

Universal Periodic Review
(20th session, October – November 2014)
Contribution of UNESCO to Compilation of UN information
(to Part I. A. and to Part III - F, J, K, and P)

Iraq

I. BACKGROUND AND FRAMEWORK

Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

I.1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education (1960)	Ratification 28/06/1977	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education. (1989)	Acceptation 23/09/2002			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	05/03/1974 Acceptance			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	06/01/2010 Ratification			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	22/07/2013 Accession			Right to take part in cultural life

II. Input to Part III. Implementation of international human rights obligations, taking into account applicable international humanitarian law to items F, J, K, and P

Right to education

Constitutional Framework:

2. The current Constitution of Iraq was approved by a referendum that took place on 15 December 2005.¹ **Article 34** enshrines the right to education and grants that “First: Education is a fundamental factor in the progress of society and is a right guaranteed by the state. Primary education is mandatory and the state guarantees to eradicate illiteracy. Second: Free education is a right for all Iraqis in all its stages. Third: The State encourages scientific research for peaceful purposes that serve man and supports excellence, creativity, invention and the different aspects of ingenuity. Fourth: Private and public education is guaranteed. This shall be regulated by law.” In addition, **Article 29** provides that “Second: Children have the right to upbringing, care and education from their parents. Parents have the right to respect and care from their children, especially in times of need, disability, and old age. Third: Economic exploitation of children in all of its forms shall be prohibited, and the State shall take the necessary measures for their protection.”

3. With regard to Languages, **Article 4** states that “First: The Arabic language and the Kurdish language are the two official languages of Iraq. The right of Iraqis to educate their children in their mother tongue, such as Turkmen, Syriac, and Armenian shall be guaranteed in government educational institutions in accordance with educational guidelines, or in any other language in private educational institutions. Second: The scope of the term “official language” and the means of applying the provisions of this article shall be defined by a law and shall include: [...] D. Opening schools that teach the two languages, in accordance with the educational guidelines ...”

4. **Article 14** enshrines the principle of equality among the citizens and provides that “Iraqis are equal before the law without discrimination based on gender, race, ethnicity, nationality, origin, color, religion, sect, belief or opinion, or economic or social status.”

Legislative Framework:

5. The basic legislative framework for education in Iraq is made up of:

- “Article 1 of the **Compulsory Education Act No. 118 of 1976** stipulates that: “Education at the primary level shall be free and compulsory for all children who have reached the age of six years at the beginning of the academic year”.”²
- The **new Law of the Ministry of Education number 22 of 2011** “stresses that [...] education in the kindergarten, schools and centres affiliated to the Ministry is free”³. The law also stresses that “primary education is general and compulsory to [who completes age six; besides,] it is possible to extend the compulsivity up to intermediate stage when there is the possibilities to do so”.⁴
- “The Ministry of Education has worked to issue legislation to ensure the right of adults in education and that by issuing the Eradication of Illiteracy Law number 23 of 2011”.⁵

¹ <http://www.unesco.org/education/edurights/media/docs/5c686fb5fa05e53ea929eb7da31bb935c6c20e39.pdf>

² Iraq State Report submitted to the Committee on the Rights of the Child, Initial report: CRC/C/41/Add.3, 9 December 1996, p.20, accessible at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2f41%2fAdd.3&Lang=en (Accessed 3 September 2013)

³ Iraq Report submitted for the Eighth Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2006-2011), 2013, p.1

⁴ Ibid, p.1

⁵ Ibid, p. 2

Policy Framework:

6. First section of Chapter 8 of the **National Development Plan (NDP) 2010-2014**⁶ is dedicated to Education. “According to the principles of the 2005 constitution of Iraq, the state is committed to providing the opportunities of education equally to all Iraqis.”⁷ This Plan develops the different Educational Stages, such as: Early Childhood; Elementary Education; Secondary Education; Vocational Education; Teacher Training Institutes and; Higher Education. Its vision is of “truly enabling conditions that contribute to raising educational levels, pursuant to standards that ensure quality; and establishment of an educational system that provides the foundation that enables an individual to be independent and develop the creative abilities necessary for independence, to achieve sustainable development objectives and create a cooperative environment that strengthen the values of good citizenry”⁸.

7. The **United Nations Development Assistance Framework (UNDAF) 2011-2014**⁹ is harmonized with the NDP 2010-2014. This framework highlights “the linkages between access to quality education, particularly for vulnerable groups, and economic development for Iraq. [...] Socio-economic and cultural barriers, low literacy and educational status all contribute to preventing citizens, particularly women and, to an extent, the less educated and young people, from active participation in economic activities. Social security coverage is strongly associated with levels of education: while it is almost universal for workers with postgraduate degrees, only one in four workers with primary education or less are covered by social security.”¹⁰ Moreover, **UNDAF Priority 4** is: Increased access to quality essential services Education: “Upgraded scientific and educational levels to ensure a quality educational system at kindergarten, primary, intermediate, secondary, vocational and higher education levels”¹¹.

