

Iraq UPR Pre-sessions
MENA Rights Group statement

Dear representatives of the permanent missions,

My name is Tanya Boulakovski, I work at MENA Rights Group, a legal advocacy NGO based in Geneva that defends and promotes fundamental rights and freedoms in the Middle East and North Africa (MENA) region.

My statement will address the state of civic space in Federal Iraq and the Kurdistan Region of Iraq (K-RI), as well as counter-terrorism abuse, the death penalty, and arbitrary detention. I will also address Iraq's national human rights institution, and cooperation with UN mechanisms.

Civic space

During its last UPR, Iraq agreed to respect the rights to freedom of expression, association and peaceful assembly, in law and in practice. However, this recommendation has not been implemented.

Iraqi and Kurdish authorities often set aside domestic legislation which should protect fundamental freedoms related to civic space, such as press laws, laws on demonstrations, and laws on NGOs. Instead, they resort to harsher, vaguely worded laws, such as the Iraqi Penal Code or the Kurdish law on national security, to suppress civic space.

In addition, draft laws on freedom of expression and peaceful assembly, on cybercrime, and on prohibiting the promotion of homosexuality are pending before parliament and would, if passed, further curtail civic space.

Recently, Iraqi authorities have particularly targeted online freedom of expression by initiating a campaign to monitor "indecent" content on social media, on the basis of the Penal Code. They launched a platform which received over 90,000 complaints within 1 month. Following this campaign, social media figures active in music and comedy were imprisoned, and two famous TikTok users were shot dead.

In the Kurdistan region, activists and journalists perceived as critical of the authorities have increasingly been subjected to harassment and lengthy prison sentences. In 2021, 3 journalists and 2 activists were jointly sentenced to six years in prison in court proceedings marred by serious violations of fair trial standards. The UN WGAD deemed their detention to be arbitrary.

Lastly, and importantly, it is key to highlight that there remains a lack of accountability for the abuses committed in the context of the October 2019 demonstrations in Iraq.

Counter-terrorism, arbitrary detention, torture

During the last cycle, Iraq accepted to bring its counter-terrorism legislation in line with international standards. Yet, both the Iraqi and Kurdish counter-terrorism laws contain overly broad and vague definitions of terrorism, and both laws impose mandatory death sentences for crimes that do not meet the standard of the most serious crimes.

In practice, terrorism suspects are subjected to arbitrary arrests and detention, torture, and unfair trials leading to death sentences and sometimes execution.

Death penalty and arbitrary executions

During its last UPR, Iraq did not accept recommendations on the death penalty. In practice, Iraqi authorities resumed executions in December 2023, after a 3-year hiatus. Hundreds of detainees held in Nasiriyah Prison have been executed in secret, many of whom had been imprisoned following flawed terrorism trials, and thousands are awaiting imminent execution. UN experts have warned that these summary executions may amount to crimes against humanity.

Iraq's national human rights institution

While Iraq also accepted recommendations pertaining to its National Human Rights Institution, it still fails to comply with the Paris Principles.

Cooperation with UN mechanisms

Lastly, Iraqi authorities did not fully cooperate with UN human rights mechanisms, despite accepting to do so during the last UPR. It is also important to highlight that UNAMI will cease its operations in 2025, following the Iraqi Prime Minister's request.

Closing and recommendations

Moving forward, we recommend that Iraq:

- Stop applying the harsh domestic laws to crack down on acts of peaceful expression, assembly and association, and amend them to comply with human rights standards;
- Revoke the draft laws posing a threat to civic space;
- Investigate the abuses committed in the context of the October 2019 demonstrations, and hold perpetrators accountable;
- Bring the Iraqi and Kurdish counter-terrorism laws into line with international standards, ensure that terrorism accusations are not used as a justification for human rights abuses, and ensure that due process guarantees and fair trial rights are upheld in all cases;
- Halt all executions, and adopt a formal moratorium on the death penalty with a view to its abolition;
- Bring the Iraqi High Commission for Human Rights into line with the Paris Principles;
- Fully cooperate with UN mechanisms, and implement recommendations contained in UNAMI reports.