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Rights Office

Report on Human Rights in Iraq: January - June 2013

UNAMI Human Rights Office/OHCHR,
Baghdad

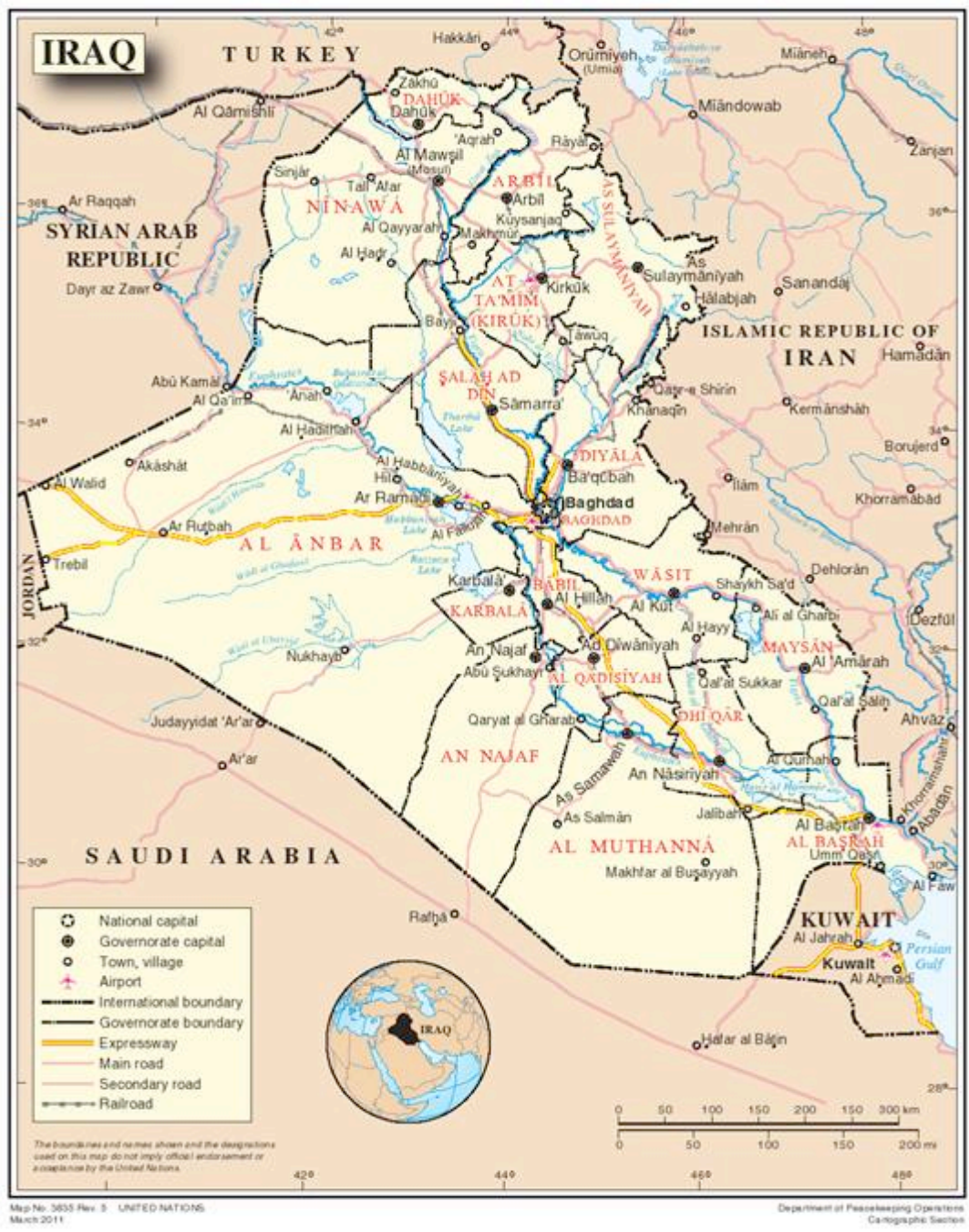
August 2013

Report on Human Rights in Iraq: January – June 2013

**UNAMI HUMAN RIGHTS OFFICE
and
OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS**

August 2013, Baghdad

Map of Iraq



Source: United Nations Department for Peacekeeping Operations Cartographic Section, 2011

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Recommendations

Recommendations for the Government of Iraq

General

1. Consider acceding to the Optional Protocol to the Conventional Against Torture (OP-CAT) and the optional protocols to the International Covenant on Civil and Political Rights (ICCPR), among other instruments;
2. Review the reservations made by Iraq upon accession to international human rights treaties, with a view to their possible withdrawal.
3. Consider acceding to the 1951 Convention on the Status of Refugees (and its 1967 Protocol); the 1954 Convention Relating to the Status of Stateless Persons; the 1961 Convention on the Reduction of Statelessness; and the Additional Protocol II to the Geneva Conventions of 1949; and ratify the Rome Statute of the International Criminal Court.
4. Guarantee the independence and effective functioning of the High Commission for Human Rights in accordance with the principles established by UN General Assembly resolution 48/143 (1993) (“The Paris Principles”);
5. Consider accepting individual complaints procedures.

Ongoing armed violence and terrorism

6. Develop policies aimed at addressing the conditions conducive to the spread of terrorism.
7. Ensure that appropriate resources and training for police and security forces are provided to assist investigation of acts of terrorism so that perpetrators are properly identified, charged and dealt with according to Iraq’s Constitution and international legal obligations.
8. Ensure compliance by police forces and all officials engaged in law enforcement and the administration of justice with Iraq’s obligations under Iraq’s Constitution and international human rights law, including with respect to persons detained in relation to terrorist violence.
9. Ensure the proper and effective coordination of financial, medical and other forms of support to direct or indirect victims of violence, wherever or whenever such acts of violence were committed.

Respect for rule of law

10. Amend the Anti-Terrorism Law no. 13 of 2005 to ensure that its provisions comply with international human rights law and the Constitution of Iraq, including with regard to rights of due process.
11. Undertake legal and institutional reform to ensure that all prisons and places of detention are under the authority of the Ministry of Justice and that they are serviced by dedicated staff accountable to that Ministry.
12. Reform the administration of prisons and places of detention to ensure that no detainee is held by police for longer than 24 hours before release or formal charge and transfer to a Ministry of Justice facility.
13. Devote resources to training police and investigators on appropriate techniques for investigating crimes, including the gathering of forensic and other evidence.
14. Ensure compliance by all State officials and their representatives with Iraq’s international human rights obligations, including in relation to the full implementation of the Convention against Torture. Ensure that all allegations of torture and other forms of ill-treatment are promptly, thoroughly, impartially and independently investigated, that perpetrators are charged and tried according to law, and that victims are appropriately and adequately compensated, including by providing appropriate medical, social and other assistance.
15. Establish an independent oversight body, such as an ombudsman or police disciplinary tribunal, to investigate allegations of abuse of authority or breach of professional standards by police.

Death Penalty

16. Declare a moratorium on the use of the death penalty in accordance with UN General Assembly resolutions 62/149 (2007), 63/168 (2008), 65/206 (2010) and 67/176(2012); review the criminal code and the criminal procedure code with a view to abolishing the death penalty; and consider acceding to the Second Optional Protocol to the ICCPR aimed at abolishing the death penalty;
17. Implement international standards that provide safeguards of the rights of those facing the death penalty, as set out in the annex to Economic and Social Council resolution 1984/50 of 25 May 1984, until the death penalty is abolished in Iraq.

Women's rights

18. Ensure that the National Strategy on Combating Violence against Women is fully implemented, including
 - a) the review of all legislation to ensure it promotes the rights and protection of women, in particularly that the Penal Code no. 111 of 1969 is amended to remove 'honour' as a mitigating factor in the commission of crimes of violence against women.
 - b) adequate resources are allocated to social and medical support, including establishment of shelters, for victims of domestic or other forms of violence.
 - c) all allegations of violence against women are properly investigated by officials responsible for law enforcement and administration of justice, and perpetrators are dealt with according to law.
 - d) appropriate training on gender issues, particularly violence against women, is provided to all State officials responsible for law enforcement and the administration of justice so as to enable those officials to address cases in an appropriate and sensitive manner.
19. Amend the Criminal Code to ensure that the penalties imposed for prostitution are appropriate and reasonable, and ensure the provision of financial, medical and other forms of support, including vocational training, for women convicted for prostitution. Furthermore ensure that victims of trafficking and sexual exploitation are not criminalised, but treated as victims, and provided with appropriate care, support and assistance.
20. Take additional measures to prevent forced marriages and ensure that girls and women who are the victims of forced marriages are provided appropriate legal, medical, financial and other support.

Children's rights

21. Reform the juvenile criminal justice system to ensure that alternatives to detention are considered for children in conflict with the law.
22. Ensure that juvenile detention facilities provide access to services and conditions appropriate for the physical and mental care and development of children, and that all staff working with children be appropriately trained in the care of children.
23. Ensure the implementation of programmes to guarantee access of all children to basic services, including healthcare, housing and education.

Rights of ethnic, religious groups and other minorities

24. Undertake legal and institutional reforms to ensure that all laws and policies prohibit all forms of discrimination and promote equality and respect for all persons, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, sexual orientation, property, birth or other status;
25. Undertake revision and reform of the school curricula to introduce programmes aimed at promoting equality and respect for all persons, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, birth or other status;
26. Adopt and implement legislation to prohibit incitement to violence or discrimination based on race, colour, sex, language, religion, political or other opinion, national or social origin, birth, or other status.

Rights to freedom of expression and opinion

27. Undertake a review of all existing laws and policies to ensure that they provide and protect the rights to freedom of expression and opinion of all persons, and repeal those provisions of the criminal laws concerning criminal libel;
28. Ensure that all prospective legislation respects and protects the rights of all individuals to receive and impart information freely and without hindrance, unless restricted for legitimate purposes, as permitted by international law; and
29. Ensure journalists are protected against harassment and violence in the performance of their profession, and that all allegations of such harassment or violence be promptly and thoroughly investigated, and those responsible held accountable according to law.

Right to freedom of assembly

30. Ensure the right of individuals to demonstrate peacefully is fully respected by police and other State authorities.
31. Ensure training for police and other law enforcement officials on civilian crowd control in compliance with international standards.
32. Undertake public education campaigns aimed at creating awareness of individuals' human rights, duties, and obligations, particularly in relation to the rights to freedoms of expression, opinion and assembly.

Recommendations specific to the Kurdistan Region Government

1. Release or, where appropriate, prosecute, all detainees held for prolonged periods of time without charge; and ensure that detainees are brought to trial promptly, in full accordance with international fair trial standards.
2. Continue programmes aimed at reducing overcrowding in detention facilities and prisons through construction of new facilities, reviewing the necessity for pre-trial detention, and enhancing the efficiency of processing cases before the courts.
3. Ensure the appointment of sufficient numbers of judges and prosecutors who possess appropriate legal qualifications, are trained in the application of legislation and dedicated to upholding the highest standards of rule of law, fair trial, impartiality and administration of justice.
4. Continue to make progress towards full implementation of the Law on Combating Domestic Violence, including establishing reconciliation committees, finalizing and adopting the shelter policy, and ensuring the swift and transparent recruitment of specialized and competent officials working to combat violence against women.
5. Review the existing law on the rights of persons with disabilities to ensure it is in conformity with the Convention on the Rights of Persons with Disabilities, and that it is fully implemented. The Kurdistan Region Government should establish an Inter-Ministerial Council for Monitoring and Developing People with Special Needs (Article 4) that includes representatives of Disabled People's Organizations.
6. Ensure journalists are protected against harassment and violence in the performance of their profession, and that Courts address the cases of journalists in accordance with the Journalism Law of the Kurdistan Region (Law No. 35 of 2007).
7. Ensure that the right of individuals to demonstrate peacefully is fully respected by police and other authorities; and that appropriate training is given to all police officials on civilian crowd control.
8. Introduce public education on human rights.
9. Facilitate the passing of the draft law on freedom of access to information and ensure that all prospective legislation respects and protects the rights of all individuals to receive and to impart information freely and without hindrance, unless restricted for legitimate purposes, as permitted by international human rights law.
10. Streamline, simplify and implement policies and regulations applicable to migrant workers and unify all procedures under one office or ministry. Ensure that information regarding registration processes, rights and responsibilities of migrant workers is available in multiple languages, including electronically, at places of entry to the Kurdistan Region. Investigate and take strict action against companies that fail to register migrant workers within the legal timeframe.

11. Support the independence of the Board of Human Rights and ensure its compliance with the Paris Principles.

Executive Summary

This report, covering the period from 1 January to 30 June 2013, is published by the Human Rights Office of the United Nations Assistance Mission for Iraq (UNAMI) in cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR).

The number of civilians killed and injured during the first six months of 2013 significantly increased from 2012, as terrorist and armed groups stepped up their campaign of attacks directly against the civilian population. Official figures from the Government of Iraq are that 2859 civilians were killed and 9568 were injured during the first six months of 2013. UNAMI figures for the same period are 3,209 civilians killed and 7801 injured, representing an increase of 120 per cent compared to the first six months of 2012, when 1346 civilians were killed and 3660 were injured, and are roughly equivalent to the entire civilian casualty toll for 2012, when 3228 were killed and 7085 were injured. This number includes 60 children killed and 220 injured. The governorate council elections held in April were also a focus of violence: 17 candidates, including two females, were killed. Polling stations were also targeted, resulting in 11 civilians killed and 90 injured. Improvised explosive devices (IEDs), vehicle-borne IEDs (VBIEDs) and suicide bombers continued to kill and injure the largest number of civilians.

Based on these figures and current trends, UNAMI fears that the overall number of civilian casualties for 2013 may be on par with, or exceed those of 2008.

The deliberate and indiscriminate targeting of civilians constitutes a gross violation of international humanitarian law and human rights law, as well as of Iraqi law. Furthermore, impact of this widespread violence on ordinary Iraqi women, men, boy and girls cannot be underestimated, severely limiting their ability to enjoy fundamental human rights and freedoms. Among the factors contributing to the violence are political deadlock between political groups, attacks by terrorist and armed groups directly targeting civilians, and the on-going conflict in neighbouring Syria.

While UNAMI appreciates that the Government of Iraq is faced with considerable difficulties in confronting armed violence and terrorism, and is extremely concerned about the toll on civilians, UNAMI remains of the view that it needs to do more to address the conditions conducive to the spread of terrorism, and to ensure appropriate care and support for the victims of violence.

As at end of June, there were 40365 detainees and prisoners in Iraq, including 16511 pre-trial (of which 336 were women and 1037 were children) and 23854 convicted prisoners (of which 691 were women and 522 were children). Among the total number of pre-trial detainees, 9717 are under the authority of the Ministry of Justice, 6092 of the Ministry of Interior, 206 of the Ministry of Defence, and 496 of the Ministry of Labour and Social Affairs. Among the convicted prisoners, 21783 are held by the Ministry of Justice, 1404 by the Ministry of Interior, and 667 by the Ministry of Labour and Social Affairs.