8. According to this framework, “the United Nations Country Team (UNCT) will focus on access to and completion and quality of education for all children and youth in Iraq. Capacity development of education authorities and teachers, at national and sub-national levels will further strengthen the provision of quality basic, higher, vocational and non-formal education. Initiatives will be undertaken to develop improved, relevant curricula, and an environment that is child and youth friendly, promotes health and hygiene practices for improved quality of life, encourages youth social development and involvement, and which will lead to an enhanced sense of citizenship and belonging among young people. Additionally, improving the quality of education will have a direct impact on reducing student drop-out rates and enhancing completion rates for boys and girls. Gender-sensitive approaches will be promoted at all levels consistent with Education for All goals, the MDGs and the Convention on the Rights of the Child (CRC).”¹²

➤ **Gender Equality**

9. According to an analysis on women, literacy and education in Iraq conducted by the United Nations Joint Analysis and Policy Unit, “Gender-based discrimination in education is both a cause and an outcome of poverty and results in a breakdown of social and economic

⁶ <http://www.unesco.org/education/edurights/media/docs/795ff8cb2cd3987aba07572026cdb6d0958cd27a.pdf>

⁷ National Development Plan 2010-2014, p. 114

⁸ Ibid, p. 117

⁹ <http://www.unesco.org/education/edurights/media/docs/12f1aa5e01ed258d635603a917b3868dee2231a1.pdf>

¹⁰ United Nations Development Assistance Framework 2011-2014, p. 25

¹¹ Ibid, p. 51

¹² Ibid, p. 30

development. In Iraq, the ratio of female to male is 0.94 in primary school and 0.85 in secondary school. These statistics testify to the inequality in education among the two sexes at each level. Furthermore, 28.2% of women aged 12 years or older are illiterate, more than double the male rate of 13%. The percentage increases significantly for young women (aged 15-24) living in rural areas where the illiteracy rate is 33.6%”.¹³

10. Besides, the analysis mentions that “According to the Unicef Multiple Indicator Cluster Survey 2011 (MICS 2011), the net enrolment in primary school for females is 87.4%, with big disparities between urban and rural areas where the percentage of female enrolment falls to 77% compared to 90% male enrolment. Significant differences are also visible in the net enrolment ratio in secondary school: 44.6% for female and 52.5% for male. Some progress has been made since 2006 when 80.4% of women were enrolled in primary school while only 34.3% were enrolled in secondary school. Nevertheless, the MDG target of 100% is still far from being achieved”.¹⁴

11. The analysis also adds that “Traditional cultural and social factors often remain obstacles to improving access to education for girls. The main reasons for women failing to complete their education are the refusal of their families and early marriage. In fact, 21% of young women (aged 15-19) are currently married”.¹⁵

➤ **Education in conflict areas**

12. The insecurity of schools is also an important issue in Iraq: According to the “Education under attack, 2010” report, “between March 2003 and October 2008, 31,598 violent attacks against educational institutions were reported in Iraq, according to the Ministry of Education (MoE).¹⁶ Although overall security in Iraq had improved, the situation faced by schools, students, teachers and academics remained dangerous.”¹⁷

➤ **Children with special needs/Special education:**

13. The strategic national project of educational integration for comprehensive education aims to improve the quality of education provided to children with special needs. The project is extended at the Governorates level and Districts.¹⁸

14. The project is based on the “legal concept of educational integration for comprehensive education”: a “strategy that contributes to promoting the establishment of community involving all children and youth of different nationalities and ages and abilities [with] respect of all differences and appreciation and non-discrimination in education and [with taking] into consideration the cases of children with special needs.”¹⁹

¹³ Women in Iraq Factsheet, United Nations Joint Analysis and Policy Unit, March 2013, p.1, accessible at: <http://www.japuiraq.org/documents/1864/Woman-Factsheet.pdf> (Accessed 4 September 2013)

¹⁴ Women in Iraq Factsheet, United Nations Joint Analysis and Policy Unit, March 2013, p.1, accessible at: <http://www.japuiraq.org/documents/1864/Woman-Factsheet.pdf> (Accessed 4 September 2013)

¹⁵ Ibid, p. 1

¹⁶ Education under Attack 2010 - Iraq, UNESCO, 10 February 2010, p. 202, accessible at: <http://unesdoc.unesco.org/images/0018/001868/186809e.PDF> (Accessed 25/11/ 2013)

