
A summary report of the UPR / stakeholders / Iraq 2014

Iraqi constitution approved in 2005 for a federal system of the state, where admitted many rights and freedoms to the citizen, and Iraq ratified the Convention against Torture and Other Cruel and inhuman or degrading treatment. But the past four years was characterized by the spread of violence and killings and sectarian displacement , which affected on lot of people , and formed a violation of the human right to life , a lot of cases of torture in Iraqi prisons is a real threat to human rights , in addition to the application of the death penalty , and weak law enforcement , serious violations affecting women and poor protection of children , and minorities subjected to many abuses of the killing and displacement , formed as cases of arbitrary detention in violation of a real human rights .

First: the institutional framework

Background and Constitutional and legislative framework

- 1 Iraq's constitution was adopted in 2005, which established a federal system of government with a parliamentary republic basis and put rules the areas of development (economic, social, cultural and political) will achieve prosperity. It did not refer to the Constitution of HH international conventions on domestic law or give them legal values to the legislation.
- 2 There was no law regulating of political parties.
- 3 Did not apply some of the articles of the Constitution, especially Article 142 on the dates specified what is negligence by the government.
- 4 There was no law for the distribution of water resources equitably to the provinces.

Recommendations:

1. A law built HH international treaties and conventions on national legislations.
2. The issuance of the above-mentioned laws
3. Urging the Iraqi government to ratify the international conventions.

Second: strengthen the protection of human rights in reality

Equality and non-discrimination

- 6 the constitution in its preamble contained discriminatory vocabulary like it addressed the "Iraqis" males.
- 7 Iraqi laws equal between the sexes regarding the granting of citizenship to the children of Iraqis males and females
- 8 The provincial elections law approved the system of quotas allocated to minorities, the proportion of seats , but there are unequal in these shares with the size of the minority population
- 9 Article 41 beached the principle of equality before the law , which is based on religious discrimination among women.

Recommendations:

A – A fair representation of women in the three presidencies.

B - Reform legislation to achieve equality between men and women.

Civil and political rights

Iraq ratified the International Covenant on Civil and Political Rights of 1966, but the violence that has intensified since 2006, has led to a large crack in the protection of the fundamental rights of Iraqi people, including:

The right of life and opposition against death penalty:

- 10 - We find in the Iraqi Penal Code 111 of 1969, a lot of the actions punished by death penalty. also noted that Article 287 of the Criminal Law of assets , allow the implementation of the death penalty for the pregnant woman after she give birth by four months .

11- the number of people who have been on death row right by the Iraqi Ministry of Justice and significantly, especially in 2013 and early 2014 note most of the people who have been executed trial was unfair confessions were extracted from them by force

Recommendations:

Abolition of the death penalty and replace it with imprisonment

Freedom of the press and media:

11 - The weakness of the legislation on freedom of opinion and expression, so journalists were attacked in different ways including not allowing them to cover some of the activities or being beaten and prevented from writing for their views. (4) as journalists in the Kurdistan region exposes to imprisonment and detention under the resolutions issued by the judicial courts because of their journalistic work , contrary to the law of the press. (5)

12 - Penal Law 111 of 1969, includes restriction of the freedom of opinion and expression, especially those related to publishing crimes ranging from the criminalization of criticism and dissemination of news related to the institutions of the state and broadcast news or publish documents on Circuits and government interests, and range of these sanctions between imprisonment and up to death penalty.

13 - They use Article 434 of the Penal Code to refer journalists to courts on charges of defamation and libel.

Recommendations:

1 - Amendment legislation for the abolition of sanctions against journalists of the Penal Code.

2 - A law regulating the work of journalists and media workers in Iraq which protect them and achieve immunity for the performance of their work

Freedom of movement and property: -

- Iraqi citizens suffering from procedural limitations in mobility between different provinces and suffer from restrictions on ownership in some provinces under the pretext of security situation and the fear of demographic change.

The administration of justice

14 - Trials system includes number of restrictions that exposure of human rights violations, including:

- The inability to refer the accused if he is an employee or costly public service brought to trial without the consent of the reference obstructed the work of the Public Integrity in the fight against financial and administrative corruption and hampered pursuing corrupted people with public money and brings them to justice. According to Article 136, paragraph (b) of the Code of Criminal Procedure.

- the material (49,50 , 51,52,53) of the Criminal Procedure Code does not guarantee to achieve a fair trial as it contradicts with the constitution, which requires the primary investigative papers Committed to the competent investigating judge within 24 hours to ensure the protection of the accused.

