

Geneva International Centre for Justice

GICJ

GICJ is an independent, non-profit, non-governmental organization dedicated to the promotion and reinforcement of commitments to the principles and norms of human rights. GICJ is headquartered in Geneva, Switzerland and is governed by the Swiss Civil Code and its statutes.

Basing its work on the rules and principles of International Law, International Humanitarian Law and International Human Rights Law, GICJ observes and documents human rights violations and seeks justice for their victims through all legal means available.

Mission

GICJ's mission is to improve lives by tackling violations and all forms of violence and degrading or inhumane treatment through the strengthening of respect for human rights; reinforcing the independence of lawyers and judiciaries; consolidating the principles of equity and non-discrimination; ensuring rule of law is upheld; promoting a culture of awareness on human rights; and combating impunity.

Work on Iraq

GICJ has been tackling issues of justice and accountability pertaining to Iraq since it was established. GICJ maintains a partnership with various NGOs, lawyers and a vast civil society network within Iraq. Through these channels, GICJ is able to receive documentation and evidences of human rights violations and abuses as they occur in Iraq. GICJ continues to bring this information to the attention of relevant UN bodies in order to gain justice for all victims.

Iraq

The Deterioration of Economic, Social & Cultural Rights

Shadow report submitted by

Geneva International Centre for Justice

to the 56th session of the

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(CESCR)

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This report is submitted, in the context of the review of the initial report of Iraq, with the cooperation of the following Iraqi and other NGOs:

The Iraqi Commission on Human Rights (ICHR), Association of Human Rights Defenders in Iraq (AHRD), Human Rights Division at the Association of Muslims Scholars in Iraq, General Federation of Iraqi Women (GFIW), Association of Iraqi Diplomats (AID), Association of Iraqi Intellectuals and Academics (ALIA), Organisation for Justice & Democracy in Iraq (OJDI), The Iraqi Centre for Human Rights, and The Arab Lawyers Association/ UK

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Introduction

In 2014, the international community witnessed the human rights situation in Iraq go from bad to worse as levels of terrorist and sectarian militia violence and the civilian death toll increased dramatically. The situation we face today, with the apparent disregard for the basic economic, social and cultural rights of the Iraqi people, is not the product of internal factors alone. Decades of continued economic and social hardship inflicted upon the Iraqi people in the form of comprehensive sanctions, illegal invasion and occupation, all further exacerbated by the widespread political corruption and infighting have led to further deterioration of human rights standards in the country.

The economic sanctions imposed by the UN Security Council on Iraq in 1990 have been described as 'faulty punitive measures', in clear violation of international law.¹ The sanctions remained in place for almost thirteen years despite their acknowledged crippling impact on the lives of innocent Iraqi civilians.

The US-led 2003 invasion and the subsequent occupation saw the situation on the ground further deteriorate and the Iraqi people find themselves deprived of all economic, social and cultural rights. Their rights to the highest attainable standard of physical and mental health, education, peaceful assembly, association and expression have all been compromised as a result of continued, indiscriminate and destructive military operations carried out in the country. The invasion and subsequent occupation of Iraq were in clear breach of Article 2 (4) of the UN Charter and in grave violation of the Geneva Conventions of 1949 and the 1977 Protocols.

Not only do the increasing security concerns throughout the country and the collapse of state services and infrastructure present considerable problems for the human rights situation on the ground, these very problems are invoked as justifications for the sustained harassment of citizens by government authorities and the failure of the government to provide for the basic economic, social and cultural needs of its citizens.

A Shared Responsibility

While the Iraqi government has an absolute responsibility to its people to promote and protect their basic economic, social and cultural rights, so too do the occupying forces and the international community on account of the deterioration of the rights of the Iraqi people under the previous periods of sanctions, invasion and occupation.

The people of Iraq continue to wait for the violations of their rights to be fully acknowledged, compensation to be paid and the perpetrators to be brought to justice. Only after these measures have been taken can the moral authority of the international community be upheld. The suffering inflicted on the Iraqi people is still widely ignored by the international community and no justice has been found for all those who died as a direct result of the invasion. Various estimations indicate that approximately one million Iraqi civilians have died as a result of the invasion and occupation. Figures of Iraqi loss abound. We must also not forget that almost five million children have lost a parent and an estimated five million have been internally and externally displaced. These displaced people, who constitute nearly 20% of the

¹ Von Sponeck, Hans Christof, 2001. *"The Effects of Sanctions on Iraq"*. 9 November, 2001 available at - http://www.youtube.com/watch?feature=player_embedded&v=83-enchYPrw

population, more often than not live in dire conditions, suffer in poverty² and have been subjected to multiple displacements.³

General Recommendations

GICJ believes that all government projects and programmes will not achieve their goal of restoring prosperity to the Iraqi people without the following steps being taken by the international community and in particular the occupying powers. GICJ recommends the following:

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- To rebuild Iraqi infrastructure, government institutions, schools and private properties that were bombed or damaged during the war and under occupation.
- To instigate an environmental clean-up, undertaken and financed by the coalition forces responsible for the use of depleted uranium and other toxic materials in their military operations.
- To restore the Iraqi health system to pre-invasion standards. Even after ten years of alleged reconstruction, the system, which was once one of the best in the region, still fails to meet minimum standards.
- To protect internally and externally displaced persons and refugees.
- To locate missing and disappeared persons. Many of the disappeared are languishing in prisons or have been executed. These cases must be disclosed and the perpetrators brought to justice.
- To end human rights violations including torture, arbitrary arrest, forced disappearance, trafficking of persons and the use of illegal weapons.
- To appoint a UN Special Rapporteur for Iraq. Human rights abuses inflicted on the Iraqi people are ongoing in the country and must be monitored.
- For all countries, including the US, to ratify the statute of the International Criminal Court and for serious cases of human rights violation in Iraq to be referred to the Court for investigation and prosecution.
- For a United Nations Compensation Commission for the Iraqi victims to be established.