¹⁷ Ibid, p. 202

¹⁸ Iraq Report submitted for the Eighth Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2006-2011), 2013, p.14

¹⁹ Ibid, p. 14

➤ **Adult education, lifelong learning and literacy:**

15. The Ministry of Education has worked to issue legislation to ensure the right of adults in education and that by issuing the eradication of illiteracy law number 23 of 2011. The Iraqi government announced in the thirteenth of September 2012 the start of the national campaign to eradicate illiteracy.²⁰

Cooperation:

16. Iraq is **party** to the 1960 UNESCO Convention against Discrimination in Education since 28/06/1977.

17. Iraq did not report to UNESCO on the measures taken for the implementation of the 1960 UNESCO Convention against Discrimination in Education within the framework of the:

- **Sixth Consultation** of Member States (covering the period 1994-1999)
- **Seventh Consultation** of Member States (covering the period 2000-2005)

18. However, Iraq reported to UNESCO within the framework of the recent **Eight Consultation** of Member States (2013) (covering the period 2006-2011).

19. Iraq did not report to UNESCO on the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms within the framework of the:

- **Fourth Consultation** of Member States (covering the period 2005-2008)
- **Fifth Consultation** of Member States (covering the period 2009-2012)

20. Iraq has reported to UNESCO on the measures taken for the implementation of the 1976 Recommendation on the Development of Adult Education within the framework of the:

- **First Consultation** of Member States (1993)
- **Second Consultation** of Member States (2011).

21. Iraq is **party** to the 1989 UNESCO Convention on Technical and Vocational Education since 23/09/2002.

Freedom of opinion and expression

Constitutional and Legislative Framework:

22. Freedoms of expression and the press are protected under Article 38 of the Iraqi Constitution (2005), as long as they do not violate public order and morality.²¹

²⁰ Ibid, p.2

²¹ http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_125861.pdf

23. The press is regulated under the Publications Law (1968)²² which includes several restrictions on freedom of expression such as harming the relationship between Iraq and the Arab countries; incite hatred, feuds or division among the people, ethnic groups or different religious sects; influencing prosecutors or lawyers or investigators, witnesses or public opinion; or defaming someone. Violation of the Publications Law carries a penalty of imprisonment of up to 30 days.

24. A Journalists Protection Law was passed in 2011, although its narrow definition of journalists as fulltime employees has generated criticism for excluding part-time journalists and bloggers.

25. A proposed Cyber Crime Law was rejected in early 2013 after being widely criticized for severely limiting freedom of expression and containing overly harsh penalties such as lifetime imprisonment for vaguely defined transgressions such as using computers in “undermining the independence, unity, or safety of the country, or its supreme economic, political, military, or security interests,” or for “defaming the country”.

26. Defamation is a criminal offence under the Iraqi Penal Code (1969).²³ Various articles in the Penal Code impose prison terms ranging from six months for insulting a person in a personal meeting or during a telephone conversation, up to ten years of imprisonment for insulting “the Arab Community or the Iraqi people or any section of the population or the national flag or the state emblem.”

27. A freedom of information law does not currently exist in the country. A draft Right to Access of Information was proposed to the Council of Representatives in early 2013.

Media Self-Regulation:

28. Media self-regulation mechanisms exist through various media and professional organizations. However, self-regulation is weakened by the nature of local media that is fragmented and based largely on sectarian groups. The Commission of Media & Communications was established in 2004 which aims to be an independent regulator of the media in the country.

Safety of Journalists:

29. UNESCO recognizes the decrease in the number of killings of journalist in recent years, in comparison to the height of the conflict in the country. However, the country remains a dangerous place for journalists. UNESCO recorded 33 killings of journalist which took place in Iraq between 2008 and 2013.²⁴ The Director-General of UNESCO condemned these killings and

²² <http://translate.google.fr/translate?sl=auto&tl=en&js=n&prev=t&hl=en&ie=UTF-8&u=http%3A%2F%2Fwww.iraq-ig-law.org%2Fen%2Fnode%2F2482&act=url>

²³ http://law.case.edu/saddamtrial/documents/Iraqi_Penal_Code_1969.pdf

²⁴ <http://www.unesco.org/new/en/communication-and-information/freedom-of-expression/press-freedom/unesco-condemns-killing-of-journalists/countries/iraq/>

called on the country to inform UNESCO, on a voluntary basis, of the actions taken to prevent the impunity of the perpetrators and to notify the Director-General of the status of the judicial inquiries conducted on each of the killings condemned by UNESCO.²⁵ By November 2013, Iraq had not provided any information concerning the killings of the 33 journalists.

