



# The Deterioration of Economic, Social & Cultural Rights in IRAQ

Shadow report submitted by

Geneva International Centre for Justice (GICJ)

to the 75th session of the United Nations Committee on Economic, Social and  
Cultural Rights (CESCR)

Geneva, Palais des Nations 12th February - 1st March 2024

This report is submitted on behalf of a coalition of NGOs including:

International Organisation for the Elimination of All Forms of Racial Discrimination (EAFORD), International-Lawyers.org, Union of Arab Jurists, Meezaan Center for Human Rights, Association Ma'onah for Human Rights and Immigration, The Iraqi Commission on Human Rights (ICHR), Association of Human Rights Defenders in Iraq (AHRD), General Federation of Iraqi Women (GFIW), Organisation for Justice & Democracy in Iraq (OJDI), The Iraqi Centre for Human Rights, Arab Lawyers Association-UK, and The Brussels Tribunal.

## GICJ's Mission and Work on Iraq

GICJ's mission is to improve lives by tackling violations and all forms of violence and degrading or inhuman treatment through the strengthening of respect for human rights; reinforcing the independence of lawyers and judiciaries; consolidating the principles of equity and non-discrimination; ensuring rule of law is upheld; promoting a culture of awareness on human rights; and combating impunity.

GICJ has been tackling issues of justice and accountability pertaining to Iraq since it was established. GICJ maintains a partnership with various NGOs, lawyers and a vast civil society network within Iraq. Through these channels, GICJ is able to receive documentation and evidence of human rights violations and abuses as they occur in Iraq. GICJ continues to bring this information to the attention of relevant UN bodies in order to gain justice for all victims.

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## Introduction to this Report

GICJ presents this report on the severe decline in respect for economic, social, and cultural rights in Iraq over the last 7 years. We work in close connection with our civil society partners in Iraq to document and to bring to wider international attention, the grave violations faced by Iraqis through engagement with UN treaty bodies, urgent actions and petitions, as well as statements and side events at the Human Rights Council. Over the last 12 months we have worked with the organisations listed on the cover page to identify the most serious issues of concern to the Iraqi people, to inform the expert members of the Committee in their review of the situation in Iraq. GICJ remains available for any clarifications or further information to assist in this task.

## General Economic Issues in Iraq 2015-2023

### IDPs

As of January 2024, 1.2 million people remain internally displaced in Iraq caused by over 20 years of conflict and illegal external intervention. Around 4.9 million previously internally displaced people have returned to their lands. There, they have found their homes destroyed by military actors including ISIS and militia organisations, farms burned, and despite promises. No compensation has been paid by the government for many of these extra-judicial or unlawful confiscations. Humanitarian assistance is also crucial for 3 million people suffering extreme poverty, of whom 1.3 million are children. Iraq has continually failed to manage its economy to provide for the basic needs of much of its population.

### Water

Iraq faces a severe water crisis. This is due to external and internal policies. International cooperation is needed. Technical development and smart use of water for agricultural purposes is required to sufficiently address the systemic issue of water shortages. Iraq has failed to do either.

Iraqi water infrastructure is significantly outdated, mismanaged, and beset by corruption involving militia forces. The government has allowed the capture of this essential utility to fund the pockets of private military actors at great public expense.

Around 80% of Iraq's water supply is usually reserved for agricultural purposes. However, shortages are exacerbated by inefficient supply due to the deleterious upstream policies of Turkey and Iran on the Tigris and Euphrates rivers which have severely reduced the flow of the two rivers and their branches. This is combined with worsening climate conditions for growing crops using long standing methods.

Although reliant on an increasingly unreliable supply, there is also a clear inequality gap between Iraqis living upstream and downstream of water sources. For example, due to the insufficient water flow, the salinity of the Shatt Al-Arab River (southern Iraq's main source of water supply) has increased 10 times above WHO standards.<sup>1</sup>

In March 2023, Iraq became the first Middle Eastern country to join the UN Water Conference which is a welcome step to engage in multilateralism. But, given the urgency of the crisis Iraq cannot continue to

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<sup>1</sup> Centre for Strategic and International Studies report, 'Local to Global: Tensions Course through Iraq's waterways' 12th May 2023 <https://www.csis.org/analysis/local-global-tensions-course-through-iraqs-waterways>

blame neighbouring countries for its own failures to ensure it meets its essential obligations.<sup>2</sup> (*Article 2(1) CESC, General Comment 15 paras 15, 21*). Whilst there is undoubtedly competition for diminishing resources, the vast majority of leaks and wastage falls on Iraq's actions and failures. Despite the 2014 Water Security Strategy promising \$184 million in investment, improvements have never materialised and huge sums remain unaccounted for, and were likely syphoned to projects overseen by the militia according to our sources in the country.