GICJ, September 2015

² Rescue.org, 2013. *Iraq, 10 Years On: "Living in prolonged limbo" [Photos] | International Rescue Committee (IRC)*. Available at: <http://www.rescue.org/blog/iraq-10-years-living-prolonged-limbo>.

³ UNHCR - Iraq. 2015. Unhcr.org. Available at: <http://www.unhcr.org/pages/49e486426.html>.

Access to Basic Services

Introduction

According to a background paper released by UN researchers in 2013, approximately 60% of Iraqi households are suffering from the lack of at least one of the following: access to an improved drinking water source; access to improved sanitation facilities; a minimum of 12 hours of electricity from the public network a day; or food security.⁴ The basic needs of Iraqis continue to remain unmet as a consequence of the lack of access to and ineffectiveness of services, the increased displacement of citizens alongside the influx of refugees, the destruction of farming equipment and harvests in conflict and subsequent market price fluctuations.⁵

Food

Since 1990, both the accessibility and the quality of essential services have deteriorated significantly in a country where one-quarter of the population now lives below the poverty line of US\$2 per day.⁶

Conflict is negatively affecting the Iraqi population's food security, particularly in the governorates of Ninewa, Kirkuk, Salah Al-Din and Dohuk, where nearly one in ten households are consuming a borderline or inadequate diet. Chronic food insecurity persists in the governorates of Wassit and Muthanna. The food security of Iraq's internally displaced people (IDPs) has been particularly affected. Inflation further exacerbates the suffering, reducing the purchasing power of citizens for staple foods.⁷

Water

The water shortage is a pressing problem in Iraq: millions of Iraqis lack potable water and live with poor sewage systems. In 2012, it is reported that 20% of households in Iraq used an unsafe drinking water source and a further 16% reported supply problems. The situation has been even worse in rural areas where only 43% of households have had access to safe drinking water.⁸ The quality of water is poor and violates both Iraqi National Standards and World Health Organization guidelines.⁹ Vulnerable groups, such as IDPs, have had no choice but to drink from rivers.¹⁰

There are multiple causes for Iraq's water scarcity. Not only is the country susceptible to drought, as a large part of the country is desert, but the existing networks have suffered from a lack of maintenance

⁴ IAU, 2013. Iraq Budget 2013 Background Paper. Available at - www.iau-iraq.org/documents/.../Iraq%20Budget.pdf

⁵ Save-iraq.info, 2015. *Food Security - #SaveIraq*. Available at - <http://www.save-iraq.info/response-plan/food-security>

⁶ Fortin, J. 2013. *Ten Years In Baghdad: How Iraq Has Changed Since Saddam*. [online] International Business Times. Available at: <http://www.ibtimes.com/ten-years-baghdad-how-iraq-has-changed-saddam-1138161>

⁷ World Food Programme Report 2015 - Conflict Affects Food Security in Central and Northern Governorates. Available at - http://reliefweb.int/sites/reliefweb.int/files/resources/iraq_-_food_market_monitoring_bulletin_5.pdf

⁸ IOMIRAQ, 2012. *Water Scarcity*. Available at - <http://reliefweb.int/sites/reliefweb.int/files/resources/Water%20Scarcity.pdf>.

⁹ IAU Iraq, 2011. *Water Factsheet*, Available at - <http://www.iauiraq.org/documents/1138/Water%20in%20Iraq%20Factsheet-Final.pdf>.

¹⁰ IRIN news, 2007. "IRAQ: Water shortage leads people to drink from rivers." Available at - <http://www.irinnews.org/report/70243/iraq-water-shortage-leads-people-to-drink-from-rivers>

due to corruption, insecurity, and destruction.¹¹ The deprivation of many Iraqis from access to potable water and basic sanitation facilities has had dramatic consequences. The poor water quality has increased the incidence of waterborne diseases such as diarrhoea, dehydration and skin infections. In 2010, 884,000 cases of diarrhoea were recorded, 57% of these cases were children under the age of five.¹² In addition, water scarcity has also had serious effects on agriculture, as well as industrial production, tourism, and the energy sectors. This has contributed to higher unemployment rates and an increase in poverty, malnutrition and food insecurity.¹³

The Iraqi government has failed to take the necessary measures to renovate and repair the water network system, or design the projects required to restore this vital sector and reduce the impact of this problem on the population. This was one of the main issues raised by demonstrators in the 2015 protests in Iraq.

