

Iraq is Obligated to Respect Human Rights and All Treaties and Conventions It Has Signed

A Review of Iraq's Participation in the Fourth Universal Periodic Review (UPR)

On January 27, 2025, the fourth session of Iraq's Universal Periodic Review (UPR) was held at the United Nations Human Rights Council in Geneva, where the state of human rights in Iraq was assessed based on reports submitted by the Iraqi government, civil society organizations, and UN bodies. This review took place at a time when Iraq is facing significant challenges related to civil liberties, freedom of expression, the protection of human rights defenders, and transitional justice.

This report will examine certain aspects of the Iraqi government's submission, compare it with reports from civil society organizations and UN missions, and analyze the situation of human rights defenders in Iraq. Additionally, it will highlight key observations made since the third UPR cycle, which focused largely on the need to protect human rights defenders by ensuring a safe environment for them, preventing harassment and threats, and amending laws that restrict the work and independence of civil society organizations.

Regarding the cessation of repression against protesters, the recommendations emphasized the need to guarantee the right to peaceful protest, halt the excessive use of force against demonstrators, and conduct transparent and independent investigations into cases of killings and enforced disappearances. These investigations should ensure accountability for those responsible for human rights violations, whether from security forces or armed groups, and establish an independent international investigative mechanism to monitor crimes committed against protesters and activists.

This report will focus on key aspects of the UPR review that are relevant to the work of the campaign.

First: Protection of Freedom of Expression and the Press

The review highlighted the increasing suppression of journalists and activists, the blocking of websites, restrictions on media coverage, as well as threats and arbitrary arrests. These concerns were also raised during Iraq's third UPR review, which documented escalating restrictions on press freedom, cases of arbitrary detention of journalists, the closure of independent media channels, and the shutdown of the internet during the October 2019 protests to prevent coverage of events.

In 2024 alone, there were **457 recorded violations** against journalists. Additionally, in 2023, the Iraqi Parliament discussed the passage of the "**Freedom of Expression, Demonstration, and Peaceful Assembly**" law, which contained numerous problematic provisions that restrict freedom of expression. Among these were vague terms such as "**public morals**" or "**public order**," which can be exploited to arbitrarily prosecute individuals for expressing their opinions.

In the same year, the **Ministry of Interior launched the "Report" campaign** to target influencers and activists on social media under the pretext of combating "low-quality content." This term aligns with alleged violations of **public order and morals**, referencing legal provisions (**Articles 401-403-404**) of the **Iraqi Penal Code No. 111 of 1969**, which contain ambiguous terms such as "**indecenty**" and "**obscenity**." These same laws were previously used by Iraq's former dictatorial regime to exert control over society. Despite public support for the campaign, it is evident that its real objective is to establish government dominance over social media and enforce official narratives.

The **current Prime Minister has surpassed his predecessors** in the number of legal complaints filed against journalists and media figures. These complaints have been directed against individuals such as journalist **Zainab Rabie**, journalist **Ali Al-Khayyal**, journalist **Yasser Al-Jubouri**, and commentator **Mohammed Na'na'**. Additionally, lawsuits were filed beyond the jurisdiction of Iraqi courts, extending to **Kuwaiti journalist Fajr Al-Saeed** in Kuwait's judicial system.

Furthermore, the **Iraqi Media and Communications Commission** issued a decision banning several political analysts and activists from appearing in the media, including **Yahya Al-Kubaisi**, **Rabea Al-Jawari**, **Alaa Al-Nashou'**, **Omar Abdul Sattar**, **Ahmed Al-Abyadh**, and **Imad Bajalan**, due to their criticism of Iraq's political process.

The **Ministry of Communications also blocked several websites**, including "**Ultra Iraq**" and "**IMDb**."

From the above findings and given the involvement of multiple governmental bodies—including entities officially classified as "independent"—it is evident that **violations against freedom of expression and press work are part of a systematic campaign** aimed at imposing the government's viewpoint and eliminating dissenting voices. These actions primarily serve the interests of the **political forces controlling the Iraqi government**, particularly the **Coordination Framework**, which formed a consensus government alongside other political factions under the sectarian and ethnic quota system.

Second: The Situation of Human Rights Defenders

The UPR session discussed the challenges faced by human rights defenders, including threats, arrests, media smear campaigns, and legal restrictions that hinder their work. Concerns about increasing arrests and intimidation against human rights defenders and civil society organizations were also raised during Iraq's third UPR review.

As of the date of this report, the **Department of Non-Governmental Organizations (NGO Department) has suspended 86 organizations**. There are also allegations that the same department is deliberately obstructing the registration of most independent human rights organizations while **facilitating and expediting** the registration of organizations affiliated with political parties and figures.

Additionally, the NGO Department has been leading efforts to amend **Law No. 12 of 2010 on Non-Governmental Organizations** to exert greater control over NGOs, making them subject to security inspections by the **National Security Agency without judicial warrants**. The proposed amendments would also grant the department the authority to **dissolve organizations without legal proceedings**, contradicting the provisions of the current law.