Freedom of scientific research and the right to benefit from scientific progress and its applications

30. **Science, Technology and Innovation (STI)** are now universally recognized as the drivers of **national economic development** and key contributors to **poverty reduction, disease prevention and environmental conservation**. Once among the strongest in the region in STI, Iraq has suffered substantial setbacks in its intellectual infrastructure following years of isolation, diminishing resources and infrastructure damage. A large number of Iraqi scientists and engineers are believed to have left the country. Most of the country's higher education and research institutions are not fully operational. Technology across most economic sectors, including the oil sector, is outdated. While the updating of technology has been a national priority, the **transfer of scientific knowledge and technology has been hampered**, negatively impacting the quality of life in almost every sphere, and limiting the country from harnessing the fruits of its scientific discoveries²⁶. The need for strengthening capacity in science for sustainable development and harnessing innovation can only be addressed within a comprehensive framework of science and technology.

31. In 2005, UNESCO commissioned a preliminary assessment of science and technology in Iraq as a driver for economic development. It concluded that a more robust science and technology sector is vital for reviving the national economy in the aftermath of the recent conflict. This project aims at building the capacity of Iraqi policymakers to develop a medium-term, needs-and-results-based Master Plan for Science Technology and Innovation (MP-STI) for the period 2011-2015. Specifically, this project recognizes the importance of STI as the drivers of national economic development and key development indicators, such as poverty, health and the environment. Fostering access to information and knowledge, a global priority of UNESCO, will be the cornerstone of this project as it seeks to initiate ownership of the national STI policy formulation across the country.

32. In November 2013, the Analysis Report entitled "Integrated Drought Risk Management – National Framework for Iraq" was produced by UNESCO's Iraq Office under the Drought Risk Management (DRM) Project. The Report analyzed the severity, trend and impact of drought on key sectors and societal groups, in order to support the formulation of an integrated programme to manage drought risks in Iraq. Based on available meteorological data, the study introduced the "Standard Precipitation Index (SPI)", as the first drought index indicator applied to Iraq. This

²⁵ Decision on the Safety of Journalists and the Issue of Impunity. Adopted by the IPDC Intergovernmental Council at its 27th Session (available at http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/ipdc2010_safety_decision_final.pdf)

²⁶ For more information, please see: <http://www.unesco.org/new/en/iraq-office/natural-sciences/science-technology-and-innovation/>.

new indicator is designed to help experts identify drought patterns across the country, allowing them to predict and monitor future drought episodes and to classify the most vulnerable areas and groups of population²⁷.

33. Iraq is in the midst of a water crisis and its worst drought in decades. At the current rate of decline, Iraq's water supply will not be enough to avert a widespread humanitarian crisis. The continuing water crisis has directly contributed to rising levels of food deprivation, displacement and poverty in Iraq. This alarming trend has propelled water issues to the top of the government's agenda²⁸. Aggravated in recent years by drought and climatic variations, Iraq faces declining storage and irrigation capacities, while water scarcity has led to more arid conditions, saltier and eroding soils, and - as a consequence - to an aggravated desertification of the arable lands which dramatically affects agricultural productivity and people. Through its diverse interventions in the field of water resources' management, UNESCO's Iraq Office is supporting the Government of Iraq in building institutional capacities in drought planning and research. It promotes the adherence to international conventions and treaties pertaining to water use, and establishes a reliable database of indicators allowing the formulation of informative policies and efficient strategies.

34. In relation to such controversial and debated issues as abortion and contraception which are linked with deep-seated values relating to the status of the human embryo, equality between the sexes, and the right of individuals to exercise control over their bodies, in Iraq, abortion is allowed not only to save the life of the mother, but also in cases where fetal impairment is detected. A legal abortion may be obtained upon approval by two physicians and consent from the woman's spouse²⁹.

35. Incidents of organ selling have been reported in Iraq, among other Asian countries (Cohen & Wight, 1999)³⁰.

III. RECOMMENDATIONS

Right to education

Recommendations made by the UPR Working Group concerning the right to education in Iraq during the 1st UPR cycle

36. In the Report of the Working Group on the Universal Periodic Review of 16 February 2010,³¹ various recommendations were made to Iraq. The following concerned education and were accepted by Iraq:

²⁷ For more details please see the web site of UNESCO: http://www.unesco.org/new/en/iraq-office/about-this-office/single-view/news/unesco_reveals_new_report_to_manage_drought_in_iraq/.