- The arrested or the detained is not permitted to review to the court to judge on the legality of detention, and to claim compensation.

- There is no provision to compensate a person who was sentenced to a final decision and then overturned the guilty verdict for the existence of a judicial miscarriage.

- Cases of arbitrary detention are widespread according to Article 4 of the anti-terrorism law No. 13 of 2005 which authorizes the arrest of the accused and suspects without a warrant issued by a competent judicial authorities.

15 - Independence of the judiciary, appointment of all judges in all courts under a presidential decree threatening the independence of judiciary.

Recommendations:

1 - The abolition of paragraph (b) of Article 136 and materials (49, 50, 51, 52, 53) of the Criminal Procedure Code

2 - To endorse the text of the law allows detainee or accused or convicted, which restricted his freedom without legal justification to claim compensation

3 - Inventory decisions imprisonment or penalties restricting freedom of the judiciary, however, only, and the abolition of the texts that give this right to the executive authorities.

4 - Amendment powers of the Minister of Justice and restricts in administrative and procedural matters.

5 - Activation material that emphasizes the width Securities investigative judge on the investigation within the period specified by the Constitution.

6 - Preparation and training of security personnel, according to international standards for the protection of human rights.

CAT

16 - Despite the authentication Iraq on the Convention against Torture and Other Cruel, Inhuman or degrading treatment of 1984 but has not ratified the Optional Protocol thereto of 2002 , the Penal Code does not criminalize torture and cruel, inhuman and degrading treatment of detainees or convicts

17 - There is an overlap of responsibility of prisons in Iraq (Ministry of Interior, Ministry of Justice, Ministry of Defense, and Asayish forces in KRG).

18 - still prisons and places of detention suffers from several violations of overcrowding due to lack of suitable space suits with the number of detainees , the lack of sun heat because of the numbers of detainees , and the failure to adopt the categorization on the basis of age and crime , as well as integration into position between the governed and the defendants who are under investigation , adding to that the reluctance by the prison administration reform to receipt of convicted from provinces that does not have prisons. Overall, there is a weakness in the application of minimum international standards for the management of prisons. (3)

19 - Despite the existing of more than one million missing persons in Iraq, according to the reports of the International Red Cross , but Iraq does not have any national law or government effort to protect or working to solve the disappearances in Iraq .

20 - The existence of cases of torture in Iraqi prisons, most are in the beatings and inhuman and degrading treatment and solitary confinement.

Recommendations:

- A - To amend the Penal Code to criminalize the direction of acts of torture and inhuman and degrading treatment of detainees and convicts by existing and supervisors to manage prisons.
- B - The ratification of the Optional Protocol to the Convention against Torture and limit the jurisdiction of prisons at the Ministry of Justice.
- C - Improving prisons' conditions, according to the minimum standards applicable universally.
- D - Pass a law regulating the visit of civil society organizations to prisons.
- E - Work on a system of alternative sanctions in lieu of penalties restricting freedom.
- F - The rehabilitation of prisoners.
- G - Iraq to be claimed to sign the International Convention to reduce the phenomenon of enforced disappearances, and the need to enact a law to stop all acts that lead to enforced disappearances.

Women and Gender Equality

- 21 - Iraq ratified the Convention on the Elimination of All Forms of Discrimination against Women of 1979, and had reservation on some of the provisions of the Convention (8),
- 22 - There is no representation of women in a variety of presidencies (parliamentary, executive, and judicial).
- 23 - Women still suffer from domestic violence, where the law gave the husband the right decision "the husband to discipline his wife," in accordance with Article 41 of the Penal Code.
- 24 - Iraq has seen a spate of cases of honor killings and honor, as the Iraqi legislature to reduce the punishment by Article 409 of the Penal Code by imprisonment for not more than three years of surprises his wife or one female kin in the case of the act of adultery. And if that woman is

surprised by her husband with another woman in the marital bed and kills her husband or one of them, will be punished for the crime of premeditated murder in accordance with Article 405 of the Penal Code is punishable by the death penalty has been up without benefit of mitigating circumstances, which granted to the husband.

25 - Iraqi women have been murdered, tortured and kidnapped by armed groups and militias during the years 2006 - 2008, where the number of women killed in the first ten months of 2006, according to statistics of the Ministry of Health and the Medico-Legal woman in 1290. The proportion of women who have been killed out of a total of victims of academics and professors during the year 2006 is 5% and accounted for 7% of women among the victims of the journalists . This is what made them to leave their jobs and do not attend school because of fear

26 - The armed groups using women in suicide attacks, taking advantage of the physical destitution and ignorance, as well as insane women.