Electricity

The International Energy Agency has documented that prior to 2003, Baghdad received between 16 and 24 hours of electricity per day while the rest of the country received between four and eight hours. Over a decade later, despite billions of dollars of investment, the average household in Baghdad receives just eight hours of electricity through the public network, while the rest of the country receives less than four hours a day. These power shortages coincided with this summer's heat wave sending hundreds of thousands of people into the streets to protest against the failure of the government to provide for the basic needs of the population.

The Right to the Enjoyment of Physical and Mental Health

Introduction

Between 1980 and 1991, Iraq's budget for health care averaged 450 million USD per year and the country boasted some of the highest medical standards in the region. The 1991 Gulf War dealt a severe blow to the country's infrastructure and the subsequent UN sanctions furthered this deterioration. A decade after the sanction period, the total annual health budget had fallen to 22 million USD, approximately five percent of what it had been previously. As a result health indicators plummeted throughout the 1990s. The dismantlement of water, sanitation and electricity systems contributed to the spread of illnesses such as diarrhoea, typhoid, polio and measles.¹⁴

¹¹Web.worldbank.org, 2013. *Iraq: Emergency Water Supply Project*. Available at - <http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/MENAEXT/0,,contentMDK:22729855~menuPK:3949143~pagePK:146736~piPK:226340~theSitePK:256299,00.html>.

¹²IOMIRAQ, 2012. *Water Scarcity*. Available at -<http://reliefweb.int/sites/reliefweb.int/files/resources/Water%20Scarcity.pdf>

¹³IAU Iraq, 2011. *Water Factsheet*. Available at - <http://www.iauiraq.org/documents/1138/Water%20in%20Iraq%20Factsheet-Final.pdf>.

¹⁴ Skelton, Mac. *Health and Health Care Decline in Iraq: The Example of Cancer and Oncology*. p. 1. Available at http://www.academia.edu/4725776/Skelton_M._Health_and_Health_Care_Decline_in_Iraq-The_Example_of_Cancer_and_Oncology_

Challenges to the Health System

The right to the highest attainable standard of health is a fundamental right of every human being, a right that has been endorsed across a wide range of international and regional human rights instruments. Nevertheless, access to even basic healthcare is almost impossible for much of the Iraqi population. The reports of GICJ and numerous INGOs and NGOs point to the dire health situation in Iraq, noting that while prior to the sanctions and the war Iraq's health conditions were comparable to those of other middle or high-middle income countries, today after decades of war, sanctions, and occupation, Iraq's health system lies in a fragile state.

Funding for the provision of the country's basic needs is limited while every week an estimated \$800 million is unlawfully transferred out of the country.¹⁵ "Massive embezzlement, procurement scams, money laundering, oil smuggling and widespread bureaucratic bribery have led the country to the bottom of international corruption rankings, fuelled political violence and hampered effective state building and service delivery."¹⁶

Examples of corruption throughout the health system abound, with instances reported at ministry, management and local levels. The September 2008 outbreak of cholera was due to the use of expired chlorine to sterilize the water supply. The expired chlorine was bought for 11 million dollars by the Health Ministry. Since the beginning of the occupation more than 7,000 Iraqis have been infected.¹⁷ At a local level, staff have been known to solicit money from patients, either blatantly as bribes or masked as payment, for medicines that ought to be free.¹⁸

Among the challenges which face the health system today, sectarianism is also a particular concern. The system has fallen victim to political and sectarian rivalries since 2003, and such divisions have resulted in many rapid changes to senior and middle management which have left the system with little or no clear direction.¹⁹ There is a clear lack in the leadership necessary to steer the complex political and operational agenda of reconstruction after years of neglect and destruction.²⁰

Physical Health

Since the 2003 invasion Iraq's health system continues to face multiple ongoing challenges and rebuilding the system has proved slow and ineffective. Not only have military operations directly increased the number of casualties and led to the destruction of hospitals, ambulances and facilities under various pretexts, but they have had indirect consequences on the health situation as a result of imposed curfews and road-blocks. The check-points, road-blocks and walls built by occupying forces and maintained by successive governments prevent doctors and patients from reaching medical facilities and professionals in time.

¹⁵ Agator, Maxime. 2013. Transparency International, *Iraq: Overview of Corruption and Anti-Corruption*. Available at - http://www.transparency.org/whatwedo/answer/iraq_overview_of_corruption_and_anti_corruption

¹⁶ Ibid.

¹⁷ Albon, Christopher . *War & Health: Armed Conflict, Public Health, Human Security, & Health Diplomacy, Iraq's War Against Corruption and Cholera*, November 11, 2008 : <http://warandhealth.com/iraqs-war-against-corruption-and-cholera/>

¹⁸ Mohammed, A. 2010. *Iraq's crumbling, corrupt healthcare | Abeer Mohammed*. The Guardian. Available at: <http://www.theguardian.com/commentisfree/2010/mar/25/iraq-healthcare-public-services>.

¹⁹ Jabbour, Samer, and Rouham Yamout. *Public Health in the Arab World*. Cambridge: Cambridge University Press, 2012. p. 340.

²⁰ Ibid.

