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**Report of the Arab Organization(AOHR) or Human Rights  
Stakeholder Report  
in the context of the Universal Periodic Review (UPR) mechanism of  
Iraq**

(\* *This report has been finalized on 10<sup>th</sup> of July 2024*)

## **Introduction**

AOHR<sup>1</sup> expresses its appreciation for the United Nations UPR mechanism of human rights. It is pleased to submit this report among the stakeholder reports in review of the human rights situation in Iraq in the 48<sup>th</sup> session (January 2025). This is in accordance with the decision of the Human Rights Council No. 5/1 (15/C).

Through this report, AOHR focuses on some of the key and salient aspects that call for more intensive efforts to enforce international human rights standards to surmount the decline the country had experienced during the past forty years, and to ensure the improvement of the human rights situation in Iraq.

AOHR also considers that the progress made by Iraq in the field of human rights is important considering the weight it enjoys in its Arab and Islamic environment, and its pioneering contribution to education, science and arts.

## **I. Fundamental rights**

AOHR expresses its appreciation for the efforts of the current government in its endeavor to meet people's core aspirations, as expressed in the October 2019 revolution. Also, AOHR calls on the government to expedite steps towards surmounting the major crises the country has suffered since the American-British invasion of 2003 and the legacy of the various ethnic conflicts. It urges the government to provide the basic services to secure decent life, in parallel with regulating the conduct of security, military and

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<sup>1</sup>- The Arab Organization for Human Rights is an international non-governmental organization that promotes respect and protection of human rights and spread its culture. It is the oldest international organization working in the field of human rights in the Middle East and North Africa.

AOHR has branches and member organizations in 16 Arab countries and is deemed among the main assemblies of Arab communities in 14 European countries, in addition to individual membership that includes 73 countries. It is the oldest Arab human rights organization that has obtained consultative status with the United Nations Economic and Social Council (since 1989). AOHR also has executive relations status with UNESCO (since 2003), an observer status with the human rights agencies of the African Union (since 1989) and the League of Arab States (since 1999). AOHR is a founding member of the International Criminal Court Bar Association (since 2002), the oldest partner of the Office of the High Commissioner for Human Rights in the Arab and the Middle East Region (since 1993) and other United Nations institutions related to human rights affairs.

paramilitary agencies, as well as promoting civil peace and consolidating citizenship rights based on human rights.

AOHR also urges the government to ensure the integration of the human rights component into its policies in a way that guarantees the success of its efforts. This is in addition to reassuring the society to believe in these serious efforts and enhancing the chances of their success. Considering the previous global experiences, AOHR confirms that success will not be achieved by ignoring the legacy of grave violations of human rights practiced by numerous official and unofficial entities in previous periods.

AOHR refers to an array of phenomena that undermine fundamental rights which the authorities should seriously address, namely:

- **Expansion of the death penalty**

The use of the death penalty in political and ethnic conflicts over the past twenty years has been one of the drivers of a vicious and endless cycle of violence that society experienced and from which various sectors of society suffered. The scope of death penalty expanded to satisfy the vengeful and vindictive tendencies of powerful groups; however, these tendencies do not befit the morals of society. In some cases, the expansion of this penalty was a demand that did not emanate from within the country but rather to secure foreign interests. The experience has proven that the death penalty was never the appropriate response to terrorism.

It would be more worthy of the government of the country, which has a long history of drafting the first written law, to review its legislation to remove its excessive penalties and laws of an exceptional nature, both inherited and updated. This is in addition to the importance of separating the judicial authority away from the religious authorities and ensuring the rule of law and supremacy of the Constitution to remove the controversial justifications that lead to the tendency towards the use of the death penalty.

AOHR also calls on the authorities to move towards suspension of the execution of this irreparable punishment under trials with questionable fairness.

- **Forced disappearance**

The country has suffered from the phenomenon of forced disappearance for more than five decades. It is regrettable that the phenomenon is still

persistent, especially that the fate of dozens of participants in the 2019 revolution, who disappeared during their activities in support of the revolution, has not been disclosed. The same applies to thousands who disappeared during the conflict with ISIS terrorist organization between 2014 and 2018, accompanied by ethnically motivated ethnic cleansing operations not related to the fight against terrorism.

- **Forced displacement**

More than a million citizens still suffer from displacement. They are unable to return to their places of origin they abandoned under sectarian persecution, especially since those responsible for displacement of these victims are still not held accountable. Moreover, some of them even enjoy leading positions and parliamentary immunity.

- **Combating illegal detention**

Since 2005, secret detention camps of the militias outside of the regular forces, or under the control of groups operating under the umbrella of the regular forces, have continued to be exposed. These secret camps have been outside the scope of governmental, judicial and parliamentary oversight. Efforts of the United Nations Assistance Mission for Iraq (UNAMI) to urge the authorities to eliminate this deplorable phenomenon failed.

