



**Report of Human Rights Violations / demonstration, Excessive use of force , Rights of women
A Report for United Nations Human Rights Committee**

**with the International Covenant on Civil and Political Rights during its 134th session (28 Feb-28
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Sawa Organization for Human Rights

Iraq-Muthanna

hu_samawa@yahoo.com

00964+7801056752

Haider Alawadi

Introduction:

Sawa Organization for Human Rights works to follow up on implementation of recommendations, and to contribute to the implementation of some of them, and it has partnerships with governmental and non-governmental institutions, and it seeks to improve the reality of human rights by monitoring and documenting violations and writing national and international reports, and it works to strengthen the state's responsibility towards implementing its obligations with the United Nations And despite Iraq's accession to 8 human rights conventions, and despite the government's approval and desire to implement the recommendations, the response is still weak and late, especially in the rule of law, torture, freedom of expression and violence or discrimination against women, and Iraqi government announced in May 2021 its launch The National Human Rights Plan 2021-2025, which we hope to actually implement in line with human rights priorities.

The shadow report includes what has been monitored and documented violations, challenges and priorities related to the topics (freedom of expression and assembly, prohibition of torture and ill-treatment, rule of law, protection discrimination, rights of black minorities, violence and discrimination against women).

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Freedom of assembly and peaceful demonstration:

The October 2019 demonstrations were not the first in Iraq, which express mismanagement of state announced by protesters, including corruption, poor services, unemployment, and mismanagement of financial resources, but it was the most violent and severe, and in ten Iraqi governorates, where demonstrators were exposed to Various grave violations, starting with murder, kidnapping, arbitrary arrest with torture, and threats. There are no specific numbers for the victims of the violations that accompanied the demonstrations starting on October 10, 2019, and the confirmed numbers indicate the death of 567 and the injury of 18,600 with various injuries, including permanent disability, and more than 60 attempts Assassination, recorded by unidentified armed elements.

We mention a section of the documented cases, at 6 pm on January 25, 2020, the security forces opened fire on the demonstrators, which led to 8 dead and 22 wounded, and on March 26, 2021, 5 young protesters were killed and dozens were injured in clashes in Nasiriyah.

On December 27, 2021, in Basra Governorate, August 17, 2020, 5 young men were subjected to assassination attempts, and in Najaf on the evening of Wednesday, February 5, 2020, 8 people were killed and 138 wounded, with the burning of tents and private property of the demonstrators, and in Karbala on Thursday, February 2020, dozens were injured The wounded as a result of the clashes.

On the evening of March 10, 2020, the activist Abdul Quddus Qassem was assassinated with his friend, the lawyer Karrar Adel, in the deserted industrial zone in the city of Al-Amarah, and during the period from October 1, 2019 to March 21, 2020, the disappearance of 123 people was documented, and 98 of them were found, and the fate of the rest remains. Anonymous.

It targets young men and women with same methodology, including in Basra, paramedic Janan Madhi Al-Shahmani, on the evening of Tuesday, January 21, 2020, and she joined her on Wednesday, January 22, after she was seriously injured in the same incident, paramedic Fatima Ali, as a result of an armed attack from an unknown car with the injury of other demonstrators

The video clips or witnesses who communicated with the victims before the assassination confirm that the assassination was carried out by masked men who used either unmarked cars or motorcycles, and most of them were using silenced weapons, which indicates the existence of a planned and systematic targeting.

During the period of violations, Iraqi Human Rights Commission, and human rights organizations, in addition to UNAMI mission and some international organizations and international missions, were working to issue reports and recommendations to the Iraqi government, but the response was weak, and despite the emphasis of human rights organizations on the need to respond and provide a safe environment, and not to escape from Punishment, but the government does not provide a realistic response.



Early elections 2021:

One of the demands of the demonstrators was early elections, and the government made efforts to achieve this in accordance with the new law of the Iraqi parliament, which allowed the participation of candidates from the age of 28, increasing the number of electoral districts, individual nomination, and winning for those who achieve the highest votes in a single district.

However, there were attempts to postpone the elections by some political parties, and what is noticed is the lack of experience in elections for the emerging parties, especially those representing the demonstrators. Nevertheless, independents representing the demonstrators or independent people who do not belong to any party won.

After the elections were held on October 10, 2021, and with the presence of international and local monitoring, the old parties had continuous objections to the results, accompanied by threats and demands to cancel the election results with protests in Baghdad and some provinces rejecting the results, with applications for rejection before the Federal Court and objections Great political, but the court ended the controversy and ratified the elections.