Following a recent review, the World Health Organisation (WHO) reported in August 2015 that more than 184 front line health services in ten governorates have been suspended, leaving millions of refugees, IDPs and host communities without access to trauma care, nutrition supplementation, primary health care, outbreak detection and management, immunization services and reproductive health care services.²¹

The health concerns for the 3.4 million Iraqi civilians who have been internally displaced as well as the 250,000 Syrian refugees living in the country is particularly distressing.²² Most of them have almost no access to healthcare facilities and are especially vulnerable to infection and disease due to a lack of access to potable water and adequate sanitation. Malnutrition, as well as gastrointestinal and dermatological diseases are particularly prevalent among IDPs especially children, as a result of the overcrowding, lack of basic WASH services in IDP camps and increased threat of disease outbreaks.

Mental Health

The health system is unable to meet the needs of a population traumatized by decades of war and hardship. As a result the impact of the occupation on mental health is considerable. Research conducted by an Iraqi doctor in close collaboration with the WHO indicated that 43% of survey participants showed symptoms of depression, 60% anxiety, and 26% Post Traumatic Symptom Disorder.²³ Scarcity of services, difficulties in access to available services, and negative attitudes to mental illness are among the greatest challenges posed to treating mental health issues in Iraq.²⁴ More fundamentally, Iraq does not yet have an official mental health policy.²⁵ A mental health plan was devised by the Iraq Ministry of Health and other stakeholders, with US expert and financial assistance, however is not yet clear whether the Ministry is committed to the substantial additional resources needed to expand successful programmes. No legal imperatives exist for mental health—a Mental Health Act was drafted and approved by the Iraq Cabinet in 2004 but never passed.²⁶

Environmental Contamination

The environmental damage caused by the war including the degradation of forests and wetlands, the destruction of wildlife, and the heavy use of ammunition has had and will continue to have long-term impacts on health in Iraq.

²¹ Emro.who.int, 2015. *WHO EMRO | Health services shut down as funding shortfall cripples humanitarian operations in Iraq | Iraq-news | Iraq*. [online] Available at - <http://www.emro.who.int/iraq/iraq-news/funding-shortfall-cripples-humanitarian-operations-in-iraq.html>.

²² UNHCR. 2015. 'UNHCR Syria Regional Refugee Response'. *UNHCR Syria Regional Refugee Response*. Available at - <http://data.unhcr.org/syrianrefugees/country.php?id=103>

²³ ibid.

²⁴ Bolton, P. 2013. *Mental health in Iraq: issues and challenges*. The Lancet. Available at - [http://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(13\)60637-6/fulltext](http://www.thelancet.com/journals/lancet/article/PIIS0140-6736(13)60637-6/fulltext)

²⁵ ibid.

²⁶ ibid.

Approximately 1200 tonnes of ammunition were dropped on Iraq during the Gulf Wars of 1991 and 2003. As a result, contamination occurred in more than 350 sites in Iraq.²⁷ The country is suffering from high toxic levels of lead, mercury contamination and depleted uranium pollution in many regions, which have led to thousands of deaths. Currently Iraqis are facing approximately 140,000 cases of cancer, with 7000 to 8000 new ones registered each year.²⁸

Between April and December 2004, Fallujah was the site of two major battles. According to the experience of all paediatricians in Fallujah, there was a dramatic increase in the prevalence of congenital malformations after that period. A report published in Iraq in 2008 noted higher rates of birth defects in children and more illnesses related to exposure to toxic chemicals in the years following the Fallujah attack.²⁹ In early 2010, an epidemiological study was carried out in Fallujah on this matter. The findings of this study were remarkable. There was a 4-fold excess of infant mortality in the period 2005–2010.³⁰

Exodus of Medical Professionals

The physical destruction of health facilities following the invasion resulted in the heavy loss of equipment and pharmaceutical supplies. The dire security situation has also rendered hospitals and medical equipment vulnerable to theft by criminals and gangs. In addition to the material loss, the safety of medical professionals has been severely threatened both directly and indirectly causing thousands of medical personnel to flee the country, leaving hospitals and medical facilities desperately in short of qualified staff. By the end of the occupation, an estimated 18,000 physicians, about half the national total before the occupation, had fled Iraq.³¹ About 40% of the country's primary health-care clinics lack physicians. Although the Iraqi Government estimates that 628 physicians have been murdered in recent years, the Iraqi Medical Association has put the number closer to 2000.³²

Responsibility of the Government

- It is the responsibility of the Iraqi government to effectively address and improve the appalling situation of the health system in Iraq.
- It is also necessary for the UN to dispatch the Special Rapporteur on the Right to Health to Iraq in order to further investigate these important issues and report to the Council with proposals for restoring this fundamental right to the Iraqi people.
- A thorough and independent scientific investigation into the environmental and health impact of military operations in Iraq after the 2003 invasion should be carried out.

²⁷ Fathi, R. A., Matti, L. Y., Al-Salih, H. S., & Godbold, D. (2013). Environmental pollution by depleted uranium in Iraq with special reference to Mosul and possible effects on cancer and birth defect rates. *Medicine, Conflict and Survival*.

²⁸ *ibid.*

²⁹ Crawford, N. 2013. *Accountability for Killing: Moral Responsibility for Collateral Damage in America's Post-9/11 Wars*. Oxford University Press. P. 292.