Increasingly, the lack of reliable water supply leads to clashes. Unrest has occurred semi-regularly since 2017, particularly in the south of the country. Early March 2023 saw forceful protests and clashes between security forces in the Dhi Qar governorate in southern Iraq with these tensions at its core.<sup>3</sup>

## Unemployment

Iraq has an ongoing major unemployment problem, which should be a top priority for the country but is too often left out of the government's agenda. Continued low levels of employment without progress push more Iraqis into the shadow and criminal economies including a marked increase in those dealing and using drugs.<sup>4</sup> Unemployment is also connected to the collapsed essential utilities (water, electricity, sanitation) as it becomes increasingly difficult to run consistent manufacturing or service industry companies when utilities are in such disrepair.

Official unemployment rates have continuously risen, reaching 14.2% in 2021, but official statistics appear to be massaged. For women the official rate is 28% but studies by the EU, UNAMI, and the ILO indicate this number could be as high as 62%<sup>5</sup> in 2023. An ILO study in 2021 indicated that only 13.4% of women are economically active.<sup>6</sup> A significant number of women are excluded by informal policies preventing them from accessing jobs.<sup>7</sup> UNESCO estimates that 60% of all those employed are employed by public bodies.<sup>8</sup> There remains a lack of programmes, support, and reform to increase the number of women in the police, justice system, or in commercial or extractive industries where traditional views and nepotism pose additional barriers to women. Whilst programmes existed between 2014-2017 to fund start ups that employ women, they have not been sustained or had a significant impact.<sup>9</sup> The government has overall failed to address the very real issues of extraordinarily high levels of female unemployment. (*Article 2 and 3 CESC on ensuring non-discrimination in all societal spheres.*)

Another key factor is the continued exclusion of Ba'athists from public sector positions, including in education. Policies enacted since 2003 have led to some 16,000 teachers, researchers, lecturers and scientists leaving the profession, with many moving overseas. Exclusionary sectarian policies remain in

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<sup>2</sup> Iraq's minister of water claims a 40 percent decline in flow through the Tigris-Euphrates River basin because of dams in neighbouring countries and erratic rainfall. Iraq also threatened to sue Iran in international courts if it found that irrigation tunnels were capturing water from Iraqi rivers

<sup>3</sup> <https://crisis24.garda.com/alerts/2023/03/iraq-clashes-between-protesters-and-security-forces-in-al-islam-dhi-qar-governorate-march-15>

<sup>4</sup> <https://english.alarabiya.net/features/2019/04/09/Crystal-meth-and-crowded-jails-Problems-mount-in-Iraqi-oil-city>

<sup>5</sup> <https://www.peopleinneed.net/women-of-resilience-from-iraq-10122gp>

<sup>6</sup> [https://drawmedia.net/en/page\\_detail?smart-id=12327](https://drawmedia.net/en/page_detail?smart-id=12327)

<sup>7</sup> Souad Al Azzawi, 'Decline of Iraqi Women Empowerment through Education under the American Occupation of Iraq 2003-2011,' paper presented in Ghent University, Belgium. March 9-11, 2011.

<sup>8</sup> <https://unesdoc.unesco.org/ark:/48223/pf0000371374>

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[https://www.auis.edu.krd/iris/sites/default/files/IRIS\\_Entrepreneurship%20in%20Iraq%20and%20KRI%20report.pdf](https://www.auis.edu.krd/iris/sites/default/files/IRIS_Entrepreneurship%20in%20Iraq%20and%20KRI%20report.pdf)

place depriving a huge number of professionals from serving in the public sectors. Since 2003, thousands of employment opportunities have been distributed among the ruling parties on a sectarian basis, particularly amongst the Shia's communities.

Demographic and migration pressures add to the issues Iraq must address. In addition to the expected population growth, from 41m to 51m by 2030, an estimated 750,000 illegal workers - are exploited for their willingness to accept lower wages, through policies encouraged by the government and through a lack of enforcement due to institutional corruption. These features also increase the risks of unsafe working conditions. Iraq has the dual obligation to address the root causes of corruption and end the practice in order for the full enjoyment of ICESCR rights to be realised (*Concluding Observations (Iraq) 2015, Articles 5, 6, 7, 9, 11 CESCR*).

### Oil-dependent recovery

The Iraqi economy is closely tied to oil production as it makes up over 99% of its exports, 85% of the government's budget and 42% of the country's overall GDP.<sup>10</sup> Accordingly, it is heavily impacted by shocks brought about by global or regional instability such as the COVID-19 pandemic, and conflict in the Middle East significantly hindering the country's ability to implement programmes to aid job creation and economic recovery.

Despite some minor increases in official GDP measurements being observed (i.e. 1.3% increase in 2021), the majority of the population remains excluded from sharing the benefits of surges in government revenues. Indeed, international financial bodies regularly identify Iraq as suffering from extensive barriers to its economic performance including, bottlenecks in public investment, political instability and unequal distribution of revenue centres. Unless and until Iraqi governments can develop other economic sectors, the economic rights of Iraqi citizens will not be fully protected, respected, or fulfilled. The opposite position is closer to reality especially given the reduction in global oil consumption, and with poor economic performance so closely linked to global oil production, Iraqis are prevented from freely determining their economic development<sup>11</sup> and the work towards the progressive realisation of all their economic rights (*Article 2(1), Article 1(1) CESCR*).