The on-going implementation of the prison reform programme by the Ministry of Justice continues to make progress, with a noticeable improvement in physical conditions of many of the facilities; although problems persist in limited medical services, the absence of qualified medical staff and equipment, and poor hygienic conditions in some facilities, the responsibility for which lay with the Ministry of Health. UNAMI continued to receive allegations of torture and ill-treatment in detention facilities under the authority of the Ministry of Interior, the use of confessions as the sole evidence relied on by courts to found convictions, overcrowding, the lack of specialized facilities to accommodate women and children, the lack of respect for judicial guarantees, including violations of the right to be promptly informed of the charges, cases of arbitrary detention, and shortcomings in access for detainees and prisoners to legal counsel, and lack of appropriate representation by court appointed lawyers. Allegations of lack of respect for procedural guarantees including fair trial standards particularly related to those detained under the Anti Terrorism Law no 13 of 2005, particularly during the investigation phase.

The Government of Iraq continued to implement death sentences, despite repeated calls to implement a moratorium on the death penalty with a view to its abolition in accordance with UN General Assembly

resolutions 62/149 (2007), 63/168 (2009), 65/205 (2010) and 67/176 (2012).¹ Fifty-three convicted prisoners were executed (including two females) during the first six months of 2013.

UNAMI welcomed the endorsement by the Council of Ministers on 7 March of a National Strategy on Combating Violence against Women. The Strategy creates a road map for improving legal protections for women and girls through the review and reform of existing legislation, in particular those contravening the Iraqi Constitution and the Convention on Elimination of All forms of Discrimination against Women. The Strategy includes the approval of the Family Protection Law which has been held pending since 2008. Members of the women's rights network of Iraq considered the endorsement of the strategy as the most significant achievement of the last ten years.

The main forms of violence against women and girls included, but are not limited to, physical abuse, killing and so-called honour killing, self-immolation, trafficking, early marriages, and female genital mutilation. UNAMI concludes that domestic and gender based violence, discrimination against women and girls, both in private and public, and barriers to the full enjoyment of their social, economic and cultural rights at various levels remained prevalent in the southern Iraq, Baghdad and Kirkuk regions. UNAMI believes that a much larger number of cases may go unreported, and that no prosecution or arrest of alleged perpetrators were carried out, strengthening impunity.

UNAMI observed an emerging trend of serious concern of alleged cases of women targeted by extremist Islamic militias on moral grounds. UNAMI confirmed that in June seven women in Basra were shot dead after receiving threats alleging they were sex-workers. UNAMI also received complaints from university students in Basra and Ninewa about harassment and intimidation against women who refused to wear forms of dress considered by radicals to be in conformity with Islam.

Violence during the first six months of 2013 also resulted in a deterioration of the situation for many of Iraq's minorities. UNAMI is particularly concerned about the increasing number of attacks against the Turkmen community in Salahidin and Kirkuk, the targeting of the Christian and Yezidi communities allegedly by insurgent groups in Ninewa and Baghdad, the assassination of a prominent representative of the Iraqis of African descent community, and reports of acts of discrimination against other communities such as Shabaks, Mandeans, Baha'i, Bedouin, and the "Bidoon".

There were also a number of reports - many unconfirmed - of attacks against those who are, or are perceived to be, lesbian, gay, bisexual, transgender, or dressed in the so-called "emo" style. The Government inter-ministerial committee established to consider ways to improve the protection of persons on account of their perceived or actual gender identity or sexual orientation is continuing its work.

No significant progress was made in terms of legal, policy or institutional reforms to ensure the appropriate and full implementation of the Convention on the Rights of Persons with Disabilities (CRPD) which Iraq ratified in January 2012. The draft law on the implementation of the CRPD that was presented before the Council of Representatives in May 2012 remains in a stalemate.

A number of demonstrations have taken place throughout the reporting period. The majority were conducted peacefully and in most cases the police respected the freedoms of expression and assembly. However, UNAMI is seriously concerned by the excessive use of force by the Iraqi security forces (ISF) at a demonstration in Hawija District of Kirkuk Governorate, on 23 April, that resulted in the death of 44 demonstrators, including two minors aged 14 and 17, and the injuring of 110 others, including nine minors aged between 15 and 17. One Iraqi soldier was also killed. Irrespective of the reciprocal claims of responsibility from ISF and the demonstrators, UNAMI concluded that the use of force, especially lethal force, by ISF, was excessive compared to any threat posed by the demonstrators.

UNAMI also has concerns regarding restrictions to freedom of expression. During the reporting period, journalists and other media professionals continued to suffer from acts of violence and intimidation with a number of reports of journalist being attacked, killed, threatened or harassed in relation to their professional duties.

¹ In its comments on this report provided to UNAMI 23 May 2013, the Ministry of Human Rights stated that it established a Committee to study all penal legislation with a view to reducing the list of crimes punishable with death and to restrict applicability of the penalty to the most severe and serious crimes.

On 28 April, the Iraqi Communications and Media Commission (ICMC) announced the withdrawal of the licenses of 10 media outlets, including Al-Jazeera for inciting sectarian violence. However, no evidence supporting the allegations of misconduct by the broadcasters or of the alternative measures taken to address these claims were provided by the ICMC.

The ongoing armed conflict and violence in Syria continued to impact the humanitarian situation in Iraq where as many as 159,384 Syrian civilians had sought asylum as at 30 June 2013. Of these, more than 153,356 are located in the Kurdistan Region and a large number are in Al-Qa'im in Anbar governorate. The presence of a large number of refugees is putting a strain on public services and the local infrastructure, particularly in the Kurdistan Region. In October 2012, the Government of Iraq invoked national security reasons to close the border with Syria at Al-Qa'im, Anbar governorate, and Rabi'aa. The border with Syria along the Kurdistan Region was closed in May 2013 and remains so, except for a few medical emergency and family reunification cases. Iraqi returnees from Syria numbered 88,170 in the past 12 months. In April and May, UNHCR learned of new forced displacements from Baghdad to Anbar governorate and within Diyala governorate from Baquba to Khanaqeen.

UNAMI has serious concerns about the lack of legislation and mechanisms for the protection of workers and accountability for abusive labor practices, particularly in relation to foreign workers in Iraq. UNAMI monitoring revealed a number of instances where employers confiscated passports or identity documents of employees, and subjected them to substandard living conditions, restrictions on their movement, and financial exploitation.

Progress continues to be made with regard to the establishment and work of the Iraqi High Commission for Human Rights (IHCHR). Commissioners have agreed on a mission statement, a plan of action for the next two years, and a staffing structure for the Commission, and have implemented the division of human rights portfolios, identifying 13 priority areas. In addition, a five-member committee has been established to carry out monitoring activities in prisons and detention centres, and to submit regular reports to the Council of Representatives. Among its activities, the IHCHR monitored the governorate council elections, carried out a joint visit with the Civil Affairs and the Human Rights Department of the Ministry of Interior to the Rusafa women's prison in Baghdad, and attended the twenty-third session of the Human Rights Council in Geneva in preparation for the Universal Periodic Review for Iraq, scheduled for October 2014.

Implementation of the National Action Plan on Human Rights continued: the Government of Iraq reported that 33 of the 135 UPR recommendations accepted by Iraq had been fully implemented. A further 99 recommendations had been partially implemented, while another three recommendations remained to be implemented. Recommendations not implemented include the ratification of the optional protocols to a number of human right treaties and the issuance of a standing invitation to all United Nations special procedures.

Kurdistan Region

The overall human rights situation in the Kurdistan Region continued to steadily improve. There were few reports of terrorist or other incidents of armed violence in the Kurdistan Region during the reporting period.

There are total of 2410 persons in detention in the Kurdistan Region. Of these there are 2040 male convicts, 247 male children, and 123 women and children.. UNAMI notes the progress made to improve standards of detention and living conditions of inmates in the Zerga prison in Dohuk. However, the majority of places of detention remained overcrowded with poor standards of hygiene, specifically the Asayish Ghisty pre-trial detention in Erbil and the police pre-trial detention facilities in Sulaymaniyah, Kalar, and Chamchamal. Due to the lack of separate facilities, underage prisoners were sometimes held with adults and no separate cells were provided to prisoners and detainees with special needs. To address these deficiencies, the Kurdistan Region Government has continued with the construction of several new facilities, including a new Asayish Ghisty pre-trial detention facility in Erbil and a new prison and pre-trial detention facility in Chamchamal.

UNAMI remains concerned about cases of arbitrary detention and the lack of respect for due process. A number of detainees reported that they have been held in detention for up to nine years on suspicion of involvement in terrorist acts. Other problems identified in relation to prolonged pre-trial detention include delays during the investigation process and in bringing accused persons before the courts. UNAMI also received a number of allegations from detainees of torture and ill-treatment carried out by the police and members of the Asayish security forces.

The Kurdistan Region Government continues to practice an unofficial moratorium on the death penalty and no executions took place during the first six months of 2013.

UNAMI welcomes the progress made by the Kurdistan Region Government in the implementation of the Domestic Violence Law No. 8 of 2011 by strengthening the Police Directorate of Combatting Violence against Women, and enhancing access to protection and remedies for women. Reconciliation committees² were established in Garmiyan and in Sulaymaniyah. A special police investigation unit was established in Duhok under the auspices of the Directorate of Combatting Violence against Women. The High Council of Women's Affairs developed a Strategy for the Development of Women's Status in Kurdistan Region for the period 2013-2019. The strategy was approved by the Council of Ministers of the Kurdistan Region Government on 19 June and is currently pending final approval by the Kurdistan Region Parliament. Owing to its proactive policies in combatting violence against women, women in the Kurdistan Region are increasingly more confident in coming forward to lodge complaints concerning domestic and other forms of violence. The Kurdistan Region Government reported to UNAMI that the police and judiciary had received 2,256 incidents of violence against women during the reporting period. These figures show a slight decrease in comparison to the previous reporting period when 2,469 cases were reported.

The draft shelter policy is still awaiting approval by the Council of Ministers of the Kurdistan Region Government. UNAMI also observed some improvements in the provision of shelters and safe houses for women who are the victims of violence. Civil society organizations were active in providing assistance and legal aid to women in shelters.

UNAMI notes the Kurdistan Region Government in accepting and accommodating members of minority groups displaced from other areas of Iraq. However, Chaldean Christian groups in Akre district in Dohuk complained to UNAMI about long standing land disputes. Some Yezidi representatives claimed that they had been subjected to threats and intimidation from Kurdish Peshmerga or Asayish forces operating in Sinjar and other disputed areas, primarily for participating in what was perceived to be 'anti-Kurdish' political activities.

In the Kurdistan Region, amendments to the Law on the Rights and Privileges of Persons with Disabilities and Those with Special Needs in the Kurdistan Region no. 22 of 2011 had not been submitted to the Kurdistan Region Parliament for consideration.

UNAMI received reports of a number of cases of juvenile girls convicted on charges of prostitution despite evidence demonstrating that they were victims of trafficking – although in one instance the Sulaymaniyah Criminal Court of Appeal reversed the sentence as the girl had been a victim of rape.

The Child Protection Law was still before the Kurdistan Parliament at the end of June 2013.

UNAMI continued to receive reports of violations of the rights of journalists and media workers in the Kurdistan Region. According to the Kurdistan Journalists Syndicate, a total number of 20 cases of violations were committed against 30 journalists in connection with the practice of their profession. The Metro Centre for Defending Journalists reported that 100 violations including physical assaults, arbitrary arrests, confiscation of equipment, threats and acts of harassment were committed against 70 journalists during this period.³

In July, in a generally positive development, the President of the Kurdistan Region, Masoud Barzani, approved a law on the right to access information (Law No. 11 of 2013) although there is some concern about the breadth of exceptions contained in the law.

UNAMI remains concerned about the inadequate protection offered to migrant workers under the law and about the lack of mechanisms to address abusive labour practices, confiscation of passports, substandard living conditions, restrictions on movement, financial exploitation, and problems associated with the issuance of visa, resident cards, and work permits.

² Art. 5, Domestic Violence Law No. 8 of 2011.

³ Metro Centre officials have in the past disputed figures released by the Kurdistan Journalists Syndicate, alleging that the Syndicate has political leanings towards the governing Kurdistan Democratic Party (KDP) and therefore deliberately underreports cases of attacks on journalists.

Progress continues to be made in establishing the Kurdistan Region Independent Board of Human Rights (IBHR). UNAMI continued to assist the IBHR by providing technical expertise and support.

UNAMI welcomed the official launch on 8 January, of the Regional Action Plan for Human Rights in the Kurdistan Region. UNAMI also considers as a positive step the establishment of the Inter-Ministerial Committee for the implementation of the Regional Action Plan.

Human Rights in Iraq: January – June 2013

1. Introduction

The security situation in Iraq deteriorated during the first half of 2013 with an increasing toll on civilians. The rising violence had a corrosive effect on the protection and respect of human rights in Iraq, not only in terms of its impact on those who were its direct and indirect victims, but also on civilians in general in terms of their enjoyment of a range of fundamental rights and freedoms, economic and social development, access to basic goods and services, respect for the rule of law, the situation of women, children, and persons with disabilities, and members of Iraq's diverse ethnic, religious and other social groups.

In accordance with standard practice, this report was shared with the Government of Iraq and the Kurdistan Region Government for their comments.⁴

2. Armed Violence and Civilians

The number of civilians killed and injured during the first six months of 2013 significantly increased from 2012, as terrorist and armed groups stepped up their campaign of attacks and acts of violence directly against the civilian population. According to official figures from the Government of Iraq, 2859 civilians were killed and 9568 were injured as a result of conflict-related incidents during the first six months of 2013. Monitoring conducted by UNAMI indicated that in the same period, 3209 civilians were killed and 7801 were injured. These figures represent an increase of 120 per cent in comparison with the first six months of 2012, when UNAMI reported that 1346 civilians were killed and 3660 were injured, and are roughly equivalent to the entire civilian casualty toll for all of 2012, when 3228 were killed and 7085 were injured.

From January onwards, the number of civilians killed and injured due to violent incidents progressively escalated each month, peaking in May when 963 civilians were killed and 2191 were injured, making it the deadliest month since June 2008. Although the number of civilian casualties in June decreased, it was the second deadliest month during the reporting period, with 685 civilians killed and 1610 injured.

Based on these figures and current trends, UNAMI fears that, by the end of 2013, the overall number of civilian casualties may be on par with or exceed those of 2008, when UNAMI reported that 6787 civilians were killed and 20,178 were injured.

Although there are few claims of responsibility for the majority of attacks, terrorists groups, such as Al-Qaida in Iraq, continued to carry out attacks directly against the civilian infrastructure, including schools, hospitals, places of worship, markets, bus stations, political offices and funeral ceremonies. Moreover, UNAMI monitored an increase in the number of attacks carried out against recreational and social areas such as playgrounds, football fields, and cafés, in a re-emerging trend not seen since 2008. It appears that such attacks have the objectives of killing and injuring civilians as part of a campaign to engender fear and terror and of fueling sectarianism by splintering the population.