27 - The escalation of violence in Iraq led to growing number of widows, estimates of the Ministry of Women that the number of widows has registered 1,206,082

28 - Spread the phenomenon of forced marriage and genital mutilation of girls, especially in Kurdistan region, and this constitutes a violation of women's rights. (9)

29 - Women constitute a prime target of hostilities because of not adhering to dress code imposed by the militant groups and offers many non-Muslims to attack for not wearing the veil , and even tried to clamp down on them at work, or engage in recreational or social activities .

30 - Women in the Kurdistan region suffers, according to a report issued by the Ministry of Human Rights nearly(239) woman burned themselves during the first eight months of 2006. It also recorded the highest authorities in Sulaymaniyah rate for arson cases resulting from trauma during the month of November of the same year. As well as (13)cases of burning by fire, and (24) because of the boiling water. These issues are recorded as suicides or accidents occurred episodically. According to the ministry's report that most of the women who have been subjected to violence are from rural areas. And aged between 13-18 years. In the urban centers, the age is higher than 15 years. The forms of violence against women in Kurdistan, particularly the multiple beatings and sexual abuse, death threats, kidnapping and forced marriage. (9)

31 - Still religious influences and habits in addition to ongoing threats and attacks on activists and policies affecting women's participation in political life.

Recommendations:

A - Cancellation of reservations to CEDAW in materials (2, 9, 29) and the need to ratify the Optional Protocol to the Convention.

B - The abolition of Article 409 of the Penal Code relating to crimes of honor and make those punished

C - Amend laws and the Constitution that perpetuate discrimination .

D - Urging the government to ensure the protection of women from attacks that targeting her.

Child

32 - Iraq ratified the Convention on the Rights of the Child, but has reserved on article (14 / I) and related to freedom of the child in the thinking and belief and religion. So no longer required to keep the reservation after the adoption of the Constitution of Iraq in 2005.

33 - The spiral of fighting and violence has led to engage some of the children as a result of the need and poverty or coercion to recruit him and carry out armed in spite of his young age.. (10)

34 - Increase the number of child victims as a result of explosions, and that's what led to the creation of a state of instability in the life and development of the child naturally.

35- still children in Iraq in violation of their rights in the field of education, and that the lack of schools, some of which are constructed of clay material, especially in rural areas, as well as the lack of sanitary facilities or safe drinking water and lack of teaching aids for children's education, as well as the weakness of their health care, and the need their families for money, making a lot of them drop out of school and work towards begging. (11)

36 - Twice the protection of children in relation to their exploitation in prostitution and filming pornographic scenes, as well as trafficking, and their marketing to neighboring countries.

37 - Children convicted are suffering from crimes in Iraqi prisons of poor conditions, and the application of strict penalties and spend relatively long period's criminal record. Not available to them any institutions or rehabilitation programs for their reintegration into society as they were a victim of exploitation or abuse , torture or any form of ill-treatment or cruel .

38 - Spread information about children's exposure to domestic violence and beaten in the case of repetition or when leave schools or as a result of violence happening between parents

30 - Iraq's children suffer from a lack of entertainment places and leads not to their sense of hope in the future to put them in the conflict. It also leads to a number of children become out of school, along with the lack of safe places to play and do entertainment activities or children's centers to deepen their frustration.

40 - Militias and armed groups recruiting boys for the purpose of forced labor or work in arduous and dangerous, forcing many families to flee, fearing for the lives of her children,

41 - Girls are exposed to domestic violence, and violence -style psychological and sexual violence (sexual exploitation and abuse) and early marriage.

42 - Iraqi children suffered over two decades to lack of nutrition , and increased rates of stunting (height relative to age) , as percentages of stunting among children under five years of 21.4 % . The spread of stunting in rural areas are larger than in urban areas, and children suffer from underweight 9.6 % for males and 8.6 % for females, and thinness has reached 5.1 % for males and 4.4 % for females (12) .

43 - Although the allocation of government funds to support childhood, but child labor widely spread.

44--The age of civic responsibility in Iraq, 7 years, according to the law of the care of minors in juvenile law sets the age of criminal responsibility 9 years while the age of criminal responsibility in the Kurdistan region is 11 years .

45 - Article 20 of the Constitution did not ensure that children enjoy the right of establishment of civil society organizations.