Establishing justice and the rule of law in Iraq

Prisons:

The phenomenon of overcrowding has been a recurring and old problem, and sometimes it exceeds its absorptive capacity by rates ranging up to 50-70%. Despite the efforts made by the Ministry of Justice, the implementation of plans to construct new buildings and restore existing buildings is proceeding very slowly, while the Ministry of Justice is doing what it can To ensure the transfer of detainees and prisoners who suffer from emergency cases to hospitals, most detention facilities and prisons still lack medical staff and appropriate medical equipment. The Ministry of Justice periodically forms a joint committee from the Ministries of Justice and Health to deal with such cases, and often the delay in resolving detainees' cases is one of the reasons This overcrowding, as in the central prisons in Basra, Hilla, Amarah and Muthanna.

It is not easy to obtain accurate numbers of detainees and convicted persons, and all detainees are placed under the authority of government institutions, namely the Ministries of Justice, Interior and Defense, and the Ministry of Labor and Social Affairs. Specialized training to move from the prison stage to the stage of release and freedom.

On December 4, 2022, the Juvenile Reform Department of the Ministry of Justice stated its monthly position regarding the number of those released, as their number reached (90) juveniles, including (41) detainees who were released and (38) released after Serve the sentence and (10) conditional release.



Torture and other inhuman or degrading treatment:

Periodically and continuously, the organization works on monitoring and documenting torture by security institutions in cases (arrest, detention, investigation, trial, and sometimes even after the verdict is passed by the court), and the most systematic and high-risk cases of torture are during the investigation, and many complaints are made Documenting it is coercion to confess to the crime through torture, which led to misleading the Iraqi judiciary and the competent courts, and cases of torture are not limited to the type of accusation, the place or the security institution, as it is practiced systematically, and many torture victims hesitate to file a complaint, for fear of reprisals From some policemen.

In Najaf Governorate, July 2019, and in the case of the death of the accused (M.R.A.) during the investigation, and when the case was followed up, the police answered that the accused was ill and there was no torture, but the details of the report (forensic medicine department) in the Najaf Health Department proved that the death It was due to torture.

During the protests on December 20, 2020, and in a dangerous precedent, the first of its kind in Iraq, when the Iraqi authorities published pictures and names of a group of children who were arrested and detained without a clear legal justification, and torture was practiced against them, which is a clear violation of the legal guarantees of the constitution, and a punishable measure. The Juvenile Welfare Law of Article 63 (First - the juvenile's name, address, school name, photograph, or anything that leads to his identity may not be announced), which is also a grave violation of international conventions, including the Convention on the Rights of the Child binding on Iraq.

In May 2020, grave violations of law enforcement forces were documented with the child (HS), as he was verbally and physically abused without justification, humiliating behavior and immoral behavior by the police, which aroused public opinion, and despite the announcement of an investigation committee, it is not sufficient , where the law enforcement forces competent to protect the demonstrators are chosen without the presence of professional standards and ethical behavior, and the absence of competence or information on human rights standards.

In September 2021 in Al-Muthanna Governorate, Mr. (S.W.G) was subjected to ill-treatment and verbal humiliation with torture in various forms, according to an unrealistic accusation, and despite the complaints submitted to government institutions and the Human Rights Court, but according to what the victim mentioned, the response is weak, He feels disinterested, as a result of his transformation from an innocent to an accused.

**Excessive use of force:**

In the province of Babil and during the month of September 2021, the Iraqi government confirmed that the confession was extracted under torture in the case of the accused Ali Kazem Abdul Humaidan, who was tortured to confess to killing his wife, who was later found alive in another province, and according to the interview of the victim Ali, he was beaten With a stick, punching him for hours on end, and hitting him on the feet using electricity, in addition to verbal abuse, suspension .of the body from various sides, and humiliating and immoral mistreatment by investigation officer

Despite Ali's demand for a medical examination by the court during the investigation period, the Crime Prevention Department in the Al-Seddah area worked to delay the medical examination by 35 days, in order for the effects of torture to disappear, and the case aroused public opinion, which necessitated the follow-up of the Prime Minister Iraqi , who stressed the conduct of investigations and the punishment of those involved in the investigation.

In Babil Governorate, on December 30, 2021, a security force raided a house in the Jabla area (Rahim Kazem Al Ghurairi's house) , north of the city of Hilla, and deliberately used excessive force, which led to the killing of 14, including women and children, and it was a high-risk crime and indicates the exploitation of the government job. In the security establishment, as well as using the authority and misleading the government with incorrect information, on the pretext of personal revenge, and in the first moments of the crime, the Babylon Governorate police worked to mislead the federal government and public opinion with unrealistic information.

The government has taken investigative measures and the investigation has been followed up by the head of the National Security Agency. Despite the confessions of 14 security officials, including officers, the details of the investigation and judicial procedures are still not announced.