### Escalating Poverty in Iraq

Iraq is experiencing a population explosion with an annual increase of one million people, leading to a mismatch between population growth and available resources amounting to a demographic crisis.<sup>12</sup> The knock-on impact of population growth has placed severe pressure on infrastructure such as schools, and hospitals, and job opportunities for young people which is clearly outpacing available resources in federal budgets. Officially, measured rates of poverty are placed at around 27% - 31%. A total of 1.4 million families receive social security assistance.

The rising unemployment levels, and the very restricted economic landscape limits opportunity for people to work their way out of poverty. Each year around 180,000 students graduate from universities and higher education institutes each year, but job opportunities in the public and private sectors remain far

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<sup>10</sup> <https://www.worldbank.org/en/country/iraq/overview>

<sup>11</sup> <https://www.washingtoninstitute.org/policy-analysis/state-collapse-mapping-iraqs-economic-woes>

<sup>12</sup> <https://www.washingtoninstitute.org/policy-analysis/addressing-iraqs-environmental-challenges-population-growth>

too limited. Combined, these economic pressures are collectively fueling social unrest, with past demonstrations and renewed calls for change and revolution, potentially threatening the political system. (*Art 6, Art 11(1) CDESCR, Concluding Observations (Iraq) 2015, para 32*).

## Social and economic policies affecting Sunni people in the Baghdad Belt

There are policies that particularly affect the Sunni population around Baghdad who have been forced to leave their cultivated lands for more rural areas, disrupting cultural communities. Orchards have been bulldozed, and agricultural contracts have been terminated, displacing thousands of Sunni families to other areas of Iraq with different sectarian affiliations. Started by the militia, and officially implemented by the government around the Baghdad Belt, areas under the cover of “investment and residential cities” have become a major tool of criminally-motivated demographic change.

Since 2016, tens of thousands of families, especially farmers of Sunni tribes, have been expelled from their lands and lost their agricultural contracts. Under various guises (including military and commercial) peasants and farmers have been forced to leave their cultural communities and move to other regions of Iraq, not allowed to return by threat of force. As an example, in 2020, Mustafa Al-Kadhimi’s government began one of the largest expulsions of the people of Al-Radwanayah under the pretext of the “Al-Rafael” residential development project. This project used farmlands as building sites, but did not provide compensation to the farmers who had worked there, often summarily cancelling their agricultural contracts.

## Covid-19 and other crises

Following the end of COVID-19, the poor approach of the Iraqi government became apparent. The pandemic restrictions including containment increased poverty by 11.7% pushing 4.5 million more people below the poverty line.<sup>13</sup> Overall, 40% of employees were laid off temporarily or permanently. Cash grants and top ups to Social Safety Net recipients only benefited those already in receipt of benefits. Those who were excluded including self-employed, informal workers, and domestic workers were left abandoned by the state along with internally displaced persons and refugees.<sup>14</sup>

The economic recovery in 2021-22 was relatively modest linked to the economic challenges covered above and the pandemic was used as an excuse for public services to not fully reopen. While challenges like this can limit a state’s ability to ensure full implementation, it is the state’s primary and continuous responsibility under the CDESCR to protect the rights of its people (*Concluding Observations (Iraq) 2015, para 5*).

## Foreign influence over economy

The institutionalisation of the Popular Mobilization Forces (al-Hashd al-Sha’abi) into the states’ apparatus began with Prime Minister Maliki in 2014, who integrated its militia into Hashd’s Commission (Hay’at al-Hashd al-Sha’abi), under the National Security Council.<sup>15</sup> Nevertheless, these groups continue their activities individually and without adhering to the type of laws or regulations. Hashd’s economic

<sup>13</sup> ILO, Social Protection Report (2023) <https://www.social-protection.org/gimi/ShowCountryProfile.action?iso=IQ>

<sup>14</sup> SIDA, “Multidimensional Poverty Analysis Iraq 2022,” <https://cdn.sida.se/app/uploads/2022/04/20145015/MDPA-Iraq-2022.pdf>

<sup>15</sup> R. Mansour and F. A. Jabar, “The Popular Mobilization Forces and Iraq’s Future” April 2017, [https://carnegieendowment.org/files/CMEC\\_63\\_Mansour\\_PMF\\_Final\\_Web.pdf](https://carnegieendowment.org/files/CMEC_63_Mansour_PMF_Final_Web.pdf).

involvements are also an indicator of its further increasing influence within and beyond the Iraqi state. Illegal taxation at checkpoints, dominating Mosul's scrap metal trade, construction companies, land and seaports, and oil smuggling are some of the industries interfered by Hashd.<sup>16</sup> Moreover, Hashd-affiliated groups have also trafficked funds for the internationally sanctioned Iranian Revolutionary Guard (IRGC), which has damaged Iraq-US relations. The continuing influence of militia groups in politics, and their ability to act with impunity, has serious knock-on effects on the ability for the Iraqi population to access the basic rights guaranteed by the Covenant.

