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Written statement* submitted by Cairo Institute for Human Rights Studies, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[17 May 2010]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

The UPR of Iraq: A Review

The state of human rights in Iraq is particularly complex and fragile given the country's recent history. The last 40 years saw the rise of the now-deposed dictatorship, which committed intolerable crimes against humanity against the Iraqi people. Furthermore, when the United States of America and its allies invaded Iraq in 2003 the casualties and abuses that followed the invasion were catastrophic. The Iraqi state and its institutions were entirely dismantled. Consequently, the world witnessed the single largest refugee Diaspora since the creation of Israel in 1948. Two million Iraqis left the country and more than 2 million were internally displaced.

The invasion also brought distinct problems, such as attracting terrorist groups from neighbouring countries and prompting the formation of sectarian militias. The invasion also gave rise to abuses and blatant humanitarian law violations perpetrated by occupation forces and security contractors. Human rights activists and others in a position to expose these abuses, as well as journalists and political figures from the opposition differing from the religious parties born in the new Iraq, were tortured, arrested, and assassinated. As a result, the security, economic, social, and political situation in Iraq has significantly declined. The educational system has further eroded, and women's rights have practically vanished in the midst of a general decline and retreat.

On February 16th 2010, the Republic of Iraq presented its UPR report to the UN Human Rights Council on the state of human rights in Iraq following the occupation of 2003, the end of the dictatorship, and the formation of a civilian coalition authority. The authority was to pave the way for Iraq's transition to a pluralistic constitutional democracy by establishing a constitutional legal system that recognizes political pluralism and is in compliance with international human rights laws and norms. Despite some limited progress in certain spheres, the deplorable humanitarian and human rights situation in Iraq in no way constitutes a normal life of human security and stability.

Thus, The Cairo Institute for Human Rights Studies (CIHRS) and the Iraq Human Rights Association – Denmark, calls on the government of Iraq to commit to the following steps as required by internal legal standards and the accepted recommendations of the UPR, and urge all UN member states to call on Iraqi authorities to take:

International steps, which include:

1. Ratifying and complying with the optional protocols of the Covenant on Civil and Political Rights, CEDAW, the Covenant on Economic, Social, and Cultural Rights, the Convention Against Torture, ratifying the Convention on the Rights of Persons with Disabilities, the Convention for the Protection of All Persons from Enforced Disappearance, and the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
2. Cease from signing treaties that directly violate international human rights laws. These include the signing and implementation of treaties on the deportation of Iraqi refugees with countries such as Denmark, Sweden, and Britain, in violation of the recommendations of the UN High Commissioner for Refugees.
3. Ensuring accountability for any war crimes committed in Iraq. Complicating this process is a security agreement with the U.S., which allows more than 30,000 American soldiers to remain on military bases that are not subject to the authority of the Iraqi state. Additionally, this agreement states that aerial, ground, and naval corridors are not subject to Iraqi control. Under the treaty these soldiers, as well as contracted private security services are not subject to Iraqi law if they commit

crimes against Iraqi citizens. Such was the case in the Nisour Square massacre, in which 17 innocent Iraqi civilians were killed.

4. Abstaining from signing any treaties or conventions that are not presented to parliament and are not made public to the Iraqi people in a timely manner. Especially treaties which involve the allocation of natural resources.

Domestic steps, which include:

1. Amending specific articles in the Iraqi constitution using Article 122. Article 122 gives the government the right to propose amendments to bring them in line with internationally accepted human rights norms. Amendments should be made in regard to provisions on the status of women which are discriminatory, as well as other provisions such as:

- Article 2, which enshrines Islam as the official religion, making it an arbiter of laws and sovereign over all other religions and groups.
- Article 38, which provides for the wiretapping of telegraphic, telephonic, and electronic communication and correspondence.
- Article 39, which discriminates between Iraqis in matters of marriage and divorce in accordance with religion and confession, entailing encroachments on women's rights, increased sectarian divisions within society, and enormous problems for children who do not enjoy adequate legal protections.
- Article 89(b), which places Islamic jurists on the Federal Supreme Court, thus weakening its independence.
- Article 117, which defers to the regional authority over the federal authority in areas of disagreement. This weakens the state's ability to protect citizens from outside the region in question.
- Article 131, which appoints politicians to the De-Baathification Commission, allowing them to settle political scores in cooperation with the executive authority.

2. Rapidly enacting national reconciliation and abstain from exploiting laws in order to eliminate political opponents. Exploitation of laws for political purposes will only leads to a further deterioration of the security situation, as shown during and after the elections in March 7.

3. Enacting and applying laws to combat corruption and deter lawbreakers within the government. One incident involved in the robbery of the Zawiya bank and the murder of all the guards. Ministry of Interior forces were prohibited from pursuing the criminals, who took refuge in the offices of Adalah newspaper, affiliated with Vice-President Adel Abd al-Mahdi. The criminals were not turned over at a later date.

4. Taking greater measures to protect journalists, human rights activists, and opinion-holders from murder, threats, and abuses of them and their families.

5. Lifting all restrictions and end all practices that restrict and marginalize women. This can best be accomplished by ending arbitrary laws which include unjust practices perpetrated against young girls, the denial of their right to a full education, and directives from the Ministry of Interior that prohibit women from travelling alone without a guardian.

6. Immediately and fully exposing all secret prisons and detention facilities where many citizens are detained and tortured with no regard for due process. Those responsible for these prisons should be held accountable before a court.
 7. Supporting and building the capacities of NGOs in Iraq to enable them to carry out their role as a major agent in state building. Amendments to the NGO law should be made in order to guarantee their independence and impartiality, and abstain from harassing them through arbitrary legal provisions. Article 10 of the NGO law restricts and limits the ability of NGOs to criticize and change unjust laws; Article 12 of the same law, prohibits anyone under the age of 18 from attending or voting in meetings of the general boards; Article 18 of the law requires registered addresses for all NGO members.
 8. Taking rapid action to clean up the environment and build water filtration stations. More than 60 percent of Iraqis are still consuming water unfit for human use. Electrical plants must be built to meet the needs of citizens and the health and industrial sectors.
 9. Rapidly removing the more than 20 million mines in the country, which cause the deaths of hundreds of innocents every year.
 10. Clearing the country of depleted uranium, responsible for many forms of cancer in southern Iraq, and demand that the U.S.A and Britain bear the cost as the parties responsible for using the material as a weapon on Iraqi territory.
 11. Taking rapid measures to support the health system, whose deteriorated state leads to several deaths daily.
 12. Upholding compulsory education for children and prevent the exploitation of children as cheap labour.
 13. Helping internally displaced Iraqis return to their homes to live their lives in dignity and free of threats. The government must also support Iraqi refugees in neighbouring countries and provide for their humanitarian needs until they are able to safely return home. This includes paying the cost of educating refugee children, which has important ramifications for the entire region.
 14. Maintaining and strengthening social welfare support, which provides food security for a great many Iraqis. The Iraqi Ministry of Planning has announced that nearly 8 million Iraqis are currently living below the poverty line.
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