²⁸ For more information, please consult : <http://www.unesco.org/new/en/iraq-office/natural-sciences/water-sciences/water-in-iraq/>.

²⁹ Ethics in Asia - Pacific, compiled and edited by Philip Bergstrom, Regional Unit for Social and Human Sciences in Asia and the Pacific, Asia and Pacific Regional Bureau for Education, UNESCO Bangkok, 2004, ISBN 92-9223-027-1, 376 p., p.19.

³⁰ Idem, p. 49.

A - 44. Further enhance measures, in cooperation with the international community, to protect and promote the rights of the child, including through strengthening the educational system and the provision of adequate food, housing and health services to the most vulnerable families and groups in society (Philippines);

A - 59. Adopt measures to criminalize the recruitment of child soldiers, put an end to the impunity of persons involved in trafficking in organs or organizing child prostitution, and accompany these measures with a policy of access to basic services and to education for the most vulnerable children (France);

A - 106. Strengthen its efforts in the area of development as well as the implementation of the Millennium Development Goals (MDGs) especially, concerning the enrolment at all levels of education, the realization of the right to food and the decrease of maternal and child mortality rates (Algeria);

A - 107. Continue its efforts for all children to have access to education and health (Bangladesh);

A - 108. Strengthen efforts to improve the education system, reduce the dropout rates and eradicate illiteracy by inter alia, allocating more resources in the education sector and strengthening cooperation with the international community and organizations including UNICEF and UNESCO (Malaysia);

A - 109. Continue efforts aiming at combating school drop-out and illiteracy through parallel programmes to the formal education system, that encourage families to register children in schools and adults in programmes for the eradication of illiteracy (Morocco);

A - 110. Continue its policies aimed at strengthening the educational system (Angola);

A - 111. Spread the culture of human rights in all sectors and institutions of society, in particular legislators and the staff of the judicial system and review its education curricula with a view to incorporating human rights principles (Lebanon);

A - 112. Disseminate the culture of human Rights through school curricula (Libyan Arab Jamahiriya);

A - 113. Make efforts to enhance security in the schools in order to increase the participation of children in the education system (Bosnia and Herzegovina);

Analysis:

37. Regarding the issue of combating illiteracy, Iraq adopted a law for adult education and announced the launch of a national campaign of illiteracy eradication. Iraq also established a National Development Plan (NDP) 2010-2014 and is also helped with a United Nations Development Assistance Framework (UNDAF) 2011-2014 that focus on quality education. Gender equality, however, seems to remain one of Iraqi's education main challenges.

Specific Recommendations for the 2nd cycle of UPR on the right to education:

38. Iraq should be encouraged to continue to submit state reports for the periodic consultations of UNESCO's education related standard-setting instruments, especially for the Convention against Discrimination in Education.

39. Iraq could be encouraged to pursue its efforts for all children to have access to education and health, especially in rural areas.

³¹ http://www.upr-info.org/IMG/pdf/Recommendations_to_Iraq_2010.pdf

40. Iraq could be encouraged to continue efforts aiming at combating gender gap by giving particular attention to ensuring that girls have equal access to school, especially in rural areas, including the opportunity to acquire skills and knowledge to participate on a basis of equality with men in the labor market and in the future reconstruction of the country.

Freedom of opinion and expression

41. Iraq is encouraged to introduce a freedom of information law that is in accordance with international standard.

42. Iraq is recommended to decriminalize defamation and place it within the civil code that is in accordance with international standards. It is also recommended that the insult provisions and their penalties be reformed to be better aligned with international standards on freedom of expression.

43. Iraq is further recommended to ensure that introduction of new media laws go through wide consultative process with a multi-stakeholder approach, ensuring conduciveness to freedom of expression and in accordance with international standards.

44. Further strengthening of professional standards in journalism is recommended in Iraq.

45. Iraq must ensure that journalists and media workers are able to practice the profession in a free and safe environment as part of their fundamental human rights. The country should also investigate all attacks on journalists and media workers, and enforce the rule of law against their killers.

Freedom of scientific research

46. With regard to contribution of science and technology to development, Iraq is encouraged to report to UNESCO within the framework of the on-going consultations with Member States on the monitoring of the implementation and a possible revision of the 1974 Recommendation on the Status of Scientific Researchers, in particular on the measures undertaken in the country to implement such principles of the Recommendation as the obligation of state authorities to ensure that scientific researchers have the responsibility and the right to work in a spirit of intellectual freedom; to participate in the determination of the aims, content and methods of research, which should be compatible with respect for universal human rights and fundamental freedoms, as well as ecological and social responsibility; to creativity, occupational mobility, international cooperation for furtherance of international peace, cooperation and understanding, etc.