Recommendations:

A - Authentication Iraq on Optional Protocol of the Convention on the Rights of the Child.

B - Toward amending the Penal Code to criminalize people who use and exploitation of children and their involvement in armed conflict and to provide care and rehabilitation services.

C - Raising the age of criminal responsibility to the age (13), according to international standards

D - Enter curricula at all levels of education calls for respect for human rights in general and the rights of the child and the emphasis on a modern approach in teaching the concepts of human rights.

E - Securing minimum standards for the trial and juvenile prisons, according to international standards .

Economic and social rights

46 - Iraq ratified the International Covenant on Economic, Social and Cultural Rights of 1966 and the Convention on the International Labor Organization , and the inclusion of these agreements in the Iraqi constitution , and the government's attempt to improve the economic situation and living standards of citizens , but they are still unable to make progress in the level of services , and the need to take serious steps about improving the economic and social situation , where Iraqis are suffering from high levels of poverty and power cuts , water shortages and medical materials .

47 - Right to work: stop of industrial activities, agricultural and trade over the past years and the destruction of infrastructure have led to the spread of unemployment significantly in the absence of economic development programs and that would limit such abuses. The Record Office unemployed affiliated to the Ministry of Labor and Social Affairs, but that the proportion of unemployed graduates formed a big problem facing the country which is the reason for the migration of young graduates out of the country, or for asylum a number of them to work in small professions service (15), a questionnaire of CSOs appointed to the presence of three or more members of the unemployed within the same family. (16) Have shown the results of the level of employment and unemployment for a Central Bureau of Statistics for the year 2008, the unemployment rate for the age group in 15-24 year at a rate of 30.1 % for men and 29.7 % for women.

48 - Housing: Many Iraqis lost their homes as a result of the bad security conditions, and still suffer a lot not having adequate housing, especially in light of their need to build more than 3 million housing units to keep pace with population growth.

49 - Social Security: under government programs allocated to support social protection network to allocate small amounts for the unemployed, widows, orphans and divorced women and low-income people and people with special needs. However, this procedure is not sufficient where the percentage of the population with income less than one dollar a day 3.1 % in 2007. Not to mention the financial and administrative corruption of the long application of this software malfunction and delivery assistance to people in real need.

50 - Education: Education sector has suffered in Iraq as a result of the low levels of recent changes, which indicate the results of exams the past four years to a weakness in the scientific level. The wave of violence led to the reluctance of students to continue the study. Educations also suffers from a lack of school buildings where schools have not been distributed by regions

geographically and evenly, and also because of the destruction of each other and use each other as centers sheltering displaced families, as well as the lack of educational supplies.

51 - The presence of a large spill of schools and universities: The fall enrollment in education for females compared to males. The net enrollment rate of girls in primary education 80.4 % in 2006, and accounted for the enrollment of girls to boys 0.88 %, while the percentage of girls' enrollment in secondary education to 34.3 %, and those formed enrollment ratio to 75% male. As much as the gross enrollment rate for girls in higher education and technical with 10.3 % , and the proportion of girls to boys in graduate 59.3 % , and that in the academic year 2006-2007. It is also the illiteracy rate among adults is high in the province of Muthanna ,Maysan , where the top of the rest of the provinces , where the rate of about 34 % , either governorates of Salah al-Din and Dohuk , which outstand advanced centers in the presence of illiteracy , reaching in Dahuk, about 41 % and stood at Salah is 36.2 % , according to a report by the Central Bureau of Statistics and information technology for the year 2006-2007.

52 - the right in access to health : Every Iraqi has the right to health care ,Iraqis do not enjoy this right fairly , in rural and remote areas suffer from poor families access to primary care, which amounted to a denial of service 69.8 % in rural areas , compared to 33.5 % in urban areas . The decline in health conditions to lower the average life expectancy at birth, where in 2006 amounted to 58.2 years. The decline of the life expectancy in Iraq to forty.

One of the reasons that led to the deterioration of the health situation exposure of doctors and health workers to kill, abductions and migration to the safe provinces (Kurdistan in particular) , or to outside Iraq . As well as the reluctance of doctors to work in rural and remote areas.

Recommendations:

- A. The re- consideration of the labor law and social security
- B. Curriculumdevelopment, and the provision of supplies and modern technologies in education, and the development of programs raise the level of education
- C. Obliging the educational system for the application of compulsory education (6) years at the time heading the Kurdistan Regional Government to extend the period to mandatory (9) years
- D. Rise funding for education and health, in order to increase opportunities for expanding services to meet the needs and enable people to have access.
- E. Activate the application of the law of retirement.

