

MADRE

OWFI



INTERNATIONAL WOMEN'S HUMAN RIGHTS CLINIC
of the City University of New York School of Law

July 15, 2013

Committee on the Elimination of Discrimination against Women
Office of the United Nations High Commissioner for Human Rights
Attention: Pre-Session Working Group
cedaw@ohchr.org

Re: Submission to Country Report Task Force for the adoption of lists of issues for Iraq Scheduled for Review by the Committee on the Elimination of Discrimination Against Women during the 57th Session to be held in February 2014.

Dear Committee Members,

This letter is submitted to you by MADRE, the Organization of Women's Freedom in Iraq (OWFI), and the International Women's Human Rights (IWHR) Clinic at the City University of New York School of Law. MADRE is an international women's human rights organization that works in partnership with community-based women's organizations worldwide to address issues of health and reproductive rights, economic development, education and other human rights. IWHR is a law school clinic that works on women's human rights issues both at a domestic and international level. IWHR is involved in groundbreaking work on gender-based violence, reproductive rights, sexual orientation and gender identity, economic and social rights and anti-trafficking work.

Our organizations wish to further the work of the Committee on the Elimination of Discrimination against Women (the Committee) Country Report Task Force for the adoption of lists of issues for Iraq (Task Force) by providing independent information concerning the rights protected by the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).¹

We hope that the Task Force's list of selected issues will cover several areas of concern related to the status of the rights of Iraqi women and adolescents suffering from disabilities and various illnesses as a result of pollution produced by U.S military bases' munitions dumping sites as discussed below.

I- GENERAL INFORMATION AND HUMAN RIGHTS ISSUES

The issues discussed in the present letter are raised to supplement the information set forth in the

¹ Convention on the Elimination of All Forms of Discrimination against Women.

combined fourth, fifth and sixth periodic report submitted by Iraq to the Committee for its review of Iraq during the 57th Session to be held in February 2014. The lack of measures and developments undertaken by Iraq to provide women and children access to adequate and affordable healthcare services and to provide them with a stable, safe, and healthy environment raises several concerns about Iraq's compliance with CEDAW. Despite the rights guaranteed by CEDAW, Iraqi women and children continue to live in hazardous and toxic environments and lack access to adequate healthcare services.

Iraq has failed to implement any type of health reform to address the major environmental harm caused by U.S. military bases in many Iraqi rural towns. Dozens of Iraqi villages including, but not limited to, Hawija, Kabiba, Hamduniyya, Abu al-Sakhra, al-‘Atshana, and Hor al-Sufun,² became backyard dumping grounds polluted with radiation and other environmental contaminants emitted from leftover munitions from nearby U.S. military bases. Cancer rates and birth defects among Iraqi women and children in rural villages have increased due to the presence of these environmental contaminants, including white phosphorus and depleted uranium, the armor-piercing, radio-active metal used in U.S military munitions.³

II. LIST OF ISSUES OF CONCERN

In our view, three issues reflect shortcomings in Iraq's compliance with the provisions of CEDAW: 1) the existence of environmental contaminants from leftover munitions from U.S. military bases posing a health hazard to women and children and the Iraqi government's failure to eliminate such hazards and provide a safe and healthy environment; 2) the absence of Governmental measures to provide effected women and children with adequate and affordable medical, physical, and psychological care; 3) the Iraqi government's failure to provide women and children suffering from cancers and birth defects caused by environmental contamination with a stable, safe, and healthy environment, and the necessary healthcare services to meet their special needs.

(1) The existence of environmental contaminants from leftover munitions from U.S. Military bases posing a health hazard to women and children and the Iraqi government's failure to eliminate such hazards and to provide a safe and healthy environment; (Article 1, 2, 3, 10, 11, 12 and 14 of CEDAW)

We would like to first raise with the Task Force the Iraqi government's failure to take measures to remove or alleviate the effects of the radiation and other kinds of pollution produced by the U.S. military bases' munitions dumping sites in rural areas.