## General Social Rights Issues in Iraq 2015-2023

### Children and Young People

The humanitarian situation stemming from the conflict with ISIS, continues to present challenges for children and young people who were displaced, or otherwise affected. Those in remote areas and ones under *de facto* control of other entities receive limited government attention and resources to fund basic services when, in contrast, significant resources are required especially for vulnerable children and young people. Iraq is required to provide protection and assistance to children and young people without discrimination (*Art 10(3) CESCR*), and increase efforts to ensure basic rights for IDPs (*Concluding Observations (Iraq) 2015, para. 24*).

Internally displaced and returnee children face a number of obstacles to education, and a substantial number need tailored child protection services. Many families have suffered from conflict, including at the hands of militias on the pretext of clearing ISIS from territories. An estimated 15% of children still require humanitarian assistance in 2023.<sup>17</sup> All States parties must ensure the attainment of the highest standard of physical and mental health, for people of all ages (*Arts 10(3), 12 CESCR*). The Committee previously recommended Iraq to increase its health budget to ensure the provision of primary and secondary health services (*2015 Concluding Observation para. 54*). It has failed to do so.

With nearly 60% of Iraqis under the age of 25, it is imperative for all stakeholders to work to mitigate the impact of the interlinked crises outlined in this report on young people's health, education and protection, and empower them as agents of change to secure prosperous development for the country.

Iraq is the country with the second most recorded enforced disappearances in the world, with estimates putting the figure between 500,000 and 1 million people. GICJ and its partners have documented thousands of disappearances since 2003, and particularly in the period since 2015 perpetrated by militia groups and formal security bodies. Thousands of families remain in limbo, with the whereabouts of their loved ones unknown. No assessment has been made by Iraq of the extensive and prolonged impact on childhood development, education, physical and mental health of growing up without knowledge of what has happened to their fathers.<sup>18</sup>

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<sup>16</sup> Z. Alkinani, "Iran-Iraq Intersection between Hashd Al-Sha'abi and Tishreen Movement" IRAM Centre report, [https://iramcenter.org/uploads/files/iran-iraq-crossroads-between\\_v4-120222.pdf](https://iramcenter.org/uploads/files/iran-iraq-crossroads-between_v4-120222.pdf).

<sup>17</sup> UNICEF Appeal, 'Humanitarian Action for Children' (2024); GICJ Report 'GICJ finds Iraq is far from implementing UPR recommendations' 4th February 2021.

<https://www.gicj.org/topics/countries/iraq/1946-gicj-finds-iraq-is-far-beyond-implementing-upr-recommendation>

<sup>18</sup> UN Committee on Enforced Disappearances, Report of Country Visit to Iraq (April 2023).



This immense pain is exacerbated by the hurdles in place for families of disappeared that limit access to their basic rights. For example, without a death certificate it is impossible to register for necessary services, to access bank accounts or transfer pension entitlements. Civil documentation is essential in Iraq for moving between different locations such as relocating family or registering changes in circumstance. Denials of access to public services and social security entitlements are widespread, particularly amongst the population targeted by the militia and security forces since 2015.<sup>19</sup>

## Children's health and sanitation

Reduced water availability and water quality has led to competition and social instability, with water-poor communities forced to exploit unsafe sources to function and thus increasing their chances of exposure to water-borne diseases such as E.coli and cholera.

Girls and young women with caregiving roles are particularly affected by water challenges. Children in poor health and with inadequate nutrition are more susceptible to environmental stresses. Nearly 1.7 million young people in conflict and water-scarce areas still need access to water and sanitary health services and this will only get worse with climate change pressures and extreme weather events increasing in frequency.<sup>20</sup>

Iraq is ranked 61st out of 163 countries on UNICEF's Children's Climate Risk Index, and the UN Global Environment Outlook 6 (GEO-6) ranks it the fifth most vulnerable country to water and food shortages due to extreme temperatures. These rankings reflect the significant climate change risks faced by children in Iraq and represent Iraq's failure to realise the right to an adequate standard of living including by facilitating access to food and usable water. (*Art 11(1) CESCR*). Iraq should heed the Committee's recommendation to develop a human rights-based strategy for drought preparedness and ensure the equitable use of water sources throughout the territory (*2015 Concluding Observations, para. 52*).

## Education, learning and social protection

Education provides the primary opportunity for young people to build knowledge, resilience, and obtain the means to contribute to their own social, economic, and cultural development. However, access to education is not universal despite Article 13's guarantee. Approximately 3.2 million school-aged Iraqi children are out of school with voluntary exclusion rates approaching 90% for conflict-affected governorates like Salah al-Din and Diyala.<sup>21</sup>

Since 2016, schools and higher education institutions have been increasingly impacted by militias as they provided sites for storing equipment or severely curtailing educational activities for the period of their stay.<sup>22</sup> Militias have also used schools as recruitment grounds.