The deliberate or indiscriminate targeting of civilians constitutes a gross violation of international humanitarian and human rights law and of Iraqi law.

The impact of violence on ordinary Iraqi women, men, boy and girls cannot be underestimated. Apart from the increasing risk of becoming a direct victim of violence, the fear of violence severely limits their ability to enjoy fundamental human rights and freedoms, including freedom of movement, as many people start to confine their activities outside their homes to essential tasks, which in turn impacts on their ability to access basic services, such as education and health care. Furthermore, there are an increasing number of civilians who are the secondary victims of violence – particularly those whose family members have been killed or wounded. Besides the psychological and emotional suffering, the death or injury of family members sometimes deprives households of breadwinners or those who are contributing financially to their

⁴ In its comments on the report provided to UNAMI on 23 May 2013, the Ministry for Human Rights stated that UNAMI should take into account, in assessing the human rights situation in Iraq, that the country faces acts of terrorism that threaten the existence of the State and the peaceful coexistence of Iraq's people.

households. Families of injured and disabled people have to bear significant costs (both financial and physical) involved in ensuring adequate medical care and support

UNAMI notes that there are a number of aggravating factors contributing to the increase in violence and resulting civilian casualties. Among these are political deadlock between political groups that is exacerbating sectarian tensions, particularly between Shi'a and Sunni sectors of the community, reminiscent of 2005-2007; attacks by terrorist and armed groups, such as Al-Qaida in Iraq, that directly target civilians with the intention of inciting sectarian hatred and undermining the Government of Iraq's ability to protect its citizens; and the ongoing conflict in neighbouring Syria, which has added a regional dimension to sectarian tensions and is permitting terrorist groups, such as Al-Qaida, to forge links with similar groups fighting across the border.

Improvised explosive devices (IEDs), vehicle-borne IEDs (VBIEDs) and suicide bombers are responsible for killing and injuring the largest number of civilians. During the reporting period, 736 civilians were killed and 2854 injured by IED, 897 killed and 3159 injured by VBIEDs, and 489 killed and 1248 injured by suicide bombers.

The majority of incidents took place in Baghdad, followed by Ninewa, Kirkuk, Anbar, Salahidin, Diyala, and Babil governorates. The deadliest attack took place on 18 April, in Baghdad, when 30 civilians were killed and 60 injured after a suicide bomber detonated his explosives in a café filled with young people.⁵ Weddings and funerals were also targeted: on 29 May, in Baghdad, 16 civilians were killed and 46 injured when a roadside IED was detonated as a wedding party passed by. On 28 June, in Salahidin, 18 civilians were killed and 40 injured when a suicide bomber detonated his explosives at the funeral of a local Shi'ite tribal leader. On the same day, two explosions killed five football players at a stadium south-east of Baghdad.

The single deadliest day occurred on 20 May, when 46 incidents took place in various areas of the country, including 19 in Baghdad, nine in Ninewa, and six in Salahidin, as a result of which a minimum of 102 civilians were killed and 350 injured.⁶ Thirty-two of the incidents involved IEDs and VBIEDS. Prior to 20 May, the highest casualty toll was recorded on 19 March when armed groups carried out a number of coordinated attacks, including 16 VBIEDs, in and around Baghdad and in Mosul. As a consequence, at least 50 civilians were killed and 192 injured. The responsibility for these attacks was claimed by the Islamic State of Iraq, a group affiliated to Al-Qaida in Iraq, which said it had carried out the attacks in reaction to the execution of 18 individuals on death row whose sentences were carried out between 14 and 17 March.

During the reporting period, violence also re-emerged in areas that had not seen similar levels since 2008. UNAMI confirmed that at least 51 civilians were killed and 151 wounded in the southern region of Iraq. Basra suffered attacks against members of the Sunni community and other minorities: on 31 March, an IED targeting a Sunni mosque killed one civilian and wounded 26.⁷ On 26 April, Jalal Diab, the Secretary-General of the Movement of Free Iraqis, an organization that represents Iraqis of African descent and advocates for their rights, was assassinated. A provincial election candidate from the Al-Iraqiya bloc was also injured in the same incident.

The violence continued to directly and indirectly affect children. The Government of Iraq has yet to establish a formal mechanism for child protection and information-sharing with the United Nations country task force on the monitoring and reporting of grave child rights violations. Nevertheless, during the reporting period, the country task force recorded 283 children who were the victims of armed violence and acts of terrorism, 63 of whom were confirmed killed and 220 wounded. The main cause of casualties among children remained the use of IEDs, VBIEDs, and small arms fire.

On 28 February, 14 boys were killed and three children were injured in an IED attack targeting a football stadium in Al-Shuula district, Baghdad.⁸ A second IED targeted the same place minutes after the medical

⁵ According to the comments received from the Ministry of Human Rights on this report, the casualty figures provided by the Ministry of Health were lower than those cited in this Report.

⁶ According to the comments received from the Ministry of Human Rights on this report, the casualty figures provided by the Ministry of Health were lower than those cited in this Report.

⁷ According to the comments received from the Ministry of Human Rights on this report, the casualty figures provided by the Ministry of Health were lower than those cited in this Report.

⁸ According to the comments received from the Ministry of Human Rights on this report, the casualty figures provided by the Ministry of Health were lower than those cited in this Report.

assistance and security forces reached the site. On 19 March, a series of coordinated IED attacks targeted public spaces during rush hour in Shi'ite neighborhoods. At least three boys were killed and 26 children (two girls, 11 boys, and 13 whose gender has not been determined) were injured in these attacks. In addition, at least nine children were killed on 15 May when three VBIEDs were detonated in two predominately Turkmen neighborhoods.⁹

The abduction of children for political motivations continued to be reported during the reporting period. In two separate incidents a boy and a girl were abducted while commuting between their school and home. In the first incident, on 10 March, an eight-year-old girl was kidnapped outside her school by unidentified armed men in Utafiyya area, Baghdad. She was later found by the Iraqi security forces near a mosque, wearing a fake explosive belt. Notably, her father happened to be a candidate in the last parliamentary elections. The second incident took place on 03 June, in Tikrit district of Salahidin governorate, when a 17 year-old boy was abducted while on his way to school.

UNAMI recorded seven incidents of attacks against school premises and personnel. On 11 March, an IED targeting a police station in the town of Dibis, north of Baghdad, caused substantive damage to the adjacent secondary school where 177 students were attending classes. A total of 106 students - 70 boys and 36 girls aged between 13 to 17 years - and four teachers were wounded. In another incident, on 19 March, in Baghdad, an IED caused damage to a school, wounding eight school teachers and nine school boys aged between seven and 13 years.

The governorate council elections held in April were also a focus of violence as candidates were directly targeted. Seventeen candidates, including two females, were killed. Among them were several influential political figures, including the head of the Al-Iraqiya bloc, Najm Al-Harbi, who was assassinated in Diyala on 14 April. An additional 17 persons were killed and 73 wounded in election-related incidents, including relatives and assistants of candidates, bodyguards, and civilians participating in political rallies. The deadliest incident occurred on 6 April, in Baquba, Diyala Governorate, when a suicide bomber detonated his explosives during a political rally, killing six civilians, including the candidate, and injuring 55. The majority of the attacks targeted candidates of the Al-Iraqiya bloc or its affiliates. However, Shi'a political parties were also targeted in a number of incidents. Additionally, UNAMI received information that a number of candidates and their relatives had been kidnapped during the electoral campaign, but in many cases this information could not be confirmed due to the sensitivity of the issue and the unwillingness of family members to publicize or draw attention to such incidents while their relative remained in captivity.

Polling stations were also targeted in an attempt to intimidate Iraqis from exercising their right to vote. UNAMI monitored eight attacks on polling stations in Salahidin, Qadissiya, Babil, Baghdad, Anbar, and Ninewa that resulted in 11 civilians killed and 90 injured. The attack with the highest number of casualties occurred in Tuz district of Salahidin when two VBIEDs killed three civilians and wounded 27. The second VBIED was intentionally designed to detonate shortly after the first in order to target those civilians and first responders who were trying to aid the victims of the first bomb.

UNAMI continued to receive complaints regularly from ordinary Iraqi civilians who have been directly or indirectly affected by acts of terrorism and armed violence. These complaints continue to centre on the lack of access to coordinated essential Government services, including appropriate medical care, psychological and physical support, and financial help. UNAMI refers such cases to the Department of Citizens Affairs and Public Relations within the General Secretariat of the Council of Ministers for assistance in better accessing available services, including health care and financial and other means of support.

While UNAMI appreciates that the Government of Iraq is faced with considerable difficulties in confronting armed violence and terrorism, and is extremely concerned about the toll on civilians, UNAMI remains of the view that the Government needs to do more to ensure that citizens who are the direct or indirect victims of violence have appropriate access to co-ordinated and effective health, social and financial support. In addition, the Government urgently needs to consider developing policies aimed at addressing the root causes of terrorism, particularly de-radicalisation programmes and strategies aimed at addressing poverty and at improving access to basic services, educational and economic opportunities, that leave some members of the community vulnerable to exploitation by terrorist and armed groups.

⁹ According to the comments received from the Ministry of Human Rights on this report, the casualty figures provided by the Ministry of Health were lower than those cited in this Report.

2.1 Armed violence in the Kurdistan Region

Following the 21 March announcement by the *Parti Karkerani Kurdistan* ('Kurdistan Workers Party' or 'PKK') that it would withdraw beyond Turkey's borders, UNAMI received no reports of military action along the border areas of the Kurdistan Region during the reporting period. The Kurdistan Region remained relatively free from all forms of terrorist and other insurgent activities.

3. Detention and the Rule of Law

During the reporting period, UNAMI continued to conduct monitoring visits to prisons and places of detention under the authority of the Ministry of Justice. UNAMI observed that the on-going implementation of the prison reform programme continues to make progress, with a noticeable improvement in physical conditions of many of the facilities visited and in the availability of services available to detainees and prisoners, such as social workers and vocational training. However, UNAMI noted that a number of facilities suffered from limited medical services, the absence of qualified medical staff and equipment, and poor hygienic conditions, the responsibility for which lay with the Ministry of Health.

UNAMI conducted interviews with family members of prisoners and detainees, lawyers, and representatives of Iraqi institutions, including members of the Iraqi High Commission for Human Rights, the Council of Representatives, the Human Rights Committee of the Council of Representatives, and representatives of the judiciary, to assess the compliance of Iraqi authorities with international and national legal obligations on the promotion and protection of the rights of detainees and prisoners, the right to a fair trial, and the rule of law.

UNAMI continued to receive allegations of torture and ill-treatment in detention facilities under the authority of the Ministry of Interior, the use of confessions as the sole evidence relied on by courts to found convictions, overcrowding in a number of facilities, the absence in a number of governorates of premises and staff dedicated to accommodate women and children, the lack of respect for judicial guarantees, including violations of the right to be promptly informed of the charges, cases of arbitrary detention, and shortcomings in access for detainees and prisoners to legal counsel, and lack of appropriate representation by court appointed lawyers.

UNAMI appreciates the continued efforts of the Ministry of Justice, including the Prison Reform Directorate, for the consistent cooperation provided to UNAMI to conduct monitoring visits to its detention facilities and prisons, and for permitting confidential interviews with prisoners and detainees, in accordance with an agreement signed in 2012. UNAMI regrets that a similar agreement has not yet been reached with the Ministry of Interior, thus preventing UNAMI from accessing premises under the latter's authority, with the exception of two visits to facilities located in Basra. In relation to this, UNAMI notes that the vast majority of the allegations of torture, ill-treatment, and violations of due process reported by prisoners, detainees or other sources are alleged to have occurred in facilities run by the Ministry of Interior.

3.1 Numbers of persons in detention

According to the Government of Iraq, as of 30 June 2013, 40365 persons were held in detention by the Ministry of Justice, the Ministry of Interior, the Ministry of Defence, and the Ministry of Labour and Social Affairs. Of these, 16511 were pre-trial detainees and 23854 were convicts. 336 pre-trial detainees were women and 1037 children, while there are 691 convicted women and 522 children. Among the total number of pre-trial detainees, 9717 are under the authority of the Ministry of Justice, 6092 of the Ministry of Interior, 206 of the Ministry of Defence, 496 of the Ministry of Labour and Social Affairs.

Among convicted prisoners, 21783 are held by the Ministry of Justice, 1404 by the Ministry of Interior and 667 by the Ministry of Labour and Social Affairs. The Ministry of Justice also reported to UNAMI that between January and June 4,472 prisoners were released, including 370 women, as a result of a review undertaken by the Special Committee led by Deputy Prime Minister Shahrstani in response to demonstrations by the Sunni community that started in December 2012. However, UNAMI has not been able to independently verify the number of those released.

1. PRE-TRIAL DETAINEES: JANUARY – JUNE 2013						
Ministry	January	February	March	April	May	June
Justice	8860	10248	13247	10055	9717	9717

Interior	5515	10870	11600	6733	5206	6092
Defence	346	360	296	205	205	206
Labour	201	202	487	472	490	496
Total	15562	21680	25630	18428	15618	16511

CONVICTED PRISONERS: JANUARY – JUNE 2013

Ministry	January	February	March	April	May	June
Justice	20578	20923	18092	21136	21562	21783
Interior	1254	903	1317	1380	1474	1404
Defence	---	---	---	---	---	---
Labour	1023	1022	717	688	680	667
Total	22856	22848	20126	24942	23716	23854

WOMEN: JANUARY – JUNE 2013

	January	February	March	April	May	June
Pre-trial	417	366	352	356	363	336
Convicted	689	704	707	712	712	691
Total	1106	1070	1059	1082	1075	1027

JUVENILES: JANUARY – JUNE 2013

	January	February	March	April	May	June
Pre-trial	370	351	308	607	612	1037
Convicted	1392	1369	1402	1026	999	522
Total	1762	1720	1710	1633	1611	1559

3.2 Standards of Detention

In those prisons and detention facilities under the authority of the Ministry of Justice visited by UNAMI, a general improvement in their physical conditions continued to be observed. While overcrowding and problems relating to basic hygiene infrastructure, including appropriate ventilation, were still noted in some facilities, the planned construction of new facilities and the refurbishment of existing ones, along with the reorganization and classification of facilities according to the categorization of crimes alleged to have been committed by detainees or for which prisoners have been convicted, aim at addressing these issues in the medium to longer terms. UNAMI also noted statements by many detainees, prisoners and prison officials that following the reclassification of facilities and the subsequent prisoner transfers, prisoner on prisoner violence and instances of abuse had notably decreased. However, some prisoners and detainees voiced concern that the transfers had resulted in limited access to family members who reside in other governorates.

UNAMI observed an improvement in the provision of basic services to prisoners and detainees in most facilities – including the provision of social workers and courses aimed at rehabilitation. Prisoners had greater access to literacy classes and vocational courses, as well as recreational and exercise facilities. However, exercise and recreational facilities in women’s prisons and detention centres remained limited or non-existent.