³⁰ Alaani, S., Al-Fallouji, M., Busby, C. and Hamdan, M. (2012). Pilot study of congenital anomaly rates at birth in Fallujah, Iraq, 2010. *J Islam Med Assoc*, 44(1).

³¹ Webster, P. 2011. Iraq's health system yet to heal from ravages of war. *The Lancet*.

³² *ibid.*

- It is the responsibility of the government to commit the necessary additional resources required to expand and implement the mental health programmes previously devised. The Mental Health Act drafted in 2004 must also be passed.³³

The Right to Education

Introduction

Prior to 1991, the education system was one of the best in the region; with over 100% gross enrolment rate for primary schooling and high levels of literacy, among both men and women. Higher education institutions, especially the scientific and technological institutions, were of an international standard, and staffed by high quality personnel.³⁴ However, after decades of sanctions and occupation followed by years of neglect, mismanagement and corruption the education system in Iraq has suffered tremendously.

According to UNESCO, several Middle Eastern countries, including Iraq, are unlikely to achieve the education-for-all Millennium Development Goals by 2015 due to insecurity and conflict. Decades of war, UN sanctions, insecurity and economic decline have adversely affected education in Iraq.

Physical Degradation of Education System

Physically and structurally, education in Iraq has suffered as a result of the destruction of educational institutes and buildings across the country. Not only have universities and higher education facilities been bombed, burned and raided as a consequence of military operations but they have also been overrun and occupied for military purposes. In the early days of the occupation alone, 84% of Iraq's institutions of higher education were burned, looted, or destroyed.³⁵ The physical degradation of education facilities is compounded by a general and widespread lack of basic services and funding, which means that schooling facilities often lack potable water, electricity and suitable teaching materials.

Failed Attempts to Rebuild the System and Corruption

Futile attempts to rebuild schools and education institutions have been plagued by corruption and projects have been subject to delays due to the diversions of funds. Corrupt practices see poor construction work a common consequence of contractors pocketing the excess and fake degrees and grades being bought with money or violence.

³³ Webster, P. 2011. Iraq's health system yet to heal from ravages of war. The Lancet.

³⁴ Portal.unesco.org. 2003. 'UNESCO - Education in IRAQ'. Available at - http://portal.unesco.org/es/ev.php-URL_ID=11216&URL_DO=DO_TOPIC&URL_SECTION=201.html.

³⁵ Report by director of the United Nations University International Leadership Institute, 2005, available at - <http://www.unu.edu/news/ili/Iraq.doc>

Since the invasion, the Ministry of Education has demolished 700 schools on the basis of structural concerns. Contracts to replace the schools were awarded to four different contactors and 60% of the value for each contract was paid out as an advance. All four contractors disappeared with the money and the schools have yet to be replaced.³⁶

Less conspicuously, as funding for educational materials, student support, housing and educators' salaries have faced huge cuts, the system has become increasingly more vulnerable to corruption and bribery. According to the Ministry's former Deputy Inspector General, Raghad Al-Dulami, it has become common practice at the Ministry of Education to accept bribes from students wishing to have their grades improved.³⁷ Likewise it has been discovered that many government officials are enrolled in graduate studies despite the requirement that students in Master's and PhD programmes commit to a full-time residency. Ali al-Adeeb, the former Minister of Higher Education, may be counted among them.

In 2011, according to the parliamentary commission on integrity and transparency it was estimated that more than 30,000 Iraqi civil servants including high-level officials obtained their jobs on fake certificates and degrees.³⁸

Literacy

Iraq boasted a record high literacy rate for the Middle East in the 1980's, obtaining a UNESCO prize for having succeeded in eradicating literacy in 1982.³⁹ However, according to the 2014 Human Development Report, adult literacy rates in Iraq are down to 78.5%. According to the United Nations Office for the Coordination of Humanitarian Affairs, illiteracy among women rose to more than 50% after 2003.⁴⁰ This was the direct result of the destruction of the institutions, the exodus of qualified teachers and governmental neglect and corruption. The government has failed to genuinely use the support of the UN agencies to rebuild the education system and prevent education facilities from being used as military or militia bases, which has discouraged many families from sending their children to school. So far there has been no tangible result from the literacy campaign launched by the government in 2012 due to the lack of governmental commitment, the ongoing, widespread corruption and the damaging changes being made to education along ideological and religious lines.

Academic and Professional Degradation of the Education System

In March 2011, UNESCO confirmed the urgency of the situation currently faced by Iraqi educators and students. According to the UN, roughly 40% of Iraq's middle class was believed to have fled the country

³⁶ Ismael, Tareq Y, and Jacqueline S Ismael. 2005. *Iraq in the Twenty-First Century. Regime Change and the Making of a Failed State*. Basingstoke: Taylor & Francis Ltd.

³⁷ Ismael, Tareq Y, and Jacqueline S Ismael. 2005. *Iraq in the Twenty-First Century. Regime Change and the Making of a Failed State*. Basingstoke: Taylor & Francis Ltd.

³⁸ Article available at - <http://www.azzaman.com/english/index.asp?fname=news%5C2011-10-08%5Ckurd.htm>

³⁹ Von Sponeck, Hans Christof. 2011. "Iraq, a Case of Educide" in *Beyond Educide. Sanctions, Occupation and the Struggle for Higher Education in Iraq*.