Furthermore, **Iraqi banks have refused to process NGO grants in U.S. dollars**, following directives issued by the **Central Bank of Iraq**. Organizations are instead forced to receive funds in local currency at an exchange rate significantly lower than the market rate, leading to an estimated **13% financial loss** on their funds.



The **Iraqi Ministry of Higher Education**, in decision No. (S.B./4843) dated 22/11/2023, prohibited all colleges and affiliated institutions from cooperating with **11 local and international organizations**, without providing any justification.

These measures have significantly **restricted the work of NGOs**, forcing many organizations to **align their activities with government priorities**. Others, particularly human rights organizations, have **adopted alternative strategies** to avoid government scrutiny, which has affected their ability to effectively reach communities and maximize the impact of their work.

In addition to legal and administrative restrictions, **numerous activists and human rights defenders have been subjected to assassination and abduction**. Examples include:

- The assassination of **women's rights activist Reham Yaqub** in Basra on **August 19, 2020**.
- An attempted assassination of **women's rights activist Lodyia Rimond** in Basra on **August 17, 2020**, which resulted in injuries requiring hospitalization.
- The **kidnapping of environmental activist Jasim Al-Asadi** by armed men on the **Baghdad-Babel highway on February 5, 2023**. He was released several days later.

Between **July 2023 and June 2024**, **44 cases of violations** against human rights defenders were documented across various Iraqi cities.

In August 2023, the **Iraqi government launched a large-scale defamation campaign against human rights defenders**, under the pretense of **banning the term "gender"**, falsely equating it with **LGBTQ+ advocacy** to delegitimize human rights work.

Third: Impunity and Accountability

Discussions during the UPR session emphasized the urgent need to ensure accountability for perpetrators of gross human rights violations, including killings and enforced disappearances of activists and protesters since the October 2019 demonstrations. The previous UPR review had already identified **impunity** as one of Iraq's most pressing challenges, highlighting the lack of accountability for those responsible for the killings, abductions, and torture of activists and journalists.

We reaffirm the importance of addressing high-profile cases that have **shocked public opinion and instilled fear among human rights defenders** due to the continued lawlessness and the **absence of justice**. Even in cases where overwhelming evidence was presented, authorities failed to uphold justice, including:

- **The Nasiriyah Massacre (Dhi Qar Province, November 28-30, 2019)**
 - This massacre was carried out by **Iraqi security forces** in the city of **Nasiriyah**, resulting in **70 fatalities and 225 injuries**.
 - Following the massacre, the judicial committee formed to investigate the incident issued an **arrest warrant** against **General Jamil Al-Shammari**, who was leading the Crisis Cell in **Dhi Qar Province** at the time.
 - However, this warrant **was never executed**, and no security or political authority took action to arrest him.
 - Instead, on **May 20, 2024**, under the current **Sudani government**, Al-Shammari was **appointed as Deputy Chief of Staff of the Iraqi Army**, a move seen as a **reward for his role in suppressing the 2019 protests** in Dhi Qar.
- **The Assassination of Security Analyst Husham Al-Hashimi (July 6, 2020)**

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- Al-Hashimi, a researcher specializing in extremist groups, was killed in **central Baghdad** by three armed men.
- Investigations led to the arrest of one of the suspects, **First Lieutenant Ahmed Hamdawi Owaid Al-Kinani**, a member of the **Iraqi Ministry of Interior**.
- However, the authorities **remained silent** on the progress of the investigation and trial. The other perpetrators and those who orchestrated the assassination **were never arrested or identified**.
- Despite multiple postponements, Al-Kinani was eventually sentenced to **death in May 2023**.
- On **August 10, 2023**, **Iraq's Court of Cassation overturned the ruling**, citing procedural flaws in the investigative committee formed under the **Kadhimi government**.
- Al-Kinani was **released and reinstated into the ranks of the Ministry of Interior**, a **blatant miscarriage of justice** that drew widespread domestic and international condemnation.
- **The Case of Officer Omar Nizar**
- Nizar was implicated in a **recorded video by an Iraqi journalist** who accompanied the **Emergency Response Division (ERD)**, a unit under the **Ministry of Interior**, during the battle to retake Mosul in **2016**.
- The footage captured Nizar engaging in **torture** and **discussing the rape of an Iraqi woman**.
- The journalist, **Ali Arkady**, also documented several **other crimes** committed by Nizar and his unit, including **killings, torture, and rape of innocent civilians** in **Mosul**.
- **No legal action** was taken against Nizar at the time.
- In **2019**, he was involved in the **Zaitoun Bridge Massacre in Nasiriyah**, where **security forces killed dozens of protesters**.
- Although he was **arrested, tried, and sentenced to life imprisonment**, the **Court of Cassation overturned the verdict on August 18, 2024**, citing a **lack of sufficient evidence**, and he was **released**.

The **persistence of impunity** in Iraq has become a **systemic issue**. In **June 2022**, the **United Nations Assistance Mission for Iraq (UNAMI)** condemned the **climate of fear and intimidation** that continues to **restrict freedom of expression**, explicitly highlighting the **ongoing impunity** for human rights violations.