The provision of health services remained inconsistent. In a number of facilities, while space had been allocated for the medical care of detainees and prisoners, there was a lack of professional medical staff and

of basic medical equipment. Most prisons and detention facilities did provide properly staffed and equipped dental treatment facilities.

UNAMI notes that the provision of health services for detainees within prisons and detention centres is the responsibility of the Ministry of Health, which needs to ensure that prison clinics are properly equipped and staffed. UNAMI notes that the Ministry of Justice, while stating its concerns about the substandard medical services available within its facilities, has put in place measures that ensure any detainee or prisoner requiring medical attention is provided with the necessary treatment in local hospitals.

3.3 Respect for due process

UNAMI regrets that no significant progress was made by the Government of Iraq to implement the legal, institutional and policy reforms recommended in previous UNAMI reports that were aimed at enhancing respect for due process and fair trial standards, as required by international human rights law and the Constitution of Iraq.

UNAMI continued to receive allegations of arbitrary arrests and detention from prisoners and detainees, as well as from family members and other sources – including lengthy and unreasonable delays in informing detained persons of the charges against them, either at time of arrest or subsequently. Information suggests that this is particularly the case with those arrested by the Ministry of Interior, the Counter-Terrorism Directorate, and the Ministry of Defence, pursuant to the Anti-Terrorism Law no. 13 of 2005, which, in conjunction with the Iraqi Criminal Procedure Code of 1969, permits the period of pre-trial detention in relation to persons suspected of involvement in capital crimes to six monthly renewable periods. UNAMI found a number of detainees and prisoners who alleged that they had been held for periods from six months to nine years without charge or trial. In UNAMI's opinion this is a clear violation of the rights of due process guaranteed by the International Covenant on Civil and Political Rights (ICCPR) and of the Constitution of Iraq.

A further concern is the limited access that accused persons have to lawyers, especially when detained by the Ministry of Interior, the Counter-Terrorism Directorate, and the Ministry of Defence. UNAMI received numerous allegations by detainees and lawyers that these institutions do not comply with the provisions aimed at granting legal representation after arrest, particularly during the interrogation phase of any investigation.

3.4 Allegations of torture and ill-treatment

UNAMI continues to receive from detainees, prisoners, their family members, lawyers, and other sources credible allegations of torture and ill-treatment in places of detention run by the Ministry of Interior and the Counter-Terrorism Directorate. Detainees consistently reported that they were tortured and/or ill-treated during interrogation, which were conducted without the presence of legal counsel, in order to force them to sign confessions, often without knowing their content. Such confessions were then relied on by the authorities to justify charges against the accused and were often the sole evidence presented by prosecutors during legal proceedings to justify conviction. While UNAMI was unable to independently document every single allegation of torture, it is believed that many of the testimonies gathered during monitoring visits are consistent and reliable and have been confirmed in confidential interviews of persons who have been released from detention. Torture and ill-treatment constitute a serious violation of the ICCPR, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to which Iraq is a signatory,¹⁰ and mandatory rules of customary international law. UNAMI is not aware of actions taken by Iraqi institutions to fully implement and comply with the provisions of the Convention Against Torture

¹⁰ Article 1 of the Convention Against Torture states that, "For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.

with regard to conducting prompt and impartial investigations in cases where reasonable allegations of torture are received.¹¹

Allegations of abuse in facilities run by the Ministry of Justice were rare. In one instance, a number of prisoners in al Taji prison in Baghdad reported to UNAMI that guards mistreated them when they were being moved to solitary confinement. A staff member at the prison confirmed that he was aware of similar incidents, but believed that they were sporadic and not systematic, and were likely to have been the consequence of frustration or personal disputes between guards and prisoners. Ministry of Justice officials responded to UNAMI that an investigation had been instituted into these allegations and that corrective action will be taken in accordance with any recommendations that will be made as a result of the inquiry. However, at the time of writing, UNAMI had not been informed of the outcome of the inquiry or whether corrective action had been recommended.

3.5 Fair Trial Standards

UNAMI remains concerned that confessions continued to be used in court to convict accused persons in the absence of credible corroborating evidence. As stressed in previous UNAMI reports, this increases the risks of abuse of due process and fair trial guarantees and promotes corruption within the administration of justice, which undermines credibility of the justice system and calls into question convictions of persons accused of committing serious crimes such as acts of terrorism. UNAMI obtained a number of testimonies alleging that objections were raised during trials regarding the admissibility of confessions allegedly extracted by torture but that, in the majority of the cases, these objections were summarily rejected by the presiding judges without inquiry. In other cases, judges proceeded to admit the confessions following cursory examination by a Government doctor supposedly confirming to the court that the accused bore no physical marks of torture or mistreatment, despite the fact that the abuse inflicted to obtain the confession was alleged to have taken place months, and at times years, beforehand. UNAMI also received allegations and documented evidence that detainees and/or their family members were asked for significant amounts of money by prison or Ministry of Interior officials to have the charges dropped or reduced.

In cases where an accused cannot afford legal representation, Iraqi law requires the court to appoint a lawyer to act on the accused's behalf at no cost to the accused. Detainees complained that court-appointed lawyers often lack interest in their cases and do not intervene actively during trials to present the defence case. Many complaints centred on the fact that the only opportunity accused persons had to meet with their court-appointed lawyer was at the commencement of the trial. Representatives of the Bar Association in Basra confirmed such claims to UNAMI, but considered the problems stem from the nominal compensation that the lawyers receive from the Government, which is approximately USD40 per case.

3.6 Detention and the rule of law in the Kurdistan Region

There are total of 2410 persons in detention in the Kurdistan Region. Of these there are 2040 male convicts, 247 male children, and 123 women and children..

UNAMI continued to monitor places of detention and the respect of the rule of law by the Kurdistan Region Government and carried out 53 visits to detention facilities and prisons, during which UNAMI conducted 320 individual interviews. UNAMI acknowledges that the Kurdistan Region Government has engaged in a constructive dialogue and cooperation on a range of issues of concern, including supporting UNAMI in lecturing at the Asayish Officers Academy in Erbil for four months and holding specific training for law enforcement authorities on human rights and on the promotion and protection of the rights of detainees and prisoners.

UNAMI notes the progress made to improve standards of detention and living conditions of inmates in the Zerga prison in Dohuk. However, the majority of places of detention throughout the region remain overcrowded with poor standards of hygiene. Particular problems were observed in some detention facilities, specifically the Asayish Ghisty pre-trial detention in Erbil and the police pre-trial detention facilities in Sulaymaniyah, Kalar, and Chamchamal. Due to the lack of separate facilities, underage prisoners were

¹¹ Art. 12 CAT: Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.

sometimes observed to be held with adults and no separate cells were provided to prisoners and detainees with special needs, such as those who suffer from psychiatric or mental disabilities.

In order to address issues of overcrowding and prison conditions, the Kurdistan Region Government has continued with the construction of several new facilities, including a new Asayish Ghistry pre-trial detention facility in Erbil and a new prison and pre-trial detention facility in Chamchamal. It is expected that, once the construction of these facilities is completed, the standards of detention will continue to improve.¹²

UNAMI remains concerned about cases of arbitrary detention and the lack of respect for due process. A number of detainees reported that they have been held in detention for up to nine years on suspicion of involvement in terrorist acts. Kurdistan Region Government authorities confirmed that they were aware of these cases and justified these detentions on the basis that the Anti-Terrorism Law of the Kurdistan Region had not been enacted at the time these detainees allegedly committed terrorist acts. Detaining individuals without charge or trial in these circumstances amounts to arbitrary detention and is in violation of international human rights law and the guarantees under the Constitution of Iraq. UNAMI repeatedly advocated for an immediate resolution of these cases by prosecuting the detainees based on provisions that were applicable at the time of the commission of the alleged crimes, including the Iraqi Penal Code, or that they should be released immediately and compensated. According to the response to this report provided by the Kurdistan Regional Government on 22 October 2013, no citizen is held without a court order. The law (which is based on the Iraqi Criminal Code no. 111 of 1969) permits the Asayish to detain an individual only up to a maximum of 24 hours, and that any further period of detention (which can be up to six months) rests solely under the authority of the investigating judge. Periods of detention longer than six months can only be ordered by the Chief justice of the Criminal Court. Furthermore, that all detainees have the right to inform his or her family they he or she has been arrested and to have a lawyer present during questioning. Cases where a judge cannot grant bail include death penalty cases, when the accused has no fixed abode or there is risk of flight, there is a threat against the accused or she or he may commit further offences, and those charged under the Terror Prevention Law (KRG) no. 33 of 2006 (article 6 of which prohibits the release of a person charged under its provisions until final decision of the court).

Based on interviews with representatives of the police and judiciary, other problems identified in relation to prolonged pre-trial detention include delays during the investigation process and delays in bringing accused persons before the courts owing to problems of coordination between the judiciary and law enforcement. On 2 April, UNAMI submitted to the Kurdistan Region Government authorities a list of 27 detainees who had been detained for more than two years without trial. Seven of these cases were transferred to the Criminal Court in Erbil during the reporting period. According to the response to this report provided by the Kurdistan Regional Government on 22 October 2013, problems occur when the courts insist that a defendant have a lawyer to act on his or her behalf during procedures, despite the fact that the defendant may have stated that she or he wished to proceed without one. However, despite the fact that court requires a lawyer to be present during questioning of accused persons, the Asayish General Directorate stated that this can be difficult due to security reason, particularly in cases involving drugs or terrorism. Furthermore, orders of the criminal court can delay proceedings for up to a month at a time while those orders are complied with.

Of further concern is that a number of detainees interviewed by UNAMI stated that they were not aware of the charges against them. Some complained about the limited access to defence counsel, especially during investigations. Legal aid organizations consistently reported to UNAMI that they often are only able to meet their clients for the first time at the court. According to the response to this report provided by the Kurdistan Regional Government on 22 October 2013, the official language of the Kurdistan Region is Kurdish and procedures are conducted in this language – however interpreters are provided when required.

UNAMI also received from a number of detainees consistent and credible allegations of torture and ill-treatment carried out by the police and members of the Asayish security forces. Detainees claimed they were

¹² According to the Kurdistan Region Government in its response to this report received on 22 October 2013, the Ministry of Interior has undertaken concerted effort to address overcrowding and poor infrastructure in prisons throughout the Region. The Ministry of Interior has constructed five new facilities, in Erbil, Sorn, Akry, Zakho and Kalar. All these facilities are in compliance with international standards. The KRG also has plans to build more facilities throughout the region during the next three years. The Ministry of Labour and Social Affairs is working on constructing two rehabilitation facilities for men in Erbil and Sulaymaniya. New facilities have also been established for women and teenagers, with five buildings to accommodate them, all in accordance with international standards.

forced to sign confessions or blank papers that were subsequently filled out by the investigators. They also stated that violence and abuse ceased after the investigators obtained the confessions. UNAMI is not aware of instances in which judges refused to admit the alleged forced confession or cases where investigations were launched in response to credible allegations of torture. According to the response to this report provided by the Kurdistan Regional Government on 22 October 2013, torture is strictly prohibited by the law and policies have been put in place to investigate such claims and to hold any person found to be responsible accountable according to the law. The Government noted that it had not received any allegations of torture from UNAMI or other sources. The Government stated that where instances of torture have been substantiated action is taken against the perpetrators, and that such instances are the result of individual malfeasance, not Government or Asayish policy.

In response to higher demand the Kurdistan Region Government has taken steps to alleviate pressure on the administration of justice. For instance, the Judiciary Council employed 40 additional prosecutors to deal with the growing caseload in March 2013. The judiciary, which was formerly under the authority of the Ministry of Justice, is now fully independent under the authority of the Judicial Council headed by the Chief Justice of the Kurdistan Region. The Court of Cassation is the highest Court in the Kurdistan Region, which exercises supervisory jurisdiction over judges and the administration of justice within the Region. The Prime Minister for the Kurdistan Region has publicly called for more to be done to address delays in the judicial processes and for public education on the judicial system.

4. Death Penalty

The Government of Iraq continued to implement death sentences, despite repeated calls by UNAMI, the High Commissioner for Human Rights, the European Union, and other members of the international community, to implement a moratorium on the death penalty with view to the abolition of the death penalty in accordance with UN General Assembly resolutions 62/149 (2007), 63/168 (2009), 65/205 (2010), and 67/176 (2012).¹³

The Government executed 53 prisoners (including two women) during the first six months of 2013. Between 14-17 March, 18 prisoners were executed. A further 21 prisoners convicted for acts of terrorism were executed by hanging on 17 April. The United Nations High Commissioner for Human Rights Navi Pillay, issued a statement, strongly condemning the executions. "The criminal justice system in Iraq is still not functioning adequately, with numerous convictions based on confessions obtained under torture and ill-treatment, a weak judiciary and trial proceedings that fall short of international standards. The application of the death penalty in these circumstances is unconscionable, as any miscarriage of justice as a result of capital punishment cannot be undone."

Although no further executions took place during the reporting period, it is believed that as of July 2013, there were still 1,400 prisoners sentenced to death in Iraq.

4.1 Death Penalty in the Kurdistan Region

The Kurdistan Region Government continues to practice an unofficial moratorium on the death penalty and no executions took place during the first six months of 2013. According to the response to this report provided by the Kurdistan Regional Government on 22 October 2013, the death penalty is under review and there are discussions on-going regarding its abolition.

5. Mass Graves

According to the Ministry of Human Rights and the Ministry of Martyrs, the most significant development was on 16 May, when three mass graves were found in Al-Saqlawiyah and Al-Aamiriyah, near Fallujah, containing approximately 1,000 bodies. DNA tests are still being conducted with the hope of ascertaining the identities of the victims so that their remains may be returned to their relatives, and to allow for compensation payments to their families.

Other discoveries included a mass grave in Al-Diwaniyah, Qadissiya, with 16 corpses. Additionally, the Ministry of Human Rights announced the beginning of exhumations at the Qyer cemetery, in Erbil

¹³ In its comments on this report provided to UNAMI on 23 May 2013, the Ministry of Human Rights stated that it had established a Committee to study all penal legislation with a view to reducing the list of crimes punishable with the death penalty and to restrict its applicability to the most severe and serious crimes.

Governorate, under the supervision of the International Committee for Missing Persons. The Ministry also announced its plan to examine 42 more mass graves sites during the coming months.

In June, the Secretary-General of the Council of Ministers instructed the Ministry of Human Rights and the committee on mass graves to build monuments in each province where mass graves have been found to commemorate the victims and to ensure the dignified preservation of those sites. The project will include the construction of individual graves, as well as mosques, memorials and museums.