Women's rights:

The absence of equality between men and women exists, persists, and is prominent in specific aspects of public life, to the extent that women do not control their life decisions, are subject to various forms of violence, and are far from decision-making processes at all levels, and this has reached alarming levels. Discrimination in government institutions and the media, and despite the presence of a quota for women in Parliament of 25%, the percentage of women in other bodies does not constitute 2% in advanced positions from the position of director general to minister, and there are no positions at the governorate level (general manager, or university president, and in a very rare case the position of dean of a college).

The Anti-Domestic Violence Law has been far from attention in Parliament since 2015, and there are no equitable legislation or plans for women, and the Iraqi government announced on December 24,

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2020 the second national plan for Resolution 1325 for the period (2021-2024), which included pillars (prevention, protection, participation), but the government did not provide financial support for implementation, and international missions work in cooperation with local organizations and government institutions to implement the activities of the plan at the federal or local level, but it is not sufficient to achieve the goals and indicators of the plan.

Women's suicide cases increased significantly during the years 2019-2021, as the governorates of Karbala, Muthanna, Nasiriyah, and Baghdad recorded dozens of suicides of women and girls, and when investigating the facts for some of them, it is noted that it is a murder and not a suicide, and many women whose imprisonment period ends, They are under threat of death or resorting to other governorates for safety, which are exploited for various actions.

Human rights organizations welcomed the enactment of the Yazidi Survivors Law in March 2021. The law recognizes crimes committed by ISIS against women and girls from the Yazidi, Turkmen, Christian and Shabak minorities - including kidnapping, sexual slavery, forced marriage, pregnancy and abortion - as genocide and crimes against humanity.

Forced, temporary and early marriage:

Forced, temporary and early marriage has become an economic survival strategy for families living in poverty, in the context of constant conflict and insecurity, which makes them decide to marry off their girls early with the idea that this relieves them of financial and security burdens. In a 2019 study, approximately 51 percent of forced marriages entered into due to an economic stimulus, an estimated 24 percent of girls marry before the age of 18, and early marriages increased during the COVID-19 pandemic, as poor families affected and were unable to provide for the needs of the family as a result Work stopped due to curfew.

Discrimination against Iraqi women of African descent:

Iraqis of African descent, also referred to as African Iraqis, make up about 1.5 to 2 million of Iraq's population. Although the 2005 Iraqi constitution states that all Iraqis are equal and, more specifically, prohibits racism and ethnic or religious hatred, Iraqis of African descent are still excluded from social, economic and political life in Iraq. Iraqis of African descent are unusually referred to as “abd” (meaning “slave”) and “aswad” (meaning “black”) to the ongoing discrimination of African Iraqis and reflect a social status derived from a systemic pattern of social discrimination that has developed over the centuries.



Women of African descent face the combined impact of gender and racial discrimination. Human rights violations in Iraq disproportionately affect African-Iraqi women and African human rights defenders who face serious threats to their safety and well-being. The Iraqi government has failed to recognize or implement any educational initiatives to address the stigma of being of African descent in Iraq and such legislation has not yet been implemented, to prevent racial discrimination or protect minorities from marginalization. Because of the Iraqi government's neglect of women and girls of African descent, it has allowed the discrimination and marginalization they are subjected to

The apparent lack of statistical data on African Iraqis also reflects the Iraqi government's neglect of the Iraqi community of African descent. The Special Rapporteur on minority issues reported that she was concerned about the lack of information on the conditions of Iraqis of African descent. The Iraqi government has not released any official information regarding the African Iraqis.

Failure to provide adequate living conditions, education and employment for Iraqi women of African descent:

Ongoing systematic discrimination against Iraqis of African descent has led to high rates of inter-gender poverty, many of whom live in marginalized areas where they are at risk of eviction, lack of clean water, adequate sanitation facilities, and adequate electricity. The Iraqi High Commissioner for Human Rights has acknowledged that minority women, especially Iraqi women of African descent, lack education and work. In fact, the lack of employment opportunities, regular income, and education may be one of the most important challenges facing Iraqi women of African descent today. Afro-Iraqi women suffer from higher unemployment rates as compared to Iraqi women in general, and as a result of intersecting racial and gender discrimination with the resulting economic exclusion, when Afro-Iraqi women obtain secure work, they are usually able to find hereditary jobs such as domestic work.

Inability to obtain political participation for Iraqi women of African descent:

Iraqis of African descent lack adequate political representation and participation. They do not have their own ethnic quotas in the Iraqi parliament, unlike other ethnic and religious groups in Iraq and have been excluded from the parliament. No Iraqis of African descent were listed for election to the council, and African-Iraqi women were not included in government, peace implementation, or other decision-making roles. No woman of African descent has ever ascended to a high-ranking political position. Human rights defenders are calling for consistent representation in government, as with other minorities, and for increased security measures.