The Iraqi government reacted **angrily** to this report. In response, **Prime Minister Mohammed Shia' Al-Sudan** submitted a formal **request to the UN Security Council to terminate UNAMI's mandate**, arguing that Iraq no longer required its presence.

However, on **May 31, 2024**, the **UN Security Council decided to extend UNAMI's mandate for a final period until the end of 2025**, reaffirming the **international community's concerns over Iraq's failure to address human rights violations**.

Fourth: Legislation

During its **fifth session**, the **Iraqi Council of Representatives** has been marked by **controversy and instability**. This session witnessed the **withdrawal of the largest parliamentary bloc**, the **Sadrism Bloc**, **which had won 73 seats**. Following this withdrawal, multiple physical altercations took place inside the parliament chamber.

One such incident involved the **temporary Speaker of Parliament** (who is appointed as the eldest member until a permanent Speaker is elected), who was **physically assaulted**. Another incident saw **Heibat Al-Halbousi**, the leader of the **Taqaddum parliamentary bloc**, being **attacked by the security detail of the Second Deputy Speaker of Parliament**. Both cases required hospitalization.



Another altercation occurred between **MP Ahmed Al-Jubouri** and **MP Heibat Al-Halbousi**, when the latter **threatened to block the election of a new Speaker by force**, prompting **parliamentary security forces to intervene** to break up the fight.

This term also saw **an unprecedented event in Iraqi parliamentary history**, with the **Federal Supreme Court removing former Speaker Mohammed Al-Halbousi from office**, leaving the **parliament without an elected Speaker for nearly a year**—one of the most **critical and unstable periods in its history**.

In addition to this political turmoil, the **current parliament has passed some of the most dangerous laws that undermine human rights** in Iraq, including:

- **Amendment No. 1 to the Prostitution and Homosexuality Prevention Law No. 8 of 1988**, which represents a **clear intrusion into personal freedoms** by allowing the state to control individuals' private lives and sexual orientations. The law also contains **vague and loosely defined terms** such as **"effeminacy."**
- **Amendment to the Personal Status Law No. 188 of 1959**, which grants **religious authorities the power to issue their own legal codes** governing personal status matters for their followers. There are significant concerns that these **religious codes could strip women of previously established legal rights, permit child marriages, and remove mothers' custody rights in favor of fathers**, without considering the **best interests of the child**.

Meanwhile, the **current parliament has failed to advance crucial human rights legislation**. Important laws remain stalled, awaiting discussion and approval, including:

- **The Child Protection Law**
- **The Domestic Violence Prevention Law**
- **The Law on the Protection of Persons from Enforced Disappearance**

These draft laws **remain stuck in parliamentary committees**, receiving **little attention or urgency from legislators**.

Additionally, other laws **essential for human rights protections**—such as:

- **The Right to Access Information Law**
- **The Freedom of Expression, Assembly, and Peaceful Protest Law**

—have been **delayed or rewritten with provisions that contradict their intended purpose**, making them more **restrictive rather than protective**.

Another significant move by the government involved **the enforcement of a ban on the sale, production, and import of alcoholic beverages**. This was done under the **Municipal Imports Law**, originally passed in **2016**. At the time, the law was **not enforced due to its exclusion from the official gazette**. However, in **February 2023**, it was **formally published in the Official Gazette**, making it legally binding.

This enforcement was seen as a **deliberate political maneuver**, as it faced **no significant objections** from **parliamentary factions or key political actors**, signaling a shift toward **increased restrictions on personal freedoms in Iraq**.

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Key Recommendations

During the session, member states and human rights organizations presented several recommendations to the Iraqi government, including:

1. Ensuring Freedom of Expression and the Press:

- Halt the targeting of journalists and activists and repeal penalties imposed on them for expressing their opinions.
- Review restrictive media laws and ensure a safe environment for journalists to perform their work.

2. Protecting Human Rights Defenders:

- Establish effective mechanisms to protect human rights defenders and ensure they are not subjected to threats or harassment due to their activism.
- Repeal laws and procedures that hinder the work of civil society organizations.

3. Combating Impunity:

- Conduct transparent and independent investigations into crimes and violations committed against activists and protesters.
- Hold perpetrators accountable and ensure such violations are not repeated.

4. Enhancing Women's Rights:

- Amend laws that discriminate against women, particularly in personal status matters and domestic violence.
- Implement programs to protect women from domestic violence and forced marriage and ensure their representation in political and public life.

5. Judicial System Reform:

- Ensure judicial independence and prevent its use as a tool to suppress opposition.
- Enhance transparency in trials and guarantee defendants' rights in accordance with international standards.

6. Improving Prison and Detention Center Conditions:

- End torture and ill-treatment in Iraqi prisons.
- Develop a plan to improve prison conditions and reduce overcrowding.

Conclusion

The session emphasized the importance of Iraq's commitment to the recommendations of the Human Rights Council and the need for serious efforts to improve human rights conditions in the country. While the Iraqi government expressed its willingness to cooperate, the implementation of these reforms remains under scrutiny by human rights organizations and the international community to ensure accountability, justice for victims, and better protection for human rights defenders.