Ministry of Human Rights activities on persons missing from the Iraq-Iran War and the Gulf War of 1991

According to the Ministry for Human Rights the search for mass graves for the victims of the Iraq-Iran War is conducted by joint Iraqi-Iranian specialist teams under the supervision of the International Committee of the Red Cross (ICRC) in accordance with the Memorandum of understanding signed between the Governments of Iraq and Iran. As part of its work, the joint teams conducted search operations on the Iranian side of the border in the ‘Faw Momallaha’ area where the remains of 142 Iraqi and Iranian soldiers were uncovered (36 Iraqi and 106 Iranian). In the period between 8 May and 9 June another search in the Faw Momallaha area on the Iranian side of the border uncovered the bodies of 49 Iraqi and Iranian soldiers (4 Iraqi and 45 Iranians) – the total number of Iraqi and Iranian soldiers recovered was 260.

Furthermore, between 1 January and 30 June 2013 and on 13 March there was an official exchange of remains between Iraq and Iran held at the Shalamcha border port under the supervision of the ICRC. The Iraqi Government transferred the remains of 133 Iranian soldiers to Iran (55 of who were identified while 78 remain unidentified) and Iraq received the remains of 20 soldiers (two of whom were identified while 18 remain unidentified).

On the activities of the Ministry of Human Rights in relation to missing Iraqi and Kuwaiti citizens from the Gulf War of 1991, the Ministry of Human Rights advised UNAMI that the ministerial committee held four meetings to discuss progress made. Iraq participated in the technical sub-committee with Kuwaiti representatives along with partner countries (Saudi Arabia, United Kingdom, France and the United States of America), which convenes under the supervision of the ICRC. Iraq also participated in tripartite committee meetings. On 18 June, the body of one Iraqi soldier was exhumed and repatriated by Kuwait to Iraq.

6. Rights of Women

UNAMI welcomed the endorsement, on 7 March, by the Council of Ministers of a National Strategy on Combating Violence against Women on the occasion of International Women’s Day. The Strategy aims at creating a road map for improving legal protections for women and girls through the review and reform of existing legislation, in particular those contravening the Iraqi Constitution and the Convention on Elimination of All forms of Discrimination against Women, to which Iraq is a party – such as the provision of the Iraqi Penal Code permitting husbands to punish their wives without fear of prosecution,¹⁴ and the exemption from punishment in cases of sexual assaults if the perpetrator subsequently marries the victim.¹⁵

Among its objectives, the Strategy includes the approval of the Law on Combatting Violence Against Women, which was referred for review to the Shura Council in late 2012. The Strategy also aims at improving protection mechanisms for women and girls who are the victims of violence by strengthening the role of the Police Family Protection Units (FPUs), establishing shelters to provide protection and quality services, enhancing coordination between law enforcement and justice institutions, establishing family courts throughout Iraq, and improving the provision of legal, health, and psycho-social services for victims of violence. The Ministry of Human Rights has informed UNAMI that it is coordinating with the Ministry for Women’s Affairs to develop a comprehensive technical plan to activate implementation of the strategy.

Although the Strategy sets ambitious goals and its implementation is still embryonic, members of the women’s rights network of Iraq considered its endorsement as the most significant achievement of the last ten years. In their joint opinion, this endorsement provided an official acknowledgement of the existence of violence and discriminatory practices that affect a large number of girls and women, offering an opportunity to finally document the extent of violence against women in Iraqi society.

¹⁴ Art. 41(1) of the Iraqi Penal Code.

¹⁵ Art. 398 of the Iraqi Penal Code. This article also states that if the perpetrator marries the victim after a conviction, the sentence will become invalid.

The absence of comprehensive data on violence against women is due to the fact that victims do not feel comfortable in reporting their cases to the police or the judiciary for fear of retaliation by the alleged perpetrators or their family members. Many are also concerned about stigmatization by society should their cases become public. For these reasons, UNAMI found it difficult to obtain credible and sufficient data on incidents of violence against women.

Shortcomings in the adoption of a comprehensive legal framework on domestic violence, the widespread impunity for alleged perpetrators of crimes against women, the lack of shelters, and the limited number of female police officers available to deal with cases of violence against women remained the major concerns across Iraq. According to the information provided by a number of governmental and non-governmental sources to UNAMI, the main forms of violence against women and girls included, but were not limited to, physical abuse, killing and so-called honour killing, self-immolation, trafficking, early marriages, and female genital mutilation.

Based on the outcomes of its monitoring activities, UNAMI concludes that domestic and gender-based violence, discrimination against women and girls both in private and public, and barriers to the full enjoyment of their rights, at various levels, remained prevalent in the southern Iraq, Baghdad and Kirkuk regions. For example, the Family Protection Unit in Basra registered 382 incidents of violence against women during the reporting period. Of these, 174 (45 per cent) were incidents of domestic violence. The Unit reported that only 24 of these cases (six per cent) were referred to a court. UNAMI found at least 22 victims admitted to a hospital with severe burns on their bodies. Widows and teenage girls appear to be the most exposed to this type of violence. Medical staff informed UNAMI that victims often initially reported that family members attempted to kill them by dousing them with flammable liquid or intentionally trying to set them on fire. However, due to fear and pressure from the relatives, many victims retracted their story when reporting the matter to the police, claiming that the burns were accidental.

Similarly, UNAMI found a number of incidents that were recorded as caused by the victims' mishandling of a weapon or by accident. In Salahidin in January the Police reported that a 17-year-old girl died after misusing a pistol. Also in January, another woman was brought to the hospital with gunshot wound that, her family reported, had been caused by her shooting herself while playing with a pistol. In May in Kirkuk, a policeman reported that his wife had killed herself after shooting herself in the chest with his pistol.

In relation to these and similar incidents, UNAMI believes that a much larger number of cases of violence against women may go unreported, and confirmed that no prosecution or arrest of alleged perpetrators were carried out, thereby strengthening the perception of impunity. The lack of action by law enforcement and judicial institutions to address violence against women and girls is frequently linked to their lack of understanding of the need to protect the rights of women and girls, owing to the role of secondary importance that women have traditionally played in Iraqi society. Many officials continue to be of the opinion that acts of domestic violence do not constitute real crimes and they are, to a large extent, socially acceptable. Additionally, UNAMI noted the tendency of Iraqi society at large to blame the victims rather than demanding concrete actions be taken by the authorities against alleged perpetrators.

UNAMI has observed an emerging trend of serious concern of cases reported by women, who alleged that they had been targeted by extremist Islamic militias on moral grounds. UNAMI confirmed that in June, seven women in Basra were shot dead after receiving threats alleging they were sex-workers. UNAMI also received complaints from university students in Basra and Ninewa about harassment and intimidation against women refusing to wear a *hijab*. Although representatives of local institutions denied these claims and expressed their commitment to personal freedom, including freedom of expression of beliefs and behaviour, UNAMI believes that the number and consistency of the complaints make them credible.

While appreciating the Government's endorsement of the Strategy on Combatting Violence against Women as a positive development, UNAMI calls on it to increase its efforts to promote and protect the rights of women by ensuring that the Strategy is fully implemented by reviewing all legislation that is not in conformity with international legal obligations, and by allocating adequate financial and human resources to its implementation. The Government, and the Ministries of Interior and Justice in particular, must enhance their efforts at ensuring appropriate training for their staff on the investigation and prosecution of criminal cases, irrespective of the gender of the victims.

6.1 Rights of women in the Kurdistan Region

UNAMI welcomes the progress made by the Kurdistan Region Government in the implementation of the Domestic Violence Law No. 8 of 2011 by strengthening the Police Directorate of Combatting Violence against Women, and enhancing access to protection and remedies for women who are the victims of violence. Reconciliation committees¹⁶ were established in Garmiyān in January, and in Sulaymāniyah in February. On 13 May, the Judicial Council in Erbil issued an official order to establish the committee in the regional capital. However, at the time of writing this report, the order was yet to be implemented. Additionally, a special police investigation unit was established in Dohuk, under the auspices of the Directorate of Combatting Violence against Women that began operations in January 2013.¹⁷ At time of writing this report, these units are not yet operational in Erbil, Sulaymāniyah, and Garmiyān, although staff have been recruited and office space allocated. Representatives of local institutions reported that these units are expected to be operational in the second half of the year, following the approval of the budget.

On 30 May, the Presidency of the Council of Ministers of the Kurdistan Region Government published law No. 4851 of 22 May 2013 on the establishment of the High Committees of Combating Violence against Women and Family in all governorates in the Kurdistan Official Gazette. The by-law requires each governorate to create committees chaired by the governor to effectively address issues of violence against women, including through awareness raising campaigns.

The High Council of Women's Affairs developed a Strategy for the Development of Women's Status in the Kurdistan Region for 2013-2019. The strategy was approved by the Council of Ministers of the Kurdistan Region Government on 19 June and is currently pending final approval by the Kurdistan Region Parliament. The strategy aims at coordinating the implementation of three other existing regional strategies, namely the Kurdistan Region Strategic Development Plan 2012-2016, the Strategy to Confront Violence against Women, and the Poverty Reduction Strategy 2010-2014.

Due to the pro-active policies to address violence against women instituted by the Kurdistan Region Government, women in the Kurdistan Region are increasingly more confident in coming forward to lodge complaints concerning of domestic and other forms of violence perpetrated against them. The Kurdistan Region Government reported to UNAMI that the police and the judiciary had received 2,256 incidents of violence against women during the reporting period. These figures show a slight decrease in comparison to the previous reporting period, when 2,469 cases were reported. The highest number of incidents was reported in Erbil (742), followed by Sulaymāniyah (539), and Duhok (444). Incidents included 1,982 cases of physical abuse, 163 cases of self-immolation, and 70 cases of sexual abuse. Additionally, 40 women were reported to have been murdered, as opposed to 50 during the last six months of 2012.

The draft shelter policy, which is expected to set the minimum standards for shelters, is still awaiting approval by the Council of Ministers of the Kurdistan Region Government. UNAMI also observed some improvements in the provision of shelters and safe houses for women who are the victims of violence. In Erbil, a new shelter with larger rooms and facilities to deliver vocational training was inaugurated. The construction of a new shelter in Sulaymāniyah was completed, but had not officially opened. While UNAMI considers these as positive developments, there are concerns about the quality of some shelter and services offered in other areas of the Kurdistan Region, including problems of overcrowding and lack of programmes aimed at reintegrating victims into society. In March, the shelter in Duhok was reportedly damaged in a suspected arson incident.

Civil society organizations were active in providing assistance and legal aid to women in shelters. However, in Sulaymāniyah, the local authorities raised concerns with UNAMI that lawyers appointed by local organisations to provide legal aid to the sheltered women had occasionally interfered in the management of the shelters while meeting with their clients. This resulted in an official order on 24 April by the Directorate of Social Care and Development in the Ministry of Labour and Social Welfare to limit the access of these organisations' access to Ministry-run shelters. Based on this order, lawyers working for such organisations can only meet their female clients from the shelter at the Directorate of Combating Violence Against Women.

¹⁶ Art. 5, Domestic Violence Law No. 8 of 2011.

¹⁷ Art. 3 and art. 6, Domestic Violence Law No. 8 of 2011.

7. Rights of Ethnic, Religious and Other Groups

The escalation of the violence during the first six months of 2013 has resulted in a deterioration of the situation for many of Iraq's minorities. UNAMI is particularly concerned about the increasing number of attacks against the Turkmen community in Salahidin and Kirkuk, the targeting of the Christian and Yezidis communities, allegedly by insurgent groups, in Ninewa and Baghdad, the assassination of a prominent representative of Iraqis of African descent, and reports of acts of discrimination against other communities such as Shabaks, Mandeans, Baha'i, Bedouin, and the "Bidoon".

Members of the Turkmen community continued to be subject to attacks, particularly in Tuz Khurmatu of Salahidin Governorate and in Kirkuk. For example, on 23 January, a suicide bomber detonated explosives during a funeral ceremony, killing at a minimum 35 civilians and injuring 95. On 9 May, an IED detonated near a restaurant, injuring 15 civilians. On 21 May, a VBIED targeting a mosque killed two civilians and injured 53. On 23 June, in two VBIED attacks targeting a hospital, at least five civilians were killed and 70 injured. On 25 June, suicide bombers targeted Turkmen who were demonstrating to request protection for their lives and rights, killing a minimum of 27 civilians and injuring 80.

Attacks against Christians continued. On 7 January in Mosul, a female Christian teacher was found dead with her throat cut. The following day, a VBIED targeted a supermarket in a Christian area in Mosul, killing a medical student and injuring 12 civilians. On 6 April, in Mosul, a Christian medical employee was attacked and killed by unknown gunmen. On 9 May, again in Mosul, a VBIED targeted the Ninewa adviser for Christian affairs, injuring him and another civilian. On 24 June, in Baghdad, a liquor shop run by Christians was targeted with an IED, killing the owner and injuring two civilians. On 25 June, unknown gunmen attacked the St. Mary Assyrian Church in Baghdad, injuring two guards.

Attacks against liquor stores run by the Yezidi community, primarily in Baghdad, also occurred. On 2 May, unidentified attackers threw a hand grenade into a Yezidi-owned store, killing two people and injuring three. On 14 May, gunmen attacked a liquor store, killing 12 people, including 10 members of the Yezidi community. Additionally, on 19 June, in another attack in Baghdad, the Yezidi owner of a shop was killed and another civilian was injured.

UNAMI strongly condemned the assassination of Jalal Diab, the leader of the Iraqis of African descent community, which took place in Basra on 26 April.¹⁸ The Iraqi of African descent community represents one of the poorest and most marginalized communities due to perceptions of inferiority held by other communities, which negatively affects their enjoyment of social, political, and economic rights. UNAMI received consistent reports from members of the community complaining that they are commonly verbally abused and subjected to various other forms of societal and economic discrimination. An additional problem affecting this minority community is their exposure to the risk of evictions, since a large section of the community currently lives in an informal settlement in Hay al-Athar in Al-Zubiar, Basra. On 5 April, the UNAMI Special Representative of the Secretary-General in Iraq visited this settlement and requested local authorities to allocate land to the community in order to provide them security of tenure, and to ensure that basic social and other services be provided to them. However, at the time of writing, no concrete action by local authorities had yet been taken.

UNAMI also received allegations from the Baha'i community about discrimination in obtaining personal documents since their faith, a post-Islamic religion, is not recognized in Iraq. The Government has insisted that members of the Baha'i community are able to obtain identification documents, listing their religion, but many members of the community refrain from doing so from fear of being identified as such in their interaction with officials, such as at checkpoints and when applying for government services. UNAMI believes that the indication of religious beliefs on personal identity documents should be eliminated.

There were also a number of reports, many unconfirmed, of attacks against those who are, or are perceived to be, lesbian, gay, bisexual, transgender, or dressed in the so-called "emo" style, which is perceived to be associated with sexual orientation. UNAMI believes that the vast majority of cases go unreported since the victims, or their families, are often in fear of reporting the attacks to authorities based on concerns that they will be subjected to further victimization or acts of discrimination. Members of these communities continue to suffer marginalization, discrimination and acts of violence. In a positive move, the Government of Iraq

¹⁸ Press release available at the UNAMI website at:

<<http://unami.unmissions.org/Default.aspx?tabid=2790&ctl=Details&mid=5079&ItemID=1392580&language=en-US>>

established an inter-ministerial committee in 2012 to examine the situation and to make recommendations to enhance the protection of persons on account of their actual or perceived gender or sexual orientation. At time of writing the work of this committee is continuing.