States' human rights obligations under CEDAW include the duty to ensure the level of environmental protection necessary to allow the full exercise of protected rights. The Committee established that States Parties' failure to take all appropriate measures to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and

² *OWFI Report: Hawijah in Crisis and the Legacy of US Bases*. <http://warresisters.wordpress.com/iraq-reports-analysis-and-interviews-on-movement-building-now/owfi-report-hawijah-in-crisis-and-the-legacy-of-us-bases/>

³ *War Leaves Lasting Impact on Healthcare*. Disability Aid Abroad. (May 5, 2013), <http://disabilityaidabroad.net/2013/05/05/iraq-war-leaves-lasting-impact-on-healthcare/>

enjoyment of human rights and fundamental freedoms, on a basis of equality with men, violates the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).⁴ Therefore, a State Party violates the Convention if it fails to take all appropriate measures to ensure (1) the full development and advancement of women by guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men⁵; (2) on a basis of equality of men and women, access to specific educational information to help to ensure the health and well-being of families⁶; (3) the right to protection of health⁷; (4) participation in and benefit from rural development and, in particular, to enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications for women in rural areas.⁸

The Iraqi government's efforts have been insufficient to deal with this major crisis. In its combined fourth, fifth, and sixth periodic report to CEDAW, the Iraqi government states that it created the Ministry of Human Rights.⁹ One of the Ministry's main objectives is to promulgate policies, mechanisms, and regulations to protect women's human rights in general and to detect violations of such rights by cooperating with other agencies.¹⁰ Also, the government created the Ministry of State for Women's Affairs to insure compliance and awareness of CEDAW.¹¹ The Ministry of State for Women's Affairs, in coordination with the Ministry of Health, initiated campaigns targeting several ministries regarding awareness of safety and health conditions during birth and care during pregnancy.¹² The government also claims that the General Secretariat of the Council of Ministers' main objective is to provide financial, educational, employment, and housing support for single, widowed, divorced, and disabled women.¹³ Additionally, the government notes as an achievement enhanced environmental and health awareness for families in rural areas, and the provision of training to women in such areas to mitigate and eradicate environmental pollution.¹⁴

Despite these measures, injuries from abandoned landmines and cluster munitions discarded from U.S military bases have and continue to inflict a disproportionately high number of women and children with physical and mental disabilities, many of whom have not received rehabilitation or support for reintegration into their communities.¹⁵ These dumping sites create substantial health hazards leaving disabled women and children extremely vulnerable on all levels.

For instance, Iraq's Minister for the Environment, Sargon Lazon Sliwah, confirmed that Iraq's environment had been polluted: "We have sites contaminated with uranium in a number of

⁴ Convention on the Elimination of All Forms of Discrimination against Women, art 3.

⁵ *Id.*

⁶ Convention on the Elimination of All Forms of Discrimination against Women, art 10(h).

⁷ Convention on the Elimination of All Forms of Discrimination against Women, art 11(f).

⁸ Convention on the Elimination of All Forms of Discrimination against Women, art 14 (2)(h).

⁹ *Iraq's Combined Fourth, Fifth and Sixth Periodic Report to United Nations Convention on the Elimination of All Forms of Discrimination against Women*, at pg. 7.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*, at 37.

¹³ *Id.*

¹⁴ *Id.*, at 42.

¹⁵ *World Report 2012: Iraq*. Human Rights Watch, <http://www.hrw.org/world-report-2012/world-report-2012-iraq>

provinces, including Basra and Karbala.”¹⁶ In 2010, research by various Iraqi government agencies found that many provinces around Iraq showed high levels of ionising radiation, a suspected legacy of depleted uranium used in munitions.¹⁷ Later that year, Britain’s Guardian newspaper reported that “a study examining the causes of a dramatic spike in birth defects in the Iraqi city of Falluja has for the first time concluded that genetic damage could have been caused by weaponry used in US assaults that took place six years ago.”¹⁸

Furthermore, the director general of Karbala province’s Health Department, Ala Hammoudi, said he had noticed a worrying number of particularly strange birth defects over the past few years in the capital’s maternity hospital.¹⁹ Perhaps the most unusual, according to Hammoudi, was a rise in the incidence of a congenital deformity known as “mermaid syndrome”, or sirenomelia, where a baby is born with their legs fused together so as to give the appearance of a mermaid’s tail. Moreover, in its periodic report to CEDAW, the Iraqi government links environmental hazards to elevated rates of cancer, stating that breast cancer has recently been reported to occur at younger ages due to negative nutritional and environmental factors.²⁰

Therefore, we first request the Committee to examine the U.S. military bases’ dumping sites in Iraq, particularly in the town of Hawija and the surrounding villages. To meet the Committee’s requirements, leftover munitions causing the radiation and other kinds of pollution in rural areas in Iraq must be removed. A safe and healthy environment is a pre-requisite for the enjoyment of human rights.

(2) The absence of governmental measures to provide women, children, and their families with adequate and affordable medical, physical, and psychological care; (Articles 1, 2, 3, 12, and 14 of CEDAW)

We would also like to raise with the Task Force that Iraqi women and children suffering from radiation sickness, cancers, birth defects and other disabilities produced by U.S. military bases’ munitions dumping sites have no access to adequate healthcare services because the Iraqi government has failed to take measures to provide medical treatment, medication, and therapies and related therapeutic equipment to those in need.