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<sup>19</sup> GICJ Report; '7 years later and the victims of enforced disappearances in Iraq are still left in the shadows' 30th June 2023. <https://www.gicj.org/topics/thematic-issues/enforced-disappearances/3470-7-years-victims-enforced-disappearances-iraq>

<sup>20</sup> UNICEF Appeal, 'Humanitarian Action for Children' (2024) VI. Discrimination Against Women with Disabilities in Iraq.

<sup>21</sup> UNICEF <https://www.unicef.org/iraq/what-we-do/education>

<sup>22</sup> Global Coalition to Protect Education from Attack report, 'Education under attack 2018 - Iraq', 11th May 2018.

For many young people in formal education, the impact of climate change is the biggest concern, and unfortunately severe weather events in Iraq increasingly disrupt the education system causing a long-lasting, if not life-lasting disadvantage.<sup>23</sup>

Children whose education is interrupted are more vulnerable to exploitation and engaging in practices like child labour and child marriage. Both at high rates in Iraq with 7% of those under 18 engaged in the labour market, and 28% of girls married before the age of 18. Iraq is bound by the guarantee of gender equality (*Art 3*) and the right to marriage with free and full consent of both parties (*Art 10(1)*). It should also ensure that the practice of child marriage is investigated and punished (*General Comment 16 para. 27; Concluding Observations (Iraq) 2015, para.42*). Further, Iraqi children and teachers have experienced trauma from conflict, displacement, and loss, impacting teaching and learning abilities which in many areas has not had a normal uninterrupted academic year since 2016. Iraq has an obligation to achieve the full realisation of the right to attain the highest level of health, including mental health (*Art 12(1)*).

The education crisis is compounded by interlinked structural weaknesses. For example, 48% of schools lack access to basic water services. Despite *Art 3* guaranteeing gender equality, girls are disproportionately affected as their attendance is impacted by water access for hygiene and sanitation reasons. Although some measurements, like teacher recruitment, have improved in recent years, there has not been an increase in the number of qualified teachers. Iraq allocates less than 6% of its national budget to the education sector ranking it at the bottom among Middle East countries. The right to education is a fundamental right enshrined in the foundational documents of the UN human rights framework (*General Comment 14 para. 4*), and as a state party, Iraq has an obligation to ensure this right, and to work towards the full realisation of access to primary, secondary and higher education (*Art 13(1), 2(a), (b), (c)*). *General Comment 13* establishes a framework based upon availability, accessibility (physical and economic), acceptability and adaptability (*para. 6(a)-(d)*). Iraq should ensure the application of these essential features.

## Social and Child Protection

Child social protection is rarely a priority for the government of Iraq, despite Article 10 guaranteeing special measures of protection and assistance to children.

Climate change heightens vulnerability for marginalised populations, particularly those in poverty.<sup>24</sup> Displaced families, with low resilience, are vulnerable to secondary displacement due to climate change hazards. Climate change further impacts agricultural livelihoods, leading to rural-urban migration and further affecting food security, housing scarcity and social pressures in cities. Stress and shocks like these correlate with higher rates of gender-based violence, with Iraq ranking 154th on the Gender Inequality Index. Climate change puts at risk the realisation of *Art 11 (the right to an adequate standard of living)*, threatening livelihoods, housing, food and water supply.

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<sup>23</sup> UNICEF Report 'Climate Landscape Analysis for Children and Young People in Iraq' (2023) <https://www.unicef.org/iraq/media/2896/file/CLAC%20-%20Executive%20summary%20-%20EN.pdf>

<sup>24</sup> J. Dirksen, Child-Adjusted Multidimensional Poverty Index Analytical Report (2021).

## Gender-Based Discrimination and Violence

### “Honour” Killings

Recent years have presented an increase in "honour" killings in Iraq due in part to weakened institutions, armed militia violence, and reinforced tribal and religious norms. Hundreds of Iraqi women and girls are estimated to be killed annually in the name of so-called “honour”. Official statistics show 272 "honour" killings took place in 2017<sup>25</sup> in a wider context of over 21,000 reported cases of domestic violence, with women who were previously internally displaced by conflict at particular risk of harm.<sup>26</sup>

Outrageously, the Iraqi Penal Code still allows mitigated sentences for violent acts committed for "honourable motives," leaving room for interpretation and abuse despite a clear recommendation from the Committee in 2015 to review this loophole (*Concluding Observations 2015 para. 39*). *General Comment 16* emphasised that gender based violence is a form of discrimination that inhibits all other freedoms, accordingly, Iraq must take steps to eliminate this violence “and act with due diligence to prevent, investigate, mediate, punish and redress acts of violence against them by private actors” (*para. 27*). Overall the Iraqi government has not addressed the lack of legal protection for women with police unwillingness to investigate contributing to a culture of impunity for "honour" killings. There is no strategy to eliminate "honour" killings in practice which requires doing more than the pending Family Violence Protection Law is set up to achieve.<sup>27</sup>