7.1 Rights of Ethnic, Religious and Other Groups in the Kurdistan Region

UNAMI notes that the Kurdistan Region Government has been generous in hosting members of ethnic and religious groups displaced from other areas of Iraq.

However, Chaldean Christian groups in Akre district in Dohuk complained to UNAMI about long-standing land disputes. Many of these disputes date back to the 1970s, during the first Kurdish uprising against Saddam Hussein. Many villagers complained that their lands, for which they produced documents purporting to prove their ownership, had been seized illegally by members of a notable Kurdish clan who failed to pay them compensation. On 13 June, villagers in Cham Rabatki claimed that a Brigadier from the Peshmerga arrived in the village with materials to construct a house on land that local Christians claimed legally belonged to them. The villagers, led by the Mayor, initiated a protest aimed at preventing the construction from taking place. Thereupon it was reported that 16 cars arrived in the village carrying a number of armed men dressed in civilian clothes, who started shooting in the air. During the ensuing melee, the Mayor claimed he was hit on the head by a rifle butt, sustaining minor injuries. At the same time villagers claimed that they heard the Brigadier exclaim loudly that there was no point complaining because he was ‘the government’. The villagers called the police who only arrived two hours later. The villagers also alleged that the police commander refused to receive their formal complaint at the police station.

In December 2012, the President of the Kurdistan Region issued a decree (no. 2226 of December 2012) establishing a committee to inquire into the allegations raised by Christians concerning misappropriation of lands. UNAMI has learned that this committee recommended a compromise, whereby a percentage of the lands would be returned to the original Christian owners, while a smaller percentage would remain with the current occupiers – however, this was refused by representatives of the affected Christian community who continue to demand the return of all lands allegedly taken from them.

Although technically not part of the Kurdistan Region, members of the Yezidi community in Sinjar complained to UNAMI that they continued to suffer from insecurity, alleging that they had been subjected to acts of violence from insurgents and terrorist groups.

Furthermore, some Yezidi representatives claimed that they had been subjected to threats and intimidation from Kurdish Peshmerga or Asayish forces operating in Sinjar and other disputed areas. A number of Yezidi community leaders alleged to UNAMI that they had been detained by Kurdish Asayish while attending political or other meetings in Sinjar, and that they had been held in the local offices of the Kurdistan Democratic Party (KDP) without charge or trial. They further alleged that they were detained until they signed written undertakings they would no longer be involved in “anti-Kurdish political activities”. In one such incident in March, a Yezidi activist was reportedly arrested by Asayish security forces in the town of Sinjar, and detained for 5 days, during which period he was alleged to have been subjected to ill-treatment.

According to the response to this report provided by the Kurdistan Regional Government on 22 October 2013, the General Directorate of the Asayish applies the law irrespective of an individual’s religious, cultural or ethnic background. The General Directorate maintains that all persons who commit crimes within the Kurdistan Region will be arrested according to a court order, and this applies to individuals arrested at checkpoints. The Kurdistan Region Government absolutely refutes allegation that there are secret detention centres or prisons located in the region.

According to the Kurdistan Region Government, the Region’s law and policies fully support and assist and protect the rights of the Region’s diverse minority communities. For instance, minority communities have the right to receive education in their mother tongues (Law no. 4. 1992). Furthermore, the Kurdistan Region Government has as many as 62 primary schools and 10 secondary schools teaching students from various ethnic communities in their mother tongues throughout the region. There are also a large number of private schools (primary and secondary) located throughout the Region that cater specifically for members of minority groups. The Kurdistan Region Government through the Region’s Department of Education has also assisted by publishing specialised books in a range of languages, including Kurdish, Arabic, Assyrian, Turkmen and Farsi. Licenses have also been issued for 33 television channels, two in Arabic, one in Turkish,

and 2 in Assyrian – and the main Kurdish satellite TV station, Kurdistan TV, broadcasts programmes in various ethnic languages.

8. Rights of Persons Living With Disabilities

During the reporting period no significant progress was made in terms of legal, policy or institutional reforms to ensure the appropriate and full implementation of the Convention on the Rights of Persons with Disabilities (CRPD) which Iraq ratified in January 2012. The draft law on the implementation of the CRPD that was presented before the Parliament in May 2012 remained, at the time of writing this report, in a stalemate. Likewise, there was no development on the establishment of an independent National Commission for People with Disabilities by the Council of Representatives in February last year.

The continued violence across Iraq is increasing the number of persons living with disabilities, and more comprehensive and institutionalised responses from the Government are needed to ensure the full protection of their rights as well as the provision of adequate services.

Persons living with physical and intellectual disabilities remain among the most vulnerable communities, facing numerous barriers to their full and equal participation in the political, social, economic and cultural life of the country. The economic situation of persons with disabilities and their families is particularly concerning. The cost of medical treatment, physical barriers preventing access to public buildings, lack of specialised education and skill development programmes, the limited employment opportunities, are many of the barriers that persons with disabilities face. The situation of persons with disabilities living outside major cities is particularly difficult, given their lack of access to basic services and poor coordination between government departments attempting to address their special needs. In response, a Special Committee of the Office of the Prime Minister has been established in an attempt to improve the coordination of the delivery of basic services to persons with disabilities.

8.1 Rights of Persons Living With Disabilities in the Kurdistan Region

In the Kurdistan Region, civil society organizations representing persons with disabilities had requested the Kurdistan Region Government to introduce amendments to the Law on the Rights and Privileges of Persons with Disabilities and Those with Special Needs in the Kurdistan Region no. 22 of 2011. In particular, disability groups called for more protective measures under the law, including salaries for persons with disabilities and their primary carers, health insurance, housing, and special loans for persons with disabilities seeking to marry. While the Kurdistan Region Government had agreed to introduce the requested amendments, at the time of writing this report the draft law had not been submitted to the Kurdistan Region Parliament for consideration.

UNAMI was informed that the Ministry of Health of the Kurdistan Region Government had established a committee to assess the eligibility of persons with disabilities to special pensions. The committee had subsequently eliminated 10,000 potential beneficiaries, including a number of persons who are blind or visually impaired. UNAMI believes that the review of many of the cases by the committee may have been carried out in a superficial manner, as some beneficiaries complained that the examination of their claims lasted no more than a few minutes. Representatives of civil society organizations also voiced concerns with UNAMI that the assessments were not conducted in a professional manner, leading to the arbitrary dismissal of many claims. According to the response to this report provided by the Kurdistan Regional Government on 22 October 2013, assistance benefits are paid to persons with disabilities ranging from ID160,000 to ID250,000 depending on the nature of the disability – although raising this amount is under the authority of the Kurdistan Region Parliament.

The Kurdistan Region Government has also established the Kurdistan Paralympics Committee to ensure access to sporting and leisure activities by persons with disabilities throughout the Region.

9. Rights of Children and Youth

As mentioned above, children in Iraq continue to suffer from armed conflict and violence.

In addition, UNAMI continues to have concerns about the treatment of children subject to the criminal justice system, particularly those facing charges connected with terrorism.

There remains a lack of alternatives to detention for children in conflict with the law in Iraq. According to the Ministry of Human Rights, the Iraqi Penal Code no.111 of 1969 does permit bail for children charged with crimes, except those charged with robbery, prostitution, and rape.¹⁹ Children charged with other criminal offences can be released into the care of a guarantor who is required to monitor their behavior and activities. If the child breaches the conditions on which bail was granted she or he will be re-arrested and will be ineligible for release until the conclusion of the trial. Physical conditions in places of detention for children continue to be poor in various parts of the country and are characterised by a lack of basic infrastructure, poor hygiene, poor ventilation, and poor quality food, water and medical care. Children, particularly girls, are frequently detained along with adults and do not have access to education and appropriate psycho-social or specialized assistance appropriate for children. However, female and male juveniles are kept separated and attempts are made to ensure that juveniles are separated according to age: those aged 9-15 are kept separate from those aged 15-18. Those who are 18 years of age are kept completely separated from younger juveniles. There are also attempts to separate juveniles according to the severity of the offences they are alleged to have committed.

UNAMI continued to receive reports of forced marriages of minors, in violation of Iraqi and international law. Despite Iraqi law stipulating that persons must be 18 years of age to marry, religious marriages of children are frequently performed. As noted in previous reports, UNAMI has documented a number of cases of girls as young as 13 who had allegedly been subjected to forced marriages. Moreover, since such marriages are frequently not registered, children born from such marriages can have problems registering for birth certificates, and girls whose husbands have died are unable to access financial and other forms of support.

Children continue to be the victims of domestic violence and other criminal acts of violence, although precise statistics are not available. UNAMI continued to receive reports from Basra and other parts of southern Iraq concerning the trafficking of girls, particularly from poor families.

The affects of poverty continued to be of concern in relation to children, particularly due to their limited access to basic services, including healthcare, education, proper nutrition and clean- drinking water. The Ministry of Human Rights informed UNAMI that it conducts monthly monitoring visits to various poor areas and districts in Baghdad to assess the condition of children and their access to basic services, including medical care and education. The Ministry of Human Rights has made recommendations to the various responsible Ministries in order to ensure the rights of children are protected, including through implementation of the Government of Iraq's National Strategy to Eliminate Poverty.

UNAMI noted particular problems in relation to girls' access to secondary schools. In southern Iraq, UNAMI found that girls were hindered from attending secondary schools due to poverty and the long distances between their homes and the school, particularly in rural areas. Women's civil society organisations in Muthanna Governorate informed UNAMI that parents would send all their children to primary school, but often favoured boys over girls when it came to sending their children to secondary school. This is because secondary schools are typically located further away and parents cannot afford transport for all children or do not want their daughters to travel far from home.

In a positive step, on 7 May, the Council of Representatives passed the Amendment to the Social Care Law no. 126 of 1980, which provides greater protection and care to children in shelters, state houses, and orphanages. The amendments specifically provide protection to children who are the victims of domestic violence and those who are under the care of the State.

9.1 Rights of children in the Kurdistan Region

During the reporting period, UNAMI conducted monitoring visits to the juvenile reformatories and police pre-trial detention facilities in the three governorates of the Kurdistan Region. While the reformatories, such as those in Erbil, have generally adequate conditions, juvenile wards in police pre-trial detention facilities are frequently overcrowded and lack educational or recreational activities. Most facilities do not have an adequate number of cells to separate juveniles with special needs from others and appropriate medical care is often not available. UNAMI received consistent allegations of the ill-treatment of juveniles in police pre-trial detention as punishment for wrongful behaviour, including fights with other inmates.

¹⁹ articles 393 and 440-443 of the Iraqi Penal Code no, 111 of 1969.

UNAMI received reports of a number of cases of juvenile girls, including an 11-year-old girl, who were convicted of prostitution despite evidence demonstrating that they were victims of trafficking. UNAMI observed that authorities failed to address the protection needs of the girls after their release. On a number of occasions, girls were allegedly returned to those who had forced them to engage in prostitution. On 15 January and 3 March, two girls, aged 11 and 13, were convicted of prostitution by the Sulaymaniyah Juvenile Criminal Court. The conviction of the 11-year-old girl was appealed and on 7 March, the Sulaymaniyah Criminal Court of Appeal reversed the sentence as it found the girl not guilty by reason of the fact that she had been raped. UNAMI calls on the Kurdistan Region Government and judicial authorities to exercise special care when deciding on cases of children, especially very young girls, taking into consideration the age of consent, protection needs and the best interests of the child, in compliance with the Convention on the Rights of the Child.²⁰

UNAMI has consulted with NGO partners and provided recommendations to UNICEF to support their advocacy on the Proposed Child Protection Law, which was still before the Kurdistan Parliament for adoption as at the end of June 2013.

According to the response to this report provided by the Kurdistan Regional Government on 22 October 2013, the care and protection of children the Kurdistan Region is a priority for the Government and its institutions. The Ministry of Sport and Youth (MOSY), established in August 2006, has a broad mandate, including providing sports and recreation facilities throughout the Region and ensuring children and young people receive compulsory sports classes in all schools. MOSY is particularly focused on providing sporting and recreational facilities to youth living in rural areas and on programmes empowering women and youths with disabilities.

Additionally, the Kurdistan Region Government is finalising consultations in partnership with UNICEF, for establishing an inter-ministerial committee for monitoring children's rights throughout the Region. According to the Ministry of Labour and Social Affairs of the Kurdistan Region, a special unit has been established to monitor children who are orphaned or whose parents are divorced, to ensure such children continue to receive adequate care, protection and social well-being. Additionally, families living in poverty receive ID150,000 monthly from the Kurdistan Region Ministry of Finance for their support. The Ministry of Labour and Social Affairs has also established centres in Erbil, Duhok and Sulaymaniya, throughout the region to provide expert assistance to children with autism and their families. There is also a hotline run by the ministry for children to telephone if they are in need of help or assistance. According to the Ministry of Education in the Kurdistan Region, there are eight directorates specialising in children's education within the Region, which are also responsible for producing specialised publications for children and establishing a satellite TV children specifically for children.

10. Rights to Freedom of Assembly and Freedom of Expression

During the reporting period, a number of demonstrations took place throughout Iraq, including sit-ins and weekly demonstrations in many areas. Starting in December 2012, Iraq witnessed regular anti-government demonstrations organized by the Sunni community in Baghdad, Anbar, Salahidin, Ninewa, Diyala, and Kirkuk, and counter demonstrations by the Shi'a community in Basra and Baghdad. The majority of demonstrations were generally conducted peacefully, and in most cases the police respected freedoms of expression and assembly.

UNAMI is seriously concerned by the excessive use of force by Iraqi Security Forces (ISF) at a demonstration in Hawija District of Kirkuk Governorate, on 23 April, that resulted in a large number of civilian casualties when ISF entered a square where a sit-in was being held. As a result, 44 demonstrators, including two minors aged 14 and 17, were killed and 110 were injured, including nine minors aged between 15 and 17. One Iraqi soldier was also killed. All casualties were male. The decision of the ISF to enter the square was reported to be based on their belief that the perpetrators of a clash at a checkpoint, on 19 April, that resulted in the deaths of one demonstrator and one ISF officer had taken refuge amongst the demonstrators and were armed. ISF cordoned off the square from 19 to 23 April demanding that the demonstrators hand over the suspects and their weapons. The demonstrators refused to comply with the order and would only permit ISF to enter the square provided they were unarmed, which was refused. Attempts

²⁰ Iraq ratified the Convention on the Rights of the Child in June 1994 and it entered into force a month later.

made to negotiate a peaceful resolution to the standoff with the authorities by representatives of the demonstrators and the Iraqi Council of Representatives failed.