⁴⁰ Al Azzawi, Souad. 2011. *Decline of Iraqi Women Empowerment through Education under the American Occupation of Iraq 2003-2011*, paper presented Ghent University, Belgium. March 9-11, 2011. Available at - http://www.brusseltribunal.org/pdf/IraqiWomen_Azzawi_100311.pdf

by the end of 2006.⁴¹ In addition to the growing number of academics fleeing the country, one of the many tragedies that have befallen Iraqi society as a consequence of the US-led 2003 invasion is the physical elimination of hundreds of Iraqi academics in what has every indication of being a systematic campaign of targeted assassination.⁴²

Direct attacks continue to be made against educators and staff. According to the BRussells Tribunal database, 479 Iraqi professors and lecturers have been assassinated since 2003.⁴³ Many more have been forced into exile. In the early days of the occupation, a number of Iraqi scientists and university professors sent an SOS e-mail complaining that American occupation forces were threatening their lives. The appeal stated that looting and robberies were taking place under the watchful eye of occupation soldiers. By May 2004 the Iraqi academic community had come to recognise itself as a targeted group.⁴⁴ In a country with distinct political, ethnic and religious fault lines, the university killings seem to follow no pattern. The effect of these killings and death threats on Iraq's academic community has been catastrophic, with thousands fleeing the country and those who remain are frightened into silence. The exodus of academics and professionals has dramatically lowered educational standards.⁴⁵

US policies have dealt a heavy blow to the Iraqi education system as changes have been made to both curricula and the teaching staff. The DeBaathification Policy, which forced the firing of all the top university administrators and professors on account of their Baath Party affiliation, saw the removal of half of the intellectual leadership from academia, leaving some 15,500 researchers, scientists, teachers and professors unemployed.⁴⁶ Only in the first year of the occupation were elections held for the posts of dean and heads of departments. Subsequently, these posts have been filled by government appointments of the ruling sectarian parties.

Sectarianism and Religious Fundamentalism

The climate of fear within universities is also exacerbated by the incursion of religious fundamentalism, which can take a variety of forms. Such incursions include the demand by groups for students to be segregated by gender or for ideological changes to the curriculum to be made. As such, thousands of students have requested transfers to campuses where their sect is in the majority.⁴⁷ Such incursions undermine the non-sectarian and essentially secular character of the Iraqi system of higher education.

Direct sectarian bias has led to the arrests and discharge of thousands of lecturers and academics. Iraqi sources claim that the former Minister of Higher Education, Ali Al-Adeeb, discharged some 1,200 lecturers during his position in office. Likewise, under the current Iraqi authorities, we have witnessed a policy of experienced professors and academics being replaced by less qualified party affiliates.

⁴¹ Senanayake, Sumedha. 2006. 'Brain Drain: Professional Class Targeted By Criminals, Militias'. Available at - <http://www.rferl.org/content/article/1072793.html>

⁴² Zemni, S and Parker, C. 2011. "Introduction" in *Beyond Educide: Sanctions, Occupation and the Struggle for Higher Education in Iraq*. Ghent University. P8.

⁴³ Brussellstribunal.org,. 'LIST OF KILLED, THREATENED OR KIDNAPPED IRAQI ACADEMICS.' Available at - http://www.brussellstribunal.org/article_view.asp?ID=502#.VfKWURGeDGc

⁴⁴ Janabi, Ahmed. Al Jazeera. 2004. "Iraqi intellectuals appeal for security", Available at - <http://www.aljazeera.com/NR/exeres/03618D7F-C0A9-4F99-954D-9D028D6D2123.htm> and <http://www.brussellstribunal.org/pdf/AcademicsDossier.pdf>

⁴⁵ Brussellstribunal.org,. 'LIST OF KILLED, THREATENED OR KIDNAPPED IRAQI ACADEMICS.' Available at - http://www.brussellstribunal.org/article_view.asp?ID=502#.VfKWURGeDGc

⁴⁶ Information available at - http://www.gicj.org/iraq_conference_speeches/Dirk_Adriaensens_Presentation.pdf

⁴⁷ Gusterson. Hugh. 2011. *The University at War*. George Mason University. Available at - <http://watson.brown.edu/costsofwar/files/cow/imce/papers/2011/The%20University%20at%20War.pdf>

Commitment of certain university communities to cosmopolitanism and interfaith tolerance made universities themselves targets for fundamentalists.⁴⁸ Female students, especially if they were not wearing the hijab, were also targets for intimidation and threats by fundamentalist militias on campus, and female students became disproportionately likely to drop out of university.⁴⁹ Demands for changes to be made to the curricula have also not been uncommon. One particular example of this, as told by an American visiting professor, describes how an Iraqi professor explained that young men with guns showed up in her office, demanding that she add certain things to her curriculum. She was teaching a very traditional humanities syllabus, with Heidegger and Kant, and they demanded she include the writing of a certain radical Shia cleric.⁵⁰

Responsibility of the Government

- It is the responsibility of the Iraqi government to take all necessary actions to rebuild the education institutions and ensure that these constitute safe environments for both students and teachers, eliminating sectarian practices and the influences of religious clerics on education.
- It is also the responsibility of the Iraqi government to take all measures to investigate the killing campaign of the Iraqi academics and bring perpetrators to justice.
- The government must also instigate a comprehensive investigation into all officials and professionals holding false certificates and take necessary actions against this continuation of this practice.
- Likewise, it is critical that the government sees the re-establishment of the national identity of the educational system as it stood in Iraq before the occupation and that it be rid of any kind of religious sectarianism, ethnic racism, political favouritism, and gender inequality.