Thousands of those quasi-legally detained are held in legal detention centers for prolonged periods without judicial follow-up. Oversight and inspection mechanisms failed to verify the allegations that these detainees have been subjected to various forms of torture and ill-treatment.

AOHR urges the authorities to secure full parliamentary and judicial oversight of all detention centers and hold those involved in crimes of torture, ill-treatment and illegal detention accountable.

- **Security sector reform**

AOHR expresses its disappointment as efforts towards structural reforms of security institutions were futile. They were influenced by conflicts, political divisions, sectarian and ethnic quotas.

This has been exacerbated by the presence of many militias in the country that claim to be active under the umbrella of the official government, despite the ethnic (since 2006) and sectarian (since 2017) orientations of

their composition. This does not only jeopardize the national unity but has also led practically to disruption of the unity of the community. As a result, the majority lived in ethnically harmonious settings, threatening the remaining minorities within the country. Consequently, most religious minorities had to flee for asylum outside the country.

The goal of upgrading the behavior of members of security and military institutions constitutes a priority in the success of the State's efforts to reform the security sector in its various formations. It also constitutes a necessity in the success of integration and unification efforts based on citizenship, not ethnicity. This is in addition to building awareness of the need to respect human rights guarantees in all cases and circumstances and ensure clear submission to legitimate elected authorities and the rule of law.

- **Addressing the situation of child victims of terrorism**

AOHR urges the authorities to provide documents for 3,523 Iraqi children in Al-Hawl camp in northeast Syria, among tens of thousands of families of ISIS fighters. This poses a huge challenge and risks to the future of these innocent children due to actions committed by their parents.

AOHR also urges the authorities to end the detention of 668 children, the offspring of families of fighters of the same terrorist organization inside the country and adopt appropriate policies for their rehabilitation and integration into society.

AOHR also calls on the authorities to impose a ban and ensure serious prosecution of some militias that incessantly recruit children, especially that the country had ratified in 2010 the First Optional Protocol to the Geneva Conventions of 1949 on the protection of victims of non-international armed conflicts. It is essential to align the applicable local legislations with its standards to ensure its enforcement.

## II. Public freedoms

AOHR is deeply concerned about the continued attempt to pass draft laws that restrict public freedoms in violation of the constitutional guarantees and international standards ratified by the country. Regrettably, these draft laws were approved in a first reading by Parliament in December 2022.

AOHR refers to the **draft law on freedom of expression and peaceful assembly**, which would allow the prosecution of opponents of state policies under such loose labels as respect for religious symbols and respect for public order, as it does not meet the standards of the right to freedom of expression and freedom of assembly.

AOHR is also concerned about the repeated insistence on introducing a **draft cybercrime law**, which shall increase self-censorship on publishing and expression. This draft law is loosely drafted, leading to the criminalization of many aspects of freedom of expression. It grants the authorities excessive powers and imposes harsh penalties, including life imprisonment for vague crimes such as “jeopardizing the state’s independence, unity, integrity, or its economic, political, military, or security interests” and financial fines that may amount to 50 million Iraqi Dinars.

AOHR expresses its concern about the failure to fulfill some essential electoral entitlements, most notably the failure to hold parliamentary elections in the Kurdistan region, which were scheduled since October 2022. There are fears that elections could possibly be postponed again from the scheduled October 2024 date. This is in light of the controversy about the integrity of the electoral process and the extent to which its results are respected.

This also includes the failure to hold local council elections in both Kirkuk and Diyala governorates, unlike the other governorates. This is in addition to the importance of seeking an appropriate solution outside the framework of ethnic quotas in distributing leading positions, specifically in Kirkuk.

### III. Strengthening the institutional structure

AOHR expresses its deep regret that the Council of the **Higher Commission for Human Rights** in the country has remained unformed since 2021. Despite the formation of an ad hoc expert committee in the House of Representatives to form the Council of the Higher Commission for Human Rights in 2023, the Commission has not yet been formed.

It is regrettable that the government transferred the purview of the Commission from the House of Representatives (Parliament) to the executive authority. Moreover, it temporarily replaced experts of the technical secretariat of the Commission with an official reporting to the

government<sup>2</sup>. This would undermine the principle of the independence of the Commission as an independent national institution for human rights in accordance with the Paris Principles 1992. This shall further lead to the likelihood that the Commission will lose its distinct international classification (category A).

AOHR is also concerned about the lack of any official data on what has been accomplished under the **National Human Rights Plan**, though more than three years have passed since its approval and entry into force.

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<sup>2</sup> - AOHR sent a letter to the Iraqi Prime Minister, Mr. Mohamed Shia'a Al-Sudani, at the beginning of 2023, calling for the maintenance of self-administration for the Commission until the formation of the Council of Commissioners. AOHR further urged agreement with the competent authorities to maintain the Commission, which has a procedural nature, under the purview of the House of Representatives, within the best practices to implement the Paris Principles 1992.