Irrespective of the reciprocal claims of responsibility from ISF and the demonstrators, UNAMI concluded that the use of force, especially lethal force, by ISF, was excessive compared to any threat posed by the demonstrators. There is also evidence that suggests that the ISF behaved in an undisciplined manner both during the conduct of the operation and afterwards. The Government of Iraq stated that it had instituted an inquiry into the incident, but at time of writing this report, the results of that inquiry had not been forthcoming.

During the reporting period, journalists and other media professionals continued to suffer from acts of violence and intimidation. On 6 May, a hand grenade thrown into a mosque in Baghdad killed Muwaffak al-Ani, one of the most prominent radio journalists in Iraq, who had been working for more than 50 years. Five other civilians were killed and 13 injured. On 3 March, in Karbala, an unidentified insurgent group kidnapped a reporter of the Sunni-owned Al-Anbar TV. He was released the following day after having been repeatedly beaten. On 1 April, approximately 50 gunmen in military uniforms burst into the offices of four independent newspapers in Baghdad, Al-Dustoor, Al-Barlaman, Al-Mustaqbal, and Al-Naas, with batons and knives and smashed computers and furniture. Four journalists of Al-Dustoor were injured as a result of the attack. Although there was no claim of responsibility, it is alleged that a Shi'a militia led the attack. On 20 April, a media reporter of Kirkuk Now news website was arrested by the Iraqi Army after allegedly receiving threats regarding his reporting on the incident in Hawija. The reporter was released six days later without being formally charged.

On 28 April, the Iraqi Communications and Media Commission (ICMC) announced the withdrawal of the licenses of ten media outlets, including Al-Jazeera, for incitement to sectarian violence.²¹ The ICMC reportedly based its decision on the provisions of the Law on Communications and Media Commission.²²

The ICMC Manager of Visual and Audio Regulation Directorate claimed that the suspension was the last resort in order to stop what he claimed were extremist views and speech fostering sectarian divisions, after unsuccessfully attempting to implement a number of alternative measures, including formal correspondence, joint meetings and conferences.²³ However, the ICMC did not produce any evidence supporting the allegations of misconduct by the broadcasters and did not clarify exactly what alternative measures it had taken to address its concerns.

10.1 Freedom of Expression in the Kurdistan Region

In the first half of 2013, UNAMI continued to receive reports of violations of the rights of journalists and media workers carrying out their professional duties in the Kurdistan Region. According to the Kurdistan Journalists Syndicate, a total number of 20 cases of violations were committed against 30 journalists in connection with the practice of their profession. Six cases concerned alleged physical assaults and batteries, three cases of threats and harassment, eight cases of journalists having been prevented from performing their duties, and three incidents of arrest. For its part, the Metro Centre for Defending Journalists reported that 100 violations, including physical assaults, arbitrary arrests, confiscation of equipment, threats and acts of harassment were committed against 70 journalists during this period.²⁴

In one of the cases monitored by UNAMI, a Kurdish journalist, translator and writer working as Editor-in-Chief of the magazine *Zanisiti Serdem* (Modern Science), published in Sulaymaniyah, reportedly received numerous death threats through Facebook posts, email messages and phone calls from unidentified persons, following the publication of her latest book on social issues, "*A Million Questions and Answers about Sex*", in May 2013. The Journalists Syndicate and other local activists issued public statements condemning the

²¹ See ICMC press release at <<http://www.cmc.iq/en/morenews/index476.html>> 28 April 2013.

²² Art. 8(4) Coalition Provisional Authority Order number 65, 20 March 2004.

²³ According to the Ministry of Human Rights, the action was taken by the Government following alleged concerns that these broadcasters were actively inciting violence in Iraq.

²⁴ Metro Centre officials have in the past disputed figures released by the Kurdistan Journalists Syndicate, alleging that the Syndicate has political leanings towards the governing Kurdistan Democratic Party (KDP) and therefore deliberately underreports cases of attacks on journalists.

death threats. Although the case has been reported to police in Sulaymaniyah, no arrests have been made to date.

On 1 February, a journalist reporting for Speda TV was reportedly harassed by private security guards of a construction project in Sulaymaniyah while he was photographing the scene of an accident on the project site. The journalist told the Metro Centre that the security guards forced him into a room, seized his camera and removed the memory chip, then deleted all the photos before returning the equipment to the journalist after detaining him for over an hour.

On 1 June, in Erbil, two journalists from NRT TV covering the anniversary celebration of the Patriotic Union of Kurdistan (PUK) were reportedly physically assaulted by a group of officers dressed in military uniforms and other people in civilian attire. The journalists had their recording equipment seized, which were only returned upon the intervention of PUK media officials.

According to the response to this report provided by the Kurdistan Regional Government on 22 October 2013, the right of freedom of expression is fully respected and protected and the Ministry of Interior actively follows up any alleged breaches of the rights of journalists with the journalists' syndicate which produces a report on breaches committed against journalists every six months. Any infringement committed by a public official of the rights of journalists protected by law are vigorously investigated and prosecuted. However, according to the Ministry of Interior of the Kurdistan Region, the 'issue' is "with individual journalists who go beyond the ambit of their professions and breach their duties", particularly in cases involving public security and threats to social stability. Despite this, there were over 800 local TV, satellite channels, newspapers and magazines as well as other publishers working in the Kurdistan Region and there are more than 7000 members of the Kurdistan Journalists' Syndicate.

In July, in a positive development for freedom of expression and access to information in the Kurdistan Region, President Masoud Barzani approved a law on the right to access information (Law No. 11 of 2013), which had been adopted by the Kurdistan Region Parliament on 8 June 2012. However, concerns remain that some exceptions contained in the law are too broad and could be exploited by public officials to deny journalists and other citizens the right to access information that is legitimately in the public interest.

11. Other Human Rights Issues

11.1 Camp New Iraq (Camp Ashraf)/ Camp Hurriya (Camp Liberty)

In accordance with the memorandum of understanding signed with the Government of Iraq in December 2011, UNAMI continued to conduct daily monitoring visits to Camp Hurriya, where more than 3,000 members of the People's Mujahedin Organization of Iran/Mujahedin-e-Khalq (PMOI/MeK) – an organisation formally listed by a number of States as a terrorist organisation - are currently based.

On 9 February and 15 June Camp Hurriya was subjected to rocket attacks. In the first attack, eight residents were killed and, according to staff at the Government-run clinic in the Camp, a further 71 were injured. As a result of the second incident, two residents lost their lives. The SRSG publicly condemned both attacks and called on the Government of Iraq to take appropriate measures to ensure the protection and safety of the residents. In the aftermath of the February attack the residents' leadership demanded, *inter alia*, to return to Camp Ashraf and that they be provided with large T walls for all accommodation blocs and amenities (totalling some 17,000 large T walls), personal protective equipment (PPE) for each resident, and 380 bunkers in addition to the 120 already present in the camp. By the end of the reporting period, the Government of Iraq had provided 296 bunkers and 591 small T-walls but had refused the residents' leaders request for a return to Camp Ashraf, for personal protective equipment and for large T walls.

UNHCR has continued to work towards identifying individuals in need of international protection and durable solutions for the residents of Camp Hurriya. As of 30 June 2013, 1,604 individuals had been identified as requiring international protection. However, UNHCR's efforts to find durable solutions for the residents have been hindered by the non-cooperation of residents, such as the boycotting of UNHCR interviews.

In March, the Government of Albania offered to accept up to 210 residents for resettlement. However, the PMOI/MeK refused the names accepted by the Government of Albania, and insisted that it should decide who should be resettled there. As a result by the end of June, UNHCR had facilitated the resettlement of 71 residents only. Similarly, in April the Government of Germany decided to accept up to

100 residents for resettlement. At the time of writing, preparations were underway to relocate the first group some time in July.

UNAMI has continuing concerns about human rights abuses committed by the PMOI/MeK leadership within Camp Hurriya against the residents. These claims have been made to United Nations Monitors during interviews with residents who had managed to leave Camp Hurriya, as well as in a number of private discussions with residents who still reside in the Camp - despite the leadership's attempts to prevent such discussions. The PMOI/MeK, which has a hierarchical and authoritarian structure, imposes a number of severe restrictions on the residents' rights, including the right of freedom of movement within the Camp and the right to leave the organization, the free right of association, along with restrictions on contacts with family members (including those residing in Camp Hurriya), on access to basic communications, and on access to medical care and treatment.

11.2 Refugees and Internally Displaced Persons²⁵

11.2.1 Syrian Refugees

The on-going armed conflict and violence in Syria continue to impact on the humanitarian context in Iraq, where as many as 159,384 Syrian civilians had sought asylum as of 30 June 2013. Of these more than 153,356 are located in the Kurdistan Region and a large number are in Al-Qa'im in Anbar Governorate. Some 30 per cent of the refugees are residing in camps in Domiz in Duhok Governorate, and Al-Qa'im, Anbar governorate, while 70 per cent are hosted in the local communities, primarily in Iraq's northern governorates of Duhok, Erbil and Sulaymaniyah in the Kurdistan Region.

The presence of a large number of refugees is putting a strain on the public services and local infrastructure, particularly in the Kurdistan Region. The international community, represented by United Nations agencies and other organizations, has been supporting the Iraqi Government's efforts to respond to the refugees' humanitarian needs, through the implementation of an emergency response plan coordinated jointly by UNHCR and the Ministry of Migration and Displacement. However, the humanitarian operation for Syrian refugees in Iraq has been overshadowed by bigger emergency operations in the region, namely in Lebanon and Jordan, and this has resulted in the donor community's response to the Iraq component of the Regional Response Plan for the Syrian situation falling short of expectations.

The Domiz camp, initially designed to accommodate 28,000 refugees, is currently hosting some 42,000 refugees. As a result of the high congestion in this camp, the inhabitants have been exposed to serious health risks. In acknowledgment of the need to alleviate overcrowding and to accommodate refugees who are unable to provide for themselves and their families, the authorities in the Kurdistan Region have allocated plots of land for the establishment of two additional camps, one in Erbil and another in Sulaymaniyah. The construction of these new camps is currently underway. However, the capacity of these two camps will be limited to some 25,000 refugees, hence only partially addressing current needs. UNHCR continues to advocate for additional land to be allocated and along with its partners is engaged in the implementation of an assistance programme aiming at enhancing the refugees' ability to sustain themselves in urban settings.

In October 2012, the government of Iraq invoked national security reasons to close the country's border with Syria at Al-Qa'im, Anbar Governorate, and Rabi'aa. Moreover, the border with Syria along the Kurdistan Region, which had remained opened, was closed in May 2013 and remains closed at time of writing, except for a few medical emergency and family reunification cases. This has meant that thousands of Syrian civilians who may otherwise have sought safety in Iraq remain trapped on the Syrian side of the border. UNHCR has been advocating with the Government of Iraq and the authorities in the Kurdistan Region to ensure that the border is re-opened so that Syrian civilians fleeing for their lives are allowed access to safety in Iraq.

Owing to a combination of pull and push factors, over 7,000 Syrian refugees have opted to return to Syria spontaneously (5,550 from Al-Qa'im and 1,595 from the Kurdistan Region as at 30 June 2013) with an additional 10,850 unverified returnees to Syria from the Kurdistan Region. This is despite the fact that UNHCR is not promoting or facilitating the return of refugees to Syria given the precarious security situation in that country. UNHCR does, however, continue to monitor the situation and provides counselling to any Syrian refugees who may be considering returning to Syria.

²⁵ The information contained in this section 11 was provided by UNCHR.

For Syrian refugees not housed in camps, UNHCR has undertaken mapping and protection monitoring, identification of vulnerable persons, and advocacy to improve their access to education and health services.

The Ministry for Human Rights conducted a number of field visits to refugee camps in Anbar Governorate and Domiz Camp in the Kurdistan Region. Included in the recommendations made by the Ministry was that Iraq should accede to the 1951 Refugees Convention.²⁶

11.2.2 Refugee and asylum seekers

From January to June 2013, UNHCR and partners continued to provide legal, psycho-social, educational assistance and vocational training to other, non-Syrian refugees in Iraq. In order to meet the needs of the most vulnerable refugees, an Extremely Vulnerable Individuals (EVI) scheme was established and a vulnerability assessment of the refugees who had relocated from Al-Waleed refugee camp in Anbar Governorate was completed. In order to assess the needs and opportunities for Palestinian refugees residing in Baghdad, a verification exercise was started in June 2013, which is expected to continue for three months. Efforts were also made to scale up the refugee status determination process in order to gradually reduce the backlog.

During the reporting period, the security situation in Iraq deteriorated, which had an impact on persons of concern. Their integration, both economic and legal remains problematic due to the high rate of unemployment and the sensitivities regarding local integration. Refugee populations who were targeted during the 2006-2008 sectarian violence, such as the Palestinians, have become increasingly vulnerable. Moreover, the adoption of a new refugee law has remained a low priority and no progress was made in this regard.

11.2.3 Iraqi refugee returnees

A total of 88,170 Iraqis are reported to have crossed the border from Syria into Iraq since July 2012 up to June 2013. These numbers include returnees who are registered with UNHCR in Syria and others who are not. It also includes individuals who cross the border for private reasons on a daily basis. The number of Iraqis who cross the Iraqi-Syrian border significantly dropped in recent months, mainly due to the closure of Al-Qa'im and Rabi'aa border crossing points as well as an increase in security incidents. A total of 7,054 households were registered with the Ministry of Migration and Displacement since 20 June 2012 to June 2013.

Under the UNHCR voluntary repatriation programme, Iraqis continue to repatriate from the neighbouring countries, especially from Syria and Iran. Iraqi refugees in Syria have difficulties in applying for the voluntary repatriation programme because of the security situation, and some are unwilling to repatriate in the hope that their resettlement cases will be processed. Nonetheless, more than 1,041 Iraqis signed up for voluntary repatriation and return to Iraq in the first six months of 2013. Since April 2013, repatriation of Iraqi refugees from Egypt has increased owing to the instability in that country.

UNHCR is implementing a cash assistance programme aimed at supporting the vulnerable returnees at the initial stage after their return. A total of 1,340 Iraqi returnee households (4,918 Individuals) who returned and registered in Iraq in 2012, are expected to benefit from the UNHCR One-Time Cash Assistance Project throughout 2013.

11.2.4 IDPs

In April and May UNHCR learned of new forced displacements from Baghdad to Anbar governorate and within Diyala governorate from Baquba to Khanaqeen. UNHCR is following up through its partner, the International Rescue Committee (IRC), in order to determine the scale and scope of the new displacements. As at June 2013, 22 cases (111 individuals) have been confirmed as newly displaced from Baghdad to Anbar governorate. The reason for the displacement was cited as sectarian tensions, which have recently increased in Iraq.

An instruction by the Governor of Kirkuk was publicized ordering all persons who did not originate from the governorate to leave within 21 days, blaming them for an increase in violence in the governorate. UNHCR

²⁶ According to the Ministry of Human Rights, the last field mission conducted by the Ministry to Domiz camp on 23 August 2013 found that there were 155,000 Syrian refugees, 60,000 of whom were resident inside the camp although its capacity is only 28,000.

has received assurances from the authorities that registered IDPs will not be affected. UNHCR is monitoring the situation and will engage with the government as required.