Increased violence against women in the Kurdistan Region of Iraq (KRI) is linked to hate speech and social dialogue. “Honour killings,” often underreported, are a significant issue, with close relatives of victims as perpetrators. Despite progress in women's literacy and workforce participation, violence against women is rising due to societal factors, hate speech on social media, and normalisation of “honour” killings” contributing to the problem.<sup>28</sup>

### Forced, Temporary, and Early Marriage<sup>29</sup>

Despite *Article 10 CESC*R guaranteeing the right to enter a marriage with free and full consent, and the Committee emphasising the importance of raising the minimum age of marriage to 18 (*Concluding Observations 2015 para. 42*), approximately 24% of Iraqi girls marry before the age of 18. Iraq's Personal Status Code allows marriage at 15 years of age with a judge's authorization, and for marriages to be annulled if consummation has not occurred. This poses problems for women who are survivors of rape by their partners. Unfortunately, due to a lack of access to education and economic opportunities, women and girls are forced into unwanted marriage, with 51% of forced marriages being conducted for economic reasons.<sup>30</sup> Additionally, due to the existence of unregistered marriages,

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<sup>25</sup> GICJ Report: ‘Sexual and Gender Based Violence in Iraq, “Honour” Killings’ <https://www.gicj.org/conferences-meetings/upr-sessions/1738-iraq-upr-2019>.

<sup>26</sup> <https://kirkuknow.com/index.php/en/news/69327>

<sup>27</sup> <https://www.newarab.com/features/iraqis-press-anti-domestic-violence-law>

<sup>28</sup> Addressing Violence Against Women in Iraqi Kurdistan <https://www.washingtoninstitute.org/policy-analysis/addressing-violence-against-women-iraqi-kurdistan>

<sup>29</sup> GICJ Shadow Report to CEDAW's 74th Session on Iraq, II. Sexual and Gender Based Violence in Iraq, “Forced, Temporary, and Early Marriage”

[https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/IRQ/INT\\_CEDAW\\_CSS\\_IRQ\\_37342\\_E.docx](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/IRQ/INT_CEDAW_CSS_IRQ_37342_E.docx)

<sup>30</sup> GICJ Report: ‘A Silent Assault: Proposals to Legalise Child Marriage’ 13th November 2017

<https://www.gicj.org/positions-opinions/gicj-positions-and-opinions/1285-a-silent-assault-proposals-to-legalize-child-marriage-in-iraq>.

women and girls are left unprotected without legal avenues and remedies. According to a 2015 study, 33.9% of marriages are conducted outside the legal system and 22% involve girls 14 and younger. Iraq must amend its Personal Status Code to strengthen protections against forced and temporary marriages and conduct widespread educational campaigns against such harmful practices (*Concluding Observations 2015 para. 42*).

### *Impact of COVID-19 outbreak on Gender-Based Violence in Iraq*

Restrictive measures during the COVID-19 pandemic, and the failure to reinstate provision of services following the lifting of restrictions has exacerbated the risk and harm suffered by those in position of vulnerability. Harms that have increased according to monitoring bodies include psychological trauma, stress, anxiety, and a lack of safe space and privacy.<sup>31</sup> In particular, gaps in sufficiently responsive provisions were identified in Anbar, Diyala, Salah Al-din, and Kirkuk governorates due to a lack of stable funding and access to bodies focusing on Baghdad. According to a recent survey, 26% reported violence or abuse within families/households as a major protection concern, with the absence of specialised services for women a concern, with 44% of respondents.

## **Ethnic and Sectarian Discrimination**

### *Violence towards minority communities*

Despite the legal and constitutional obligations of the Iraqi government to guarantee Iraqi citizens the enjoyment of all rights free from discrimination, many attempts have been made by successive governments to circumvent these obligations to implement discriminatory policies, predominantly along sectarian lines.<sup>32</sup> These discriminatory policies have been strongly protested against in demonstrations since October 2020, particularly in the provinces of al-Anbar, Salah ad-Din, Diyala and Ninawa.

GICJ has documented the sectarian policies, processes and actions of the government, where there is widespread use of sectarian slogans and pictures in government offices and army and security units. In the public statements of many government figures including the Prime Minister, members of parliament and political party leaders, sectarian and discriminatory language is often used, especially against the population of the above-mentioned governorates. Far too often law-abiding Sunni individuals are targeted as terrorist sympathisers without any legal or rational basis.

The Iraqi people have called for a ban of the use of sectarian slogans and phrases in all state institutions, especially security institutions, as well as in the media and schools. Civil society partners in the country have noted, with regard to matters of security and the courts, that most of those arrested belong to certain sects and that many criminal court decisions are also based on sectarian affiliations and biases, especially when it comes to the use of the death penalty and other severe punishments.

