner for Refugees (UNHCR), the ICRC and the World Food Programme (WFP). UNHCR, ICRC and the WFP were instrumental in providing humanitarian relief for Christian families displaced from Mosul in October. The UK continues to support them through DfID's wider financial support for their work with Iraqi internally displaced people and refugees. In 2008, we contributed £17 million for Iraqis inside the country and displaced in the region. We have contributed more than £166 million since 2003.

In 2008, the FCO also hosted a Human Rights Forum for Iraq to engage stakeholders, international NGOs, local civil society groups, UK parliamentarians and Iraqi officials, including the Iraqi Minister for State for Women's Affairs. It is hoped that this engagement will continue into 2009 and beyond and will increase overall awareness of the problems faced as well as facilitate assistance where possible in order to address the key human rights issues.

Forward look

The Iraqi Council of Representatives passed legislation in November 2008 to establish the Iraqi National Human Rights Commission. The UK lobbied heavily on this issue with Baghdad and views it as a significant step forward in the government of Iraq's commitment to human rights. The legislation grants several important powers to the Commission: the Chief Commissioner will have ministerial rank. It will be able to directly initiate investigations and take up complaints from the Iraqi people. It will be able to demand co-operation from government ministries and departments, as well as dictate the time-frames for this cooperation. Significantly, it will also be able to inspect detention and prison facilities without having to obtain prior permission. The Commission will also make public its reports on human rights in Iraq. A third of the commissioners will be women.

Iraq has faced immense challenges but much has been achieved. Sectarian violence has been reduced and political co-operation has improved and progress continues. The UK remains committed to supporting the positive changes the government of Iraq has made to enable further advances in human rights in Iraq.