The government of Iraq has concluded the first stage of its Stabilization Programme for IDPs, through the provision of financial grants to those who opt to return to their places of origin, relocate, or integrate in their current place of habitation. The Ministry of Migration and Displacement, which implements the programme, has requested UNHCR for assistance in planning the second phase. While indicating agreement in principle, UNHCR has taken the opportunity to ask for a review of the first stage, in order to determine the success or the failure of the project, before moving to the second stage, to which the Ministry of Migration and Displacement has agreed.

11.3 Migrant Workers

UNAMI has serious concerns about the lack of legislation and mechanisms for the protection of workers and of accountability for abusive labor practices, particularly in relation to foreign workers.

UNAMI monitoring revealed a number of instances where employers confiscated passports or identity documents of employees, and subjected them to substandard living conditions, restrictions on their movement, and financial exploitation. Some of these abuses are exacerbated by a lack of publicly available information on the rules and regulations on the provision of visas, resident cards, and work permits, while the absence of an appropriate statutory framework regulating the employment of foreign nationals creates room for exploitation of migrant workers as well as problems for investors.

Currently, article 12 of the Iraqi Investment Law No. 13 of 2006 gives investors the right to employ expatriate workers and provides for those workers' right to reside in Iraq. Foreign companies which have an investment contract with the Government of Iraq can import foreign workers by submitting, through their corporate Iraqi manager or through an Iraqi agent, the details of those workers to the Ministry of Labour and Social Affairs which, in turn, obtains a document from the Ministry of Interior confirming that entry visas have been granted to the employees nominated by the company. In addition, the Investment Councils, which form part of the Governorate Councils, can recommend the issuance of visas to potential investors without any prior contract.

As foreign investment in Iraq is growing the number of migrant workers has increased and there is consequently an urgent need to establish an appropriate legal framework to regulate the granting of visas and residency and work permits, to provide appropriate protections against exploitation for foreign workers, and to set up independent mechanisms to address violations of visa or residency rules. Through interaction with some companies and migrant workers, UNAMI was informed that some of Iraqi agents sponsoring foreign workers, particularly from South Asia, do so by providing fraudulent employment details. These unskilled workers often end up in the labour camps of construction companies or as domestic workers, and are subjected to various kinds of exploitation and abuse by their employers.

Among instances documented by UNAMI, a female domestic worker from Uganda alleged that she was physically abused by family members in Baghdad, and requested UNAMI's help to repatriate her (IOM facilitated her repatriation). The woman was allegedly recruited from Uganda by an Iraqi agent and brought to Iraq 12 months earlier. On arrival, the agent allegedly took her papers and passport. Other migrant workers interviewed by UNAMI confirmed that it is common practice for Iraqi agents to keep the passports of unskilled foreign workers thereby forcing them to remain confined to their work place.

The Residency Department in Basra informed UNAMI that they are aware of the situation of migrant workers in the construction industry and of those employed as domestic workers, but did not have details of the number of people affected. The Ministry of Interior in the governorate has set up an inter-departmental committee to investigate companies operating in Basra and to arrest migrant workers found to have work permit or visa irregularities. In total 247 migrant workers were arrested and deported, including two women (one Chinese and one Filipina) for failing to have proper documentation. In March 2013, three migrant workers, two Nepalese and one Indian, were released from Basra Central Prison through special presidential pardon. The two Nepalese nationals were sentenced to five years of imprisonment for illegal entry into Iraq in November 2011. In the majority of cases, the sponsoring companies arranged for the repatriation of the workers. However, in a few cases, repatriation costs were borne by the Residency Department with the help of some charities.

UNAMI also notes that the Ministry of Interior does not officially notify the concerned embassy or consulate about the arrest of their nationals. According to the Police Chief of Basra, the Ministry of Interior does notify

the Ministry of Foreign Affairs of the arrest of foreign nationals within 24 hours, and it is the responsibility of the Ministry of Foreign Affairs to inform the consulates concerned.

The Ministry of Human Rights has expressed its serious concerns about the conditions and treatment of migrant workers in Iraq. The Ministry has recommended that Iraq accede to the United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990) and has advised the Shura Council on the text of the draft Labour Law, which it claims will promote the protection of the rights of migrant workers in the country.

11.3.1 Migrant workers in the Kurdistan Region

UNAMI remains seriously concerned about the inadequate protection offered to migrant workers under the law and the lack of mechanisms to address abusive labour practices, confiscation of passports, substandard living conditions, restrictions on movement, financial exploitation, and problems associated with the issuance of visa, resident cards, and work permits. Given the increasing number of migrant workers seeking employment in the Kurdistan Region, there is an urgent need for the Kurdistan Region Government to pass comprehensive legislation and to establish mechanisms aimed at addressing these concerns.

In February, UNAMI monitored the conditions of 130 Bangladeshi and Pakistani migrant workers who were held in overcrowded and unsanitary conditions in the police pre-trial detention facility in Sulaymaniyah. During its monitoring visits, UNAMI observed that a large number of detainees were ill and had received only minimal medical care. Subsequently, one of the migrant workers died of tuberculosis at the hospital in Sulaymaniyah, on 21 April. On 28 May, UNAMI was informed that 18 detainees were hospitalized in Sulaymaniyah.

In June, UNAMI monitored the case of 19 Indian migrant workers who had staged a demonstration outside a courthouse in Erbil. The migrant workers, who worked for a private company, claimed to have been subjected to abusive workplace conditions and that their contracts had been terminated when they attempted to complain. They were left to live on the streets, without shelter, food or water. The migrant workers filed a complaint with the court to obtain their unpaid salaries to enable them to return home. UNAMI continues to monitor the case.

According to the response to this report provided by the Kurdistan Regional Government on 22 October 2013, the Ministry of the Interior of the Kurdistan Region has sole authority on the entry and stay of foreign workers in the Region. A Residency Office has been established in each province in the Region and their rights and entitlements are government by Law no 188 of 1987. This act is currently under review to permit persons from the rest of Iraq can apply for residency from the Asayish administration and the Ministry of Interior. All non-Iraqi citizens are required to apply for a visa with required documentation – those from Ethiopia, Bangladesh and Nigeria will be granted visas on an exceptional basis – and visa requirements have been published. Persons wanting to work need to apply at the General Directorate of Labour and Social Affairs within the Ministry of Labour and Social Affairs of the Kurdistan Region. Visas will be granted once the Ministry has approved the application to work. According to the Ministry they are 15,000 foreign workers registered in the Region.

12. Human Rights Institutions

12.1 Iraqi High Commission for Human Rights

Progress continued with regard to the establishment and work of the Iraqi High Commission for Human Rights (IHCHR). On 7 March, to support the activities of the IHCHR, the Council of Representatives approved a budget of 20,000,000 Iraqi dinars (approximately USD16 million).

Following the selection of the Commissioners in April 2012, and two successful workshops during which the Commissioners agreed on a mission statement, a plan of action for 2013-14, and a staffing structure for the Commission, the Commissioners further agreed in February 2013 on the division of human rights portfolios, identifying 13 priority areas, each to be overseen by one Commissioner and an alternate.²⁷ In addition, a five-

²⁷ The 13 portfolios are: Minority rights, Family and child rights; Relationships with national and international institutions and organizations; Social security; Health and environment; Immigration and displacement; Education;

member committee has been established to monitor prisons and detention centres, and to submit regular reports to the Council of Representatives, as required by the law establishing the Commission.²⁸

In April, the IHCHR monitored the governorate council elections by visiting a number of polling stations in Baghdad. The IHCHR shared its report on the elections with the Independent High Electoral Commission, UNAMI, United Nations agencies, and donors, noting that no major concerns had been observed during the voting process. However, the report included a number of recommendations on actions to be taken to enhance the full respect of the right to vote and equal participation by all Iraqi citizens in future electoral processes.

On 23 May, the IHCHR carried out a joint visit with the Civil Affairs and the Human Rights Departments of the Ministry of Interior to the al-Rusafa women's prison, in Baghdad. The Commissioners reportedly made recommendations on-site, but no report had been submitted to the Ministry of Interior at the time of writing. Additionally, on 23 April, in the immediate aftermath of the incidents in Hawija, the IHCHR issued a press release condemning the killings and calling for calm from all sides.

Between May and June, as part of the capacity-building process, the IHCHR attended the twenty-third session of the Human Rights Council in Geneva to observe the reporting procedures of other countries before the Council in preparation for the Universal Periodic Review for Iraq, scheduled for October 2014.

UNAMI, in partnership with UNDP, continued to provide technical assistance to the IHCHR. UNAMI and UNDP, in agreement with the Commissioners, contracted a senior manager from the Palestinian Human Rights Commission to assist the IHCHR establish its secretariat. It is expected that the structure of the commission and the bulk of the secretariat staff will be in place during the second half of 2013. Additionally, in June, UNAMI and UNDP provided an expert consultant to assist the Commissioners design and establish the IHCHR website, which will significantly increase the Commission's visibility and raise awareness among the public about its mandate and activities.

In March, UNAMI and UNDP facilitated a capacity-building training for the Commissioners, in cooperation with the United Nations Human Rights Training and Documentation Centre for South and West Asia and the Arab Region. As a result, an agreement was reached between the Commissioners and UNAMI and UNDP for a comprehensive capacity building and training programme for the Commissioners and its staff, to be delivered in 2013-14.

Despite these advances, a number of challenges remain. In particular, the failure of the Commission to elect a President has impacted negatively on the ability of the Commission to implement its mandate fully. Political interference from parties outside the Commission has been a major cause of this situation and threatens the independence of the Commission as prescribed by the Constitution of Iraq. Another issue is that the Council of Representatives has failed to implement a court order of December 2012.

12.1 Kurdistan Region Independent Board of Human Rights

UNAMI noted some positive progress in regard to the establishment of the Independent Board of Human Rights (IBHR) in Kurdistan Region, in compliance with the IBHR law No.4 of 2010 and the 1993 Paris Principles on National Human Rights Institutions. On 23 January, the IBHR President was sworn into office in front of the Head of the Judiciary Council of the Kurdistan Region. Subsequently, a number of actions were undertaken to operationalize the IBHR, including hiring administrative and substantial staff.

UNAMI continued to assist the IBHR by providing technical expertise and support, including training on detention monitoring, investigation and documentation of human rights violations. Additionally, UNAMI supported the creation of a database in order to facilitate the Board's information gathering and analysis capacity. UNAMI and UNDP also finalized an agreement for a two-year capacity building project for the IBHR.

13. National Action Plan for Human Rights

In early 2012, the Government of Iraq appointed an inter-departmental and cross-sectoral committee to oversee the implementation of the National Action Plan for Human Rights that the Government had

Rights of women; Missing persons; Freedom of expression; Rights of people with disabilities; Mass graves; Victims of terrorism.

²⁸ Art. 4 of the High Commission for Human Rights Law No. 53 of 2008.

formally adopted in December 2011. UNAMI has a seat on this oversight committee through which it offers technical advice and support to the committee. The committee met on two occasions in 2013, on 5 March and 22 May, when it received reports from relevant Government departments on their progress in implementing the NAP.

According to the Government, 33 of the 135 UPR recommendations accepted by Iraq have been fully implemented. A further 99 recommendations have been partially implemented, while another three recommendations remain to be implemented. Recommendations that are not implemented include the ratification of the optional protocols to a number of human right treaties and the issuance of a standing invitation to all United Nations special procedures.

Iraq is due to undergo its second Universal Periodic Review in October 2014. In preparation for this process, UNAMI will conduct a number of targeted capacity building and training sessions with relevant Government ministries, civil society actors and the IHCHR on reporting and shadow reporting and on the procedures for the conduct of the review. In addition, the Ministry of Human Rights, in collaboration with UNHCR, organized training for its staff members and other related ministries from 9-13 June, which covered core human rights treaties and the United Nations system of monitoring implementation of human rights standards.

From 15-19 April, in Geneva, the Office of the United Nations High Commissioner for Human Rights organized a training course for representatives of the Government of Iraq who are part of the team responsible for representing Iraq in the Universal Periodic Review process. Fifteen members of the team, representing different ministries, attended the training which covered areas such as the United Nations human rights system, the work of the Human Rights Council and Special Procedures, rule of law and the administration of justice, and experience from other States that have gone through the Universal Periodic Review. The training also included discussions on how to establish and maintain inter-ministerial bodies to implement and report on human rights obligations and the role of civil society.

13.1 Kurdistan Regional Action Plan for Human Rights

UNAMI welcomed the official launching on 8 January, of the Regional Action Plan for Human Rights in the Kurdistan Region. Additionally, UNAMI considered as a positive step the establishment of the Inter-Ministerial Committee for the implementation of the Regional Action Plan that followed the launch. The Committee is composed of 10 members, including representatives of the Independent Board of Human Rights, the Ministry of Health, the Ministry of Labour and Social Affairs, the Ministry of Interior, the Ministry of Justice, the Ministry of Education, the Ministry of Culture, the Judiciary Council, the Kurdistan Journalists Syndicate, and the High Council of Women. UNAMI sits as an observer on the committee.

UNAMI, in coordination with the Directorate of Foreign Relations of the Kurdistan Region Government, supported the Committee by organizing a training session, in February, on their terms of reference and the content of the Regional Action Plan. The Committee meets monthly to review progress reports from member institutions on the implementation of the Regional Action Plan.

Additionally, the Committee intends to conduct a six-day training in cooperation with the Ministry of Human Rights, to be held in July, which aims to provide guidance to the members of the Committee on the process and activities to be implemented in preparation for the Universal Periodic Review of Iraq in October 2014.

14. Legislative Developments

No progress has been made by the Government of Iraq to implement the recommendations made by UNAMI in its previous report, including acceding to the Optional Protocol to the Convention Against Torture, the optional protocols to the ICCPR, the 1951 Convention on the Status of Refugees and its 1967 Protocol, the 1954 Convention Relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness, the Additional Protocol II to the Geneva Conventions of 1949, and the Rome Statute of the International Criminal Court.

The Council of Representatives passed a number of laws in the first half of 2013, but only one was related to the promotion and protection of human rights. On 7 May, the Council of Representatives passed the Amendment to the Social Care Law no. 126 of 1980, which gives more attention to children in Iraq. The amendments provide greater protection and care to children in shelters, state houses, and orphanages. The amendments specifically provide protection to children who are the victims of domestic violence and are under the care of the State.

14.1 Legislative developments in the Kurdistan Region

On 8 June, the Kurdistan Region Parliament enacted an access to information law for the Kurdistan Region (Law No. 11 of 2013). The law, which has subsequently been approved by President Barzani, guarantees the right of citizens of the Kurdistan Region to access all information held by public authorities without hindrance except for exceptions regulated by law. As at the end of June 2013, the Kurdistan Parliament was considering a draft Child Protection Law.

END

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