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<sup>31</sup> Gender Based Violence AoR Iraq Sub-Cluster, "Rapid Assessment on the Impact of COVID-19 Outbreak on Gender-based violence in Iraq," April 2020 <https://gbvguidelines.org/wp/wp-content/uploads/2020/08/The-GBV-Sub-Cluster-Rapid-Assessment-on-the-Impact-of-COVID-19-Outbreak-on-Gender-based-Violence-in-Iraq.pdf>

<sup>32</sup> GICJ Submission to CERD (2018) <https://www.gicj.org/images/2019/pdfs/GICJ-Report-to-CERD-97---IRAQ-rev.pdf>

This discrimination has also manifested itself in sectarian attacks carried out by militias and criminal groups on mosques in Sunni areas. More than 200 mosques have been attacked since 2003, with the majority having been completely destroyed. In addition to this, more than 300 Sunni scholars have been assassinated since 2003 by militias and security forces and many others have been arrested and detained without charge. Attacks on mosques have continued until recent years, with little investigation or enforcement activity by the governmental authorities. Blatant bombings have taken place on a semi-regular basis since 2015 with three Sunni mosques bombed in January 2016.<sup>33</sup>

In April 2023 a mosque was burned in Erbil linked to wider social tensions in the region, but with no real investigation into the perpetrators.<sup>34</sup> In July 2023 in Basra, a 300 year-old Sunni-run mosque was bulldozed simply to widen a road regardless of the cultural and historic value, but importantly the demolition took place without notification let alone agreement of the Sunni leadership in a blatantly sectarian act.<sup>35</sup>

The Iraqi government has failed to put in place measures of protection for vulnerable minorities, to publicly condemn violence against Sunni populations and not provided the requisite services to establish access to the right to health on an equal and non-discriminatory basis across the country. (*Article 12, General Comment 14), Concluding Observations (2015), paras 85-89*)

### *Lasting impact on Yezidi communities*

After terrorist attacks targeting schools, community centres and key infrastructure, the Iraqi government has used international attention and funding sources to implement some essential services in Yezidi areas. Nevertheless key challenges remain that need addressing.

Educational provision remains unequal, with Yezidi children facing social exclusion, which is heightened for those who have suffered injury, who have suffered harm to their mental health or who are disabled. Urgent action is required to enhance disability-inclusive public services in Iraq.

## **General Cultural Rights Issues in Iraq 2015-2023**

### **Cultural Heritage and Cultural History**

Iraq's cultural heritage has been impacted by war, political battles, power vacuums, corruption and a lack of civil order since 2003. Iraq has continually failed to promote the stability and social cohesion required to facilitate the enjoyment of cultural history, national history and heritage.<sup>36</sup> An extensive number of nationally important items have been stolen and damaged with little attempt to ensure accountability for such destruction. Even where the destructive attacks were carried out by Da'esh, that threat has not been countered nor remediated. The impact of over 20 years of violence and

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<sup>33</sup> <https://www.aljazeera.com/news/2016/1/4/bomb-attacks-damage-three-sunni-mosques-in-iraq>

<sup>34</sup> <https://www.rudaw.net/english/middleeast/iraq/28042023>

<sup>35</sup> <https://www.reuters.com/world/middle-east/demolition-300-year-old-iraq-mosque-minaret-road-expansion-enrages-locals-2023-07-16/>

<sup>36</sup> R. Mansour and T. Cambanis, Iraq 20 years on Insider reflections on the war and its aftermath, July 2023, <https://www.chathamhouse.org/sites/default/files/2023-12/2023-06-30-iraq-20-years-on-mansour-cambanis.pdf>, p. 63

instability on the intangible practices of communities such as Sunni peoples have not been assessed by Iraq, which has not even expressed concern at the lack of safeguards for cultural diversity.<sup>37</sup> These failures compound the experience of post-conflict displacement for the millions still denied access to their family homes and lands. In the state that exists in the location of modern-day Babylon, the Iraqi government must prioritise strengthened measures to promote national cohesion through an education that reflects the country's rich culture in all its diversity. (*Concluding Observations (Iraq) 2015, para 58.*)

### **Lasting Impact of exploiting sectarian tensions**

The current form of governance in Iraq, one of ethno-sectarian power-sharing, began to take form in 2003 following the US invasion.<sup>38</sup> The 2005 Constitution did not explicitly codify such an arrangement, but the circumstances surrounding the creation of the document resulted in this political settlement informing it significantly.

The characteristics of this system include: discouraging evidence-based policy debates, criminalisation, demonisation and targeting of the "other" groups, and silos between government agencies that are *de facto* run by different ethnic groups. These segregated power structures of the constitutional arrangement have resulted in widespread corruption in every single government agency and lead to a culture of fear built entirely on partisan lines bisecting the whole of life in Iraq.

Representatives of ethnic groups in power actively sow distrust in other groups to their constituents. This fear mongering allows them to conceal their own predatory and corrupt behaviour. Senior state positions have at times been sought after and occupied solely for the purpose of diverting resources to one's group, at the expense of others. This arrangement has effectively entrenched the practice of ethno-sectarian competition for rents in Iraq.