Respect and promote the rights of immigrants and minorities, the disabled and the internally displaced

53 - displaced and internally displaced people : with a high level of violence , and the weakness of the security services and the lack of control over lawlessness , and the proliferation of militias and armed groups in the streets and cities and carry out the killings amounted to the number of dead as a result of violence 9000 according to a survey of the Ministry of Health and the World Health Organization during the last four months and more than for this and other global reports indicate that the proportion of patients during the fighting and the violence is double of dead people

54 - The spread of violence led to the displacement of 1.7 million displaced people, in addition to the 2.2 million refugees, mostly in neighboring countries during the year 2006 and more than 731000 internally displaced families during the years 2011 to 2013, more than 23 thousand families displaced because of military actions in Anbar province , and more than 700 families in Diyala province because of sectarian violence in 2013 . Thus, the ratio of (1/5) of Iraqis are displaced, or (according to the UN High Commissioner of Refugees) and the distribution of the displaced in the provinces of Baghdad, Kirkuk, Mosul and Anbar , Kut and Karbala , Basra and Diyala provinces as well as Kurdistan region ,

55 - Displacement created poor conditions of the affected population, has led to the breakup of families displaced and shredding social and cultural ties to them, and the elimination of opportunities for education and depriving them of vital necessities such as food, clean water, medicine, and the loss of most of them to the source of their livelihood which is to work, and many of them became subject of violence and attacks, kidnapping and even rape, they resorted to safer places , whether in camps or in the countryside or submerge into the community of the poor and the needy like them, and they remain the most vulnerable population and the need for protection and assistance.

56 - In spite of the efforts made by the government, especially after the security situation improved in 2008, in order to improve the situation of displaced persons and displaced people, through the launch of a program to support families returning to their homes and the allocation of \$ (1,000,000) million dinars for each family. But they are not sufficient and need the support of the international community.

57 - Refugees in Iraq suffers from difficult humanitarian conditions and they are target of armed conflict

58 - Increasing numbers of people with disabilities as a result of violence and attacks on citizens in the absence of a law takes care of this class and the growing lack of care and rehabilitation services for them.

The rights of minorities:

59 - Iraq ratified the United Nations Declaration on the Elimination of All Forms of Racial Discrimination in 1969, and despite of efforts made by the Iraqi government in dealing with this file, as stated in Article 125 of the Constitution, that the state guarantees for minorities all rights set forth. However, it is still many actions of violations against minorities

60 - Religious and ethnic minorities exposed to the operations of the systematic killing because of identity even religious or sectarian especially after the proliferation of militias and armed groups in early 2006. They were subject of abductions and enforced disappearances in addition to the displacement and the mass exodus of the families mentioned to the province of Nineveh, in the end of 2008, Iraq has seen the exodus of hundreds of Christian families from Mosul city to the countryside the city's most safety, in addition to the displacement to KRG, and because of the inability of the security forces, especially in the city of Mosul, was unable to guarantee the protection for minorities.(12)

61 - Minorities like Christian and Sabean ,Shabak and Yezidi are subject of abductions and enforced disappearances and they have been requested to change their religions , as is the case with the Mandaean . Their worship places detonated and many of their social and religious characters have been killed

62 - Minorities marginalized in the curriculum, which did not address in all phases of the study, elementary, middle and junior high and even university any mention of minorities and their cultures and histories , while in the Kurdistan region of Iraq, included in the curricula mention of minority cultures and specificities as a definition for them. (14) .

Recommendations:

- A. To work on restoring the displaced to their homes and secure the safety and stability, and provide all the necessary needs such as food, medicine and clean water.
- B. Providing employment opportunities for the displaced.
- C. Providing educational opportunities in their place of residence after implantation.
- D. Reconsider citizenship certificate and card Personal Status Code and data for the Iraqi citizens and make them focus on belonging to Iraq without having to mention religion or nationalism.
- E. Included the curriculum minorities' literature and history.



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- F. Work on the allocation of seats for minorities in the legislatures commensurate within the size of the population of these minorities.
 - G. The ratification on the Universal Declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities
 - H. a law for people with disabilities
 - I. To ensure the protection of all refugees and improving humanitarian conditions of their lives.
 - A. Claim Iraq to ratify on the Convention of refugees and people with special needs.



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