Women's Rights

Introduction

Prior to the occupation, women in Iraq had made important advances in terms of their rights compared to most countries in the region. Earlier laws ensured education for girls, family rights, and the right to serve in the government. However, present-day Iraq is plagued by insecurity, transforming the situation for women into a national crisis. In 1980, Iraqi women accounted for 46% of all teachers, 29% of all physicians, 46% of all dentists, 70% of all pharmacists, 15% of all accountants, 14% of all factory workers, and 16% of all civil servants in the country.⁵¹ Following decades of sanctions and war, according to a

⁴⁸ Gusterson, Hugh. 2011. *The University at War*. George Mason University. Available at - <http://watson.brown.edu/costsofwar/files/cow/imce/papers/2011/The%20University%20at%20War.pdf>

⁴⁹ *ibid.*

⁵⁰ *ibid.*

⁵¹ Al Azzawi, Souad. 2011. *Decline of Iraqi Women Empowerment through Education under the American Occupation of Iraq 2003-2011*, paper presented Ghent University, Belgium. March 9-11, 2011. P. 5. Available at - http://www.brusseltribunal.org/pdf/IraqiWomen_Azzawi_100311.pdf

2007 OCHA report, illiteracy among women has crawled back to more than 50% in most of the Iraqi governorates. Similarly, unemployment among women has also risen to over 50%.⁵²

Violence against Women

Over the past several years, women have increasingly become the target of violence both directly and indirectly. Hundreds of women have been directly targeted with acts of violence, threats and abduction as a result of their professional status. In the medical profession alone, many have fled or abandoned their work, triggering a brain drain and crippling the health system.⁵³ While both men and women are kidnapped, the trauma of the abduction for many women is also compounded by social stigma and kidnappings are underreported by families for this reason.⁵⁴

Indirectly, the continued insecurity since the 2003 invasion has also greatly affected the quality of women's lives across the country, as women's mobility is hindered. A 2011 study has also found that U.S.-led coalition forces showed higher rates of indiscriminate killing of women and children compared to those by insurgents.⁵⁵

Iraqi experts also believe that domestic abuse has increased during the years of war and economic hardship since the 2003 US-led invasion. The WHO has estimated that one in five Iraqi women has reported being a victim of domestic violence, and experts say the actual rate is much higher.⁵⁶ This issue is compounded by a culture of silence, which prevents women from speaking freely about abuse without fear of repercussions.

Political Participation

The fundamentalism of the government under the occupation drastically undermined women's rights.⁵⁷ During the occupation, according to Article 49.4 of the Iraqi Constitution not less than one-quarter of the members of the Council of Representatives should be women. However, this political representation is largely considered to be merely symbolic, and served to improve the image of the occupation. Former Iraqi Prime Minister Nouri al-Maliki did not appoint a single woman to a senior cabinet position. The Ministry of Women's Affairs, which was poorly-funded and mostly ceremonial, was the lone ministry headed by a woman.⁵⁸ This ministry has since been dissolved by Prime Minister Haider Al-Abadi on 15 August 2015.

⁵² Al Azzawi, Souad. 2011. *Decline of Iraqi Women Empowerment through Education under the American Occupation of Iraq 2003-2011*, paper presented Ghent University, Belgium. March 9-11, 2011. P. 5. Available at - http://www.brusseltribunal.org/pdf/IraqiWomen_Azzawi_100311.pdf. p. 1.

⁵³ ICRC Report, 2009. 'Women in War'. Available at - <http://www.icrc.org/eng/assets/files/other/iraqi-women-in-war-eng.pdf>

⁵⁴ ICRC Report, 2009. 'Women in War'. Available at - <http://www.icrc.org/eng/assets/files/other/iraqi-women-in-war-eng.pdf>

⁵⁵ Kelland, Kate. Reuters. 2011. 'Civilian Death Study Rates Dirty War In Iraq'. Available at - <http://www.trust.org/alertnet/news/civilian-death-study-rates-dirty-war-in-iraq>

⁵⁶ Juhi, Bushra. The Huffington Post. 'Iraqi Domestic Abuse Reforms Falter'. 2011. Available at - http://www.huffingtonpost.com/2011/10/11/iraqi-women-abused_n_1005382.html

⁵⁷ UNAMI Report on Human Rights in Iraq, 2010. Available at - http://www.uniraq.org/documents/UNAMI_HR%20Report_English_FINAL_1Aug11.pdf

⁵⁸ Zainab Salbi, S. 2013. *Why women are less free after Iraq War - CNN.com*. [online] CNN. Available at: <http://edition.cnn.com/2013/03/18/opinion/iraq-war-women-salbi/>

Most female MPs have shown little interest in women's rights but rather have appeared to represent their sectarian party's policies towards women, often mirroring that which their fellow male MPs already advocate. Female MP, Dr Jenan Al-Ubaedey, for example, has been more committed than any other male MP to justify the beating of women and polygamy.⁵⁹

Treatment in Detention

In detention, not only are basic needs such as nutrition, adequate pre- and post-natal care and suitable feminine hygiene not provided for but more pressingly, in 2010, the General Secretary of the Union of Political Prisoners and Detainees in Iraq affirmed that the US occupation in Iraq relies on systematic rape, torture, and sadistic treatment of Iraqi women prisoners in its prison camps. Teams from the International Red Cross and groups operating under the umbrella of the United Nations have been prevented from visiting the detention centres and learning about what goes on there.