Power-sharing between ethno-sectarian groups is proving increasingly difficult to coordinate and agree on. The author notes notable difficulties arose in forming the new cabinet in 2021-2022. There is no sign things will improve under this system. Distinct from the situation prior to 2003, there is no unified Iraqi culture and approach to life. Distinctions have been exploited to such an extent that civil disorder is now a frequent occurrence, negatively impacting the enjoyment of a whole range of human rights.<sup>39</sup>

### **Crackdown on protests campaigning for better protection of economic, social and cultural rights**

All peoples have the right to share the natural resources of their country, to enjoy the benefits of scientific progress and its applications, to benefit from the moral and material interests resulting from investment and development. (*Article 2, Article 15(1)(b) and (c)*).

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<sup>37</sup> GICJ shadow report to CERD (2018) <https://www.gicj.org/images/2019/pdfs/GICJ-Report-to-CERD-97---IRAQ-rev.pdf>

<sup>38</sup> GICJ shadow report to CERD (2018) <https://www.gicj.org/images/2019/pdfs/GICJ-Report-to-CERD-97---IRAQ-rev.pdf>

<sup>39</sup> R. Alaaldin, *Sectarianism, Governance, and Iraq's Future*, Brookings Doha Center Analysis Paper, Number 24, November 2018, [https://www.brookings.edu/wp-content/uploads/2018/11/Sectarianism-governance-and-Iraqs-future\\_English.pdf](https://www.brookings.edu/wp-content/uploads/2018/11/Sectarianism-governance-and-Iraqs-future_English.pdf).

Contrary to this obligation, Iraq has actively repressed peaceful protests asking the government to deliver a more equitable financial system that allows for the benefits of progress and investment to be shared amongst the people, including those who need support most.

On the 1st October 2023, widespread protests took place in Baghdad, Amarah, Nasiriyah and other major urban areas on the three-year anniversary of the Tishreen Movement that erupted due to large-scale unemployment and poor governance of essential supplies. The protests have been renewed annually as a means for Iraqis to voice their unhappiness over worsening living conditions, government corruption and manipulative election reforms that seek to exclude candidates linked to, or supportive of, protest movements like the Tishreen movement. GICJ has documented grave violations against the demonstrators perpetrated by various forces belonging to the Iraqi authorities including the militias deployed alongside the police and army.

Estimates of the numbers of victims vary, but UNAMI and OHCHR documented the deaths of 487 protesters and 7,715 incidents of injury from 1 October 2019 to 30 April 2020. According to sources including cos-signees of this submission, we estimate the number of those killed since October 2019 has totalled more than 800, with more than 25,000 injured, of whom about 4,000 are permanently disabled.

GICJ has documented many cases of abductions, assassinations, and assassination attempts. A growing number of demonstrators, human rights defenders and journalists have been forcibly disappeared. It is almost certain that the abductions are being carried out under Iraqi government orders, whether carried out by government security personnel or affiliated militia.<sup>40</sup>

Most of the cases occur while activists are returning to their homes from demonstrations. There are over 700 demonstrators who were subjected to abductions. About 150 of them remain forcibly disappeared.

### **The Role of Iraqi Women: Pioneers of Political Activism**

Iraqi women of all ages have played a vital role in the demonstrations. Initially, they were hindered in their participation, out of fear, due to the security situation, and threats to their existing socio-economic rights. Yet they have become leading figures in the demonstrations. Iraqi women have challenged inequalities and Iraq's violations with vigour, especially considering that women's rights have diminished since 2003 and these demonstrations have therefore provided a platform for women to regain and fight for their rights and freedoms. However, it also provided them a platform to be attacked by state agencies.

UNAMI and OHCHR have stated that the Iraqi government has "failed to make concrete efforts to protect those at risk or to pursue accountability." The UN found that the "absence of accountability for these acts continues to contribute to the pervasive environment of impunity in relation to demonstration-linked reports of violations and abuses." The report details the government's overt reluctance to investigate abductions and locate the victims, despite the fact that families have filed official complaints.

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<sup>40</sup> GICJ report, 'The world must listen to the young voices in Iraq' 1stOctober 2020. <https://www.gicj.org/gicj-reports/1888-the-world-must-listen-to-the-young-voices-in-iraq>



Jeanine Hennis-Plasschaert, the Special Representative of the UN Secretary-General for Iraq and Head of UNAMI, stated on 27 August 2020 that the “continued targeting and killing of activists and human rights defenders” amounts to a “deliberate silencing of peaceful voices.” UNAMI and OHCHR have also stated that the attacks aimed at creating an environment of fear and intimidation to discourage others from participating in protests.

### **Governmental Threats and Intimidation**

Based on daily information and contact with numerous organisations and committees, GICJ has determined that there are many politicians, including members of Parliament, who are actively fuelling the systematic targeting and increased acts of violence against activists and human rights defenders. Recorded television interviews with the former Prime Minister, Nouri al-Maliki and member of Parliament, Khadum al-Sayadi, reveal encouragement, justification and approval for these attacks. The two have, in interviews and numerous posts on social media, denied the identity of the victims as activists, instead calling them U.S. foreign agents and thus a threat to Iraq. These false assertions are an attempt to discredit the victims and justify the attacks.





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