The Committee prohibits discrimination against women by failing to provide women with adequate access to healthcare services. The Iraqi government violates the Convention because it has failed to take appropriate measures to provide women with adequate (1) access to healthcare services²¹; and (2) access to healthcare facilities, including information, counseling and other

¹⁶ Abbas Sarhan, *Disabled in Karbala: Iraq Abandons its Handicapped*. Niqash Society. (Jun,06,2012), <http://www.niqash.org/articles/?id=2849>.

¹⁷ *Id.*

¹⁸ Martin Chulov, Research Links Rise in Fullujah Birth Defects and Cancers to US Assault. (Dec, 30, 2010, 16:34 EST), <http://www.guardian.co.uk/world/2010/dec/30/faulluja-birth-defects-iraq>

¹⁹ Abbas Sarhan, *Disabled in Karbala: Iraq Abandons its Handicapped*. Niqash Society. (Jun,06,2012), <http://www.niqash.org/articles/?id=2849>

²⁰ *Iraq’s Combined Fourth, Fifth and Sixth Periodic Report to United Nations Convention on the Elimination of All Forms of Discrimination against Women*, at pg. 36.

²¹ Convention on the Elimination of All Forms of Discrimination against Women, art 12.

services to women in rural areas.²² Article 12 of CEDAW requires States Parties to take all appropriate measures to eliminate discrimination against women in the field of healthcare in order to ensure, on a basis of equality of men and women, access to healthcare services.²³ Concerning women in rural areas, CEDAW's Article 14 requires States Parties to take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure that they participate in and benefit from rural development and, in particular, the right to have access to adequate healthcare facilities, including information, counseling and services in family planning.²⁴

In its combined fourth, fifth, and sixth periodic report to CEDAW, the Iraqi government notes that its Ministry of Health has increased the number of public healthcare centers and hospitals around the country in order to provide high quality healthcare services for women and children at affordable costs.²⁵ The government also claims that one of its accomplishments was the creation of special strategies to control diseases by providing the necessary medical treatment and equipment and by training medical staff to control such diseases.²⁶ Noting that private hospitals generally provide services at a high cost, creating barriers to access for poor families, the Ministry of Health authorized establishing private hospitals that are specialized in providing medical assistance and services to pregnant women at affordable costs.²⁷

Despite these efforts, women and children in rural areas in Iraq, especially those who were disabled due to the negative effects of U.S. military dumping sites, are in dire need of basic access to healthcare services. The Iraqi government has failed to address the medical needs of women and children impacted by radiation and other kinds of pollution. In August 2011, the Organization of Women's Freedom in Iraq (OWFI) released a report documenting how environmental contamination from U.S munitions dumping has affected a large number of Iraqi women, men, and children in the area of Hawija. The report states the following:

The number of disability and cancer cases increases in the villages that are closest to, or downwind of, the U.S. Army base, especially the villages Kabiba, Hamduniyya, Abu al-Sakhra, al-'Atshana, and Hor al-Sufun. For example, Kabiba village has only 1400 residents, among whom 21 cases of cancer have been identified, three of whom have died while the others await their turn in the absence of treatment and medications...[in the town of Hawija, which has a population of 109,000 people,] there is a generation of children who are suffering from Poliomyelitis paralysis and cases of brain damage or atrophy. 412 of these children and teenagers are registered patients in the health clinic, whereas the actual numbers exceed 600 cases of child disability. Cancer is also spreading like an epidemic among all age groups but

²² Convention on the Elimination of All Forms of Discrimination against Women, art 14(b).

²³ Convention on the Elimination of All Forms of Discrimination against Women, art 12.

²⁴ Convention on the Elimination of All Forms of Discrimination against Women, art 14.

²⁵ *Iraq's Combined Fourth, Fifth and Sixth Periodic Report to United Nations Convention on the Elimination of All Forms of Discrimination against Women*, at pg. 34-35.

²⁶ *Iraq's Combined Fourth, Fifth and Sixth Periodic Report to United Nations Convention on the Elimination of All Forms of Discrimination against Women* at pg. 36.