Despite constitutional guarantees, there is a clear need for anti-discrimination law and compulsory education for ethnic minorities, including African Iraqis. Members of the Iraqi parliament have

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approved the bill to protect diversity and anti-discrimination, but it is still pending before the Human Rights Committee of the House of Representatives. The United Nations Assistance Mission for Iraq urged the Iraqi government to adopt a draft law protecting the rights of religious and ethnic minorities, and a draft law on the protection of diversity and the prohibition of discrimination. The two laws aim to eliminate discrimination based on race, colour, sex, language, religion, political or other opinion, nation or social origin. Furthermore, UNAMI recommends that the Ministry of Education take appropriate action on specific incidents of discrimination in the field of education.

And in January 2022, a positive initiative was achieved by the Iraqi Media Network, the young woman (Randa Abdel Aziz), of black skin, was hired, as a news anchor on the state-owned Al-Iraqiya channel.

Journalists and media:

In Baghdad and the governorates that witnessed demonstrations, more than 600 cases of violations were documented, including 5 assassinations and 22 injuries as a result of covering the demonstrations, and 85 threats of death and physical liquidation, in addition to the closure of 30 media outlets, and during January 2020, journalist Ahmed Abdel Samad and his photographer Safaa were assassinated. Ghali in Basra at the hands of unidentified gunmen, after the journalists left the place of the protest.

During the year 2020, there were 305 violations against journalists and media institutions in the country, including the assassination of 4 journalists, the injury of 10 others, and there were two cases of death threats and physical liquidation, the arrest of 74 journalists, attacks on 167 others, and 14 armed attacks against journalists and media institutions, in addition to the closure of 31 satellite channels and media institutions, as well as 3 cases of filing lawsuits, issuing judgments and arrest warrants against journalists.

In Kurdistan, the situation is no different. In December 2020, the authorities of the Kurdistan region of Iraq arrested at least five journalists in connection with their coverage of the popular protests, and temporarily banned the broadcasting of the “NRT” channel for the same reason, after the Asayish security forces stormed the channel’s headquarters and destroyed and looted its contents. And in August 2020, journalist Honer Rasoul was killed while covering popular protests in the city of Rania, Sulaymaniyah Governorate, and the official authorities attributed the cause of his death to a heart attack, and ignored opening a transparent investigation into the incident

According to the Metro Center report for the year 2021, the cities of the Kurdistan Region of Iraq (Arbil, Sulaymaniyah, Dohuk, Halabja) witnessed (353) violations against (260) journalists and media institutions, as follows: Journalists convicted outside the framework of the press work law 4, and detention Without judicial warrants 25, confiscation of journalistic tools 25, attacks, beatings and insults 81, threats 13, and taking written pledges from journalists 6.

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Recommendations:

- 1- Disclosing the results of the investigation of the Supreme Committee of Fact-Finding in the Prime Minister's Office, which is formed by Diwani Order 293 of 2020 to investigate violations during the October 2019 demonstrations and their subsequent assassinations, and to compensate the victims of violations in a manner appropriate to the damage.
- 2- We call on the judicial authorities and the Public Prosecution to investigate all cases of assassination, kidnapping, arbitrary arrest and cases of illegal detention in a way that achieves the principles of justice and the rule of law.
- 3-We call on the Iraqi parliament to follow up on the procedures of a fair and transparent investigation and to pursue and punish the perpetrators of violations and not to go unpunished for the .violations that led to the killing, wounding and disappearance of young demonstrators
- 4-Speeding up the legislation of the Anti-Domestic Violence Law, the Iraqi Penal Code, the Child Protection Law, and the Law on Freedom of Expression of Opinion, Assembly and Peaceful Demonstration and Anti-torture law.
- 5-Supporting and implementing the second national plan for Security Council Resolution 1325, and supporting women's participation in decision-making at all levels by providing a quota in public bodies in the state.
- 6- Effective implementation of the National Human Rights Plan (2021-2025), including the sections on combating torture and ill-treatment through training law enforcement institutions and prison .administrations
- 7- Building prisons, limiting violations, and providing a safe environment for inmates in line with the standards of Nelson Mandela
- 8-Take steps to improve the living conditions of African-Iraqi women, including ensuring their 'access to clean water, adequate sanitation facilities and adequate electricity
- 9-Enact policies and implement programs that increase meaningful employment opportunities, with livable wages, for African-Iraqi women and address systemic discrimination against Iraqi women of 'African descent
- 10-Ensure the meaningful political participation of African-Iraqi women and their communities, and .enact a quota for representation in line with similar quotes for other ethnic and religious minorities
- 11- Immediately approve the draft law on protecting the rights of religious and ethnic minorities, and the draft law on protecting diversity and preventing discrimination.