²⁷ *Id.*, at pg 36, 41.

especially among teenagers, who await their death as the Iraqi and U.S. governments make no efforts to provide treatment or medication.²⁸

Moreover, Falah Alwan of the Federation of Workers Councils and Unions in Iraq wrote for Global Research commenting on OWFI's report on Hawija, stating that "[t]here are hundreds of people with illnesses, including cancer. People cannot afford proper medical treatment; FWCUI and OWFI are demanding that the weapons testing stops, that the site is cleaned up and that people are given access to the medical treatment they need."²⁹

We request that the Committee inquire into the Iraqi government's efforts to provide affected women and children and their families in rural areas such as Hawija with adequate access to healthcare services and facilities, to enable them to recover from diseases including, but not limited to, cancer, asthma, and an array of birth defects and other disabilities.

(3) Neglect on the part of the Iraqi government to provide women and children suffering from cancers and birth defects caused by environmental contamination with a stable, safe, and healthy environment, and the necessary healthcare services to meet their special needs; (Article 1, 2, 3, 10, 11, 12 and 14 of CEDAW).

A third matter of concern we wish to raise with the Task Force is how the Iraqi government's failure to provide disabled women and children with a stable and healthy environment, and with the necessary healthcare services to meet their special needs violates Articles 1-3, 5, 10, 12, 14, 15, and 16 of the Convention. Article 12 of the Convention requires States Parties to take all appropriate measures to eliminate discrimination against women in the field of healthcare in order to ensure access to health care services. In addition, the Government's failure to address the special needs of disabled women and children in Iraq constitutes a violation of the Convention on the Rights of Persons with Disabilities (CRPD) and the Convention on the Rights of Children (CRC).

The Iraqi government's failure to protect disabled women and children from the environmental harms violates basic principles enshrined in the Convention on the Rights of Persons with Disabilities (CRPD). CRPD requires States Parties to take all appropriate measures to ensure the full development, advancement and empowerment of women and children with disabilities, for the purpose of guaranteeing them the exercise and enjoyment of the human rights and fundamental freedoms set out in the present Convention.³⁰ CRPD additionally requires States Parties to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters.³¹ Furthermore, Article 25 of CRPD requires States Parties to recognize that persons

²⁸ *OWFI Report: Hawijah in Crisis and the Legacy of US Bases*. <http://warresisters.wordpress.com/iraq-reports-analysis-and-interviews-on-movement-building-now/owfi-report-hawijah-in-crisis-and-the-legacy-of-us-bases/>

²⁹ Falah Alwan, *US Munitions Training: Iraqi Children Suffering from Radiation Sickness*, (Aug, 28, 2011). Global Research. <http://www.globalresearch.ca/us-munitions-training-iraqi-children-suffering-from-radiation-sickness/26248>

³⁰ Convention on the Rights of Persons with Disabilities, <http://www.un.org/disabilities/convention/conventionfull.shtml>, art 6,7,10,11, 14, and 28.

³¹ *Id.*

with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability.³²

The Iraqi government has failed to take necessary measures to provide disabled women and children (1) the equal opportunity for enjoyment of all human rights and fundamental freedoms; (2) the protection and safety in situations of risk, including situations of armed conflict, humanitarian emergencies and natural disasters; (3) the right to security; and (4) the right to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions.

Additionally, Articles 23, 24, and 28 of CRC require States Parties to provide children, especially disabled children, access to the highest standard of appropriate and affordable health and medical care services.³³ Article 27 of CRC requires States Parties to recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.³⁴

The Iraqi government violates several provisions of CRC by failing to provide children (1) protection from all forms of injury or neglect; (2) protection against disease and malnutrition; and (3) the right a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

Efforts on the part of the Iraqi government to provide assistance to disabled women and children remain insufficient to address their needs. Legislation meant to ensure the implementation of the Convention is still pending, and further revisions must be made to bring it fully into line with the Convention.³⁵ Additionally, most persons with disabilities (PWDs) agencies and organizations in Iraq, such as the Ministry of Health and the Ministry of Labor and Social Affairs lack the capacity and specifically the technological equipment to provide adequate services and advanced therapies to meet the needs of disabled women and children.³⁶

A study conducted by Huda Al-Jasim for Bridging the Divide reveals that 1 out of every 25 Iraqi citizens is disabled due to numerous wars.³⁷ In fact, Iraq has a higher percentage of persons with disabilities than other countries – not only persons born with disabilities, but also those who developed disabilities later in life as a result of war.³⁸ The Iraqi Association of Disability Organization reports that around 10 percent of the entire population suffers some kind of handicap.³⁹ Despite such alarming numbers, the Iraqi government has not taken the appropriate

³² *Id.*, art 25.

³³ Committee on the Rights of the Child, art 23, 24, 27, and 28.

³⁴ *Id.*

³⁵ Martin Kobler, United Nations Assistance Mission for Iraq, *People With Different Abilities*.

<http://unami.unmissions.org/Default.aspx?ctl=Details&tabid=2790&mid=5079&ItemID=816849>

³⁶ Bridging the Divide. *Persons with Disabilities in Iraq*. <http://www.bridging-the-divide.org/countries/iraq>

³⁷ Huda Al-Jasim, *Iraqis Lose their Limbs in Endless Series of Wars*. Bridging the Divide, (Feb 08, 2010).

<http://www.bridging-the-divide.org/sites/default/files/files/Asharq%20Alawsat%20-%20Iraqis%20Lose%20Their%20Limbs%20in%20Endless%20Series%20of%20Wars.pdf>

³⁸ Martin Kobler, United Nations Assistance Mission for Iraq, *People With Different Abilities*.

<http://unami.unmissions.org/Default.aspx?ctl=Details&tabid=2790&mid=5079&ItemID=816849>

³⁹ Abbas Sarhan, *Disabled in Karbala: Iraq Abandons its Handicapped*. Niqash Society. (Jun,06,2012),

<http://www.niqash.org/articles/?id=2849>.

measures to provide essential health services to disabled Iraqis, or to eradicate ground contamination that appears to be the source of numerous disabilities. Disabled women and children and their families in Iraq have limited or no access to healthcare and rehabilitation, education, skills training, and employment opportunities.⁴⁰ More often than not, disabled Iraqis, who come from all sectors of society, find themselves confined to domestic settings, with limited access to healthcare, education, employment and economic opportunity.⁴¹ Moreover, many Iraqi women and children living with disabilities live in rural or remote areas that seriously impede their ability to access available services due to cost, lack of public transportation, and the absence of local treatment facilities.⁴² Additionally, due to societal stigmas, disabled Iraqis are often hidden away by their families, further limiting their access to vital therapies and services.⁴³ The plight of Iraqis with intellectual disabilities or mental illness is particularly acute.⁴⁴ Their voices are seldom heard in Iraq, and there are very few services, which cater to their particular needs.⁴⁵ Finally, their access to public services is at times severely restricted.⁴⁶

In light of States Parties' failure to abide by the provisions of the Convention, as well as States Parties' additional violations of Articles of the CRPD and CRC, we request that the Committee inquire as to the Iraqi government's failure to provide disabled women and children with a stable and healthy environment, and with the necessary healthcare services to meet their special needs.

III. QUESTIONS TO THE IRAQI GOVERNMENT

We hope that the Task Force will consider the above-mentioned issues and ask the following questions of the Iraqi Government:

1. What measures is the State taking to ensure that women and children receive appropriate and affordable access to healthcare, including physical, preventive, and psychological care?
2. What measures is the State taking to ensure that the families of sick and disabled women and children receive appropriate and affordable access to psychological healthcare services?
3. What measures is the State taking to eradicate the environmental pollution produced by the leftover munitions from U.S military bases, especially in rural areas?
4. What measures is the State taking to provide disabled women and children appropriate and affordable healthcare services and equipment?
5. What measures is the State taking to provide a comprehensive and accurate strategy to ensure

⁴⁰ *Rehabilitation and Disabilities*, World Health Organization.

<http://www.emro.who.int/irq/programmes/rehabilitation-disabilities.html>

⁴¹ Martin Kobler, United Nations Assistance Mission for Iraq, *People With Different Abilities*.

<http://unami.unmissions.org/Default.aspx?ctl=Details&tabid=2790&mid=5079&ItemID=816849>

⁴² Bie Kentane. *The Children of Iraq: "Was the Price Worth it?"* Global Research. (Feb 19, 2013),

<http://www.globalresearch.ca/the-children-of-iraq-was-the-price-worth-it/30760>

⁴³ Bridging the Divide. *Persons with Disabilities in Iraq*. <http://www.bridging-the-divide.org/countries/iraq>

⁴⁴ Martin Kobler, United Nations Assistance Mission for Iraq, *People With Different Abilities*.

<http://unami.unmissions.org/Default.aspx?ctl=Details&tabid=2790&mid=5079&ItemID=816849>

⁴⁵ *Id.*

⁴⁶ *Id.*

that disabled women and children are provided with a stable, safe, and healthy environment and living conditions necessary for personal development?

We hope that the information provided in this letter will be useful to the Task Force in drafting the list of issues to be addressed to the Iraqi Government for its periodic review.

Please do not hesitate to contact us should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Davis".

Lisa Davis, Esq.
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A handwritten signature in blue ink, appearing to read "Y. Mohammad".

Yanar Mohammad
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