Poverty, Unemployment and a Lack of Protection

The deteriorating security situation, displacement of families, social stigma of being a single mother and exceptionally low employment rates of women have contributed to the increased number of women living below the poverty line. In 2013, only 2% of all employees in the private sector were women and 10% of households were headed by females who are widowed, divorced, separated, or caring for sick spouses.⁶⁰ Additionally, approximately 33% of women have received no humanitarian assistance since 2003.⁶¹

Of an estimated 1.5 million widows, nearly 10% of female population, only one sixth receive federal aid.⁶² The granting of federal aid is also subject to a woman's connections and her as well as her submission to sexual exploitation. The lack of work permits, qualifications, protection and opportunities for women have led women to begging. The phenomenon of women begging in the streets has become commonplace in Iraq. Invariably, the government's response is to arrest them and throw them in prison, instead of finding permanent solutions to lift them from this suffering.⁶³

Prostitution and Sexual Exploitation

In other cases, poverty and the sheer lack of protection faced by some women push them into prostitution. Problems in such cases include threats of kidnapping issued against women should they not accept to prostitute themselves. These threats are issued especially against women whose husbands are dead or missing.⁶⁴

⁵⁹ Philip, Catherine. *Iraq's Women of Power who Tolerate Wife-Beating and Promote Polygamy*, 2005. Available at - <http://www.timesonline.co.uk/article/0,,7374-1548015,00.htm> and <http://www.globalresearch.ca/the-continuing-deterioration-of-womens-rights-in-iraq/5367085>

⁶⁰ IAU, *Women in Iraq Factsheet*, 2013. Available at - www.iau-iraq.org/documents/1864/Woman-Factsheet.pdf

⁶¹ Jawad, Yasmine. 2013. Available at - http://www.gicj.org/iraq_conference_speeches/Dr_Yasmin_Jawad_Presentation.pdf p 7

⁶² See report - http://www.gicj.org/NOG_REPORTS_HRC_22/womenunderoccupation.pdf

⁶³ Topply, Sue. 2014. *Womensviewsonnews.org. 'Report On Iraq Today: No Woman Is Safe - Women's Views On News'*.

<http://www.womensviewsonnews.org/2014/03/report-on-iraq-today-no-woman-is-safe/>

⁶⁴ Al-Azzawi, Souad. 2007. Available at - <http://www.brusselstribunal.org/pdf/WomenUnderOccupation.pdf>

Many Iraqi women have lost their husbands as a result of armed conflict, generalized violence, and displacement. The resulting financial hardship and instability that followed the invasion has led to an environment where young women and girls became much more vulnerable to trafficking.⁶⁵ According to a report released by the London-based Social Change Through Education in the Middle East, 5,000 women and girls have been trafficked for sexual exploitation.⁶⁶

Corruption and criminal networks facilitate this practice. Whilst traffickers go unprosecuted without a comprehensive programme in place to tackle the issue, trafficked victims often end up in jail, prosecuted for crimes committed as a trafficked person.⁶⁷ Alarming, women and girls have been known to request to remain in detention centres fearful of their families.⁶⁸ The Government of Iraq does not fully comply with the minimum standards for the elimination of trafficking. The parliament passed a counter-trafficking law in April 2012, but authorities have done little to enforce it.⁶⁹ The government has failed to convict trafficking offenders or to identify or provide protection services to any trafficking victims. The government continued to harshly punish and deport victims of forced labour and sex trafficking, including children. Furthermore, complicity of some Iraqi and KRG authorities has contributed to and exacerbated the trafficking of men, women, and children. The government did not provide adequate protection services, nor did it provide funding or in-kind assistance to NGOs providing victim assistance.⁷⁰

Muta'a

A pre-Islamic cultural practice known as Muta'a, translated simply as "pleasure", which permits temporary marriages has been revived within the Shi'a community following in the footsteps of Iran where this practice is widely practiced. Muta'a is seen by many Iraqis as a form of prostitution despite the religious legality.⁷¹ In this practice, the man specifies how long the marriage will last, which can range from few hours to many years. Temporary marriage and unregistered marriages in civil courts are now rife especially amongst poor women in Najaf and Karbala cities.

Responsibility of the Government

- It is the responsibility of the Iraqi government to ensure that women are fully represented in the Iraqi parliament according to the constitution and that their presence is neither symbolic nor constrained by the influences and pressures of their male counterparts.
- It is also the responsibility of the Iraqi government to outlaw and criminalize the Muta'a practice, which promotes the sexual exploitation and slavery of women.

⁶⁵ Smith-Spark, Laura. 2011. CNN. *Silent victims: Iraqi women trafficked for sex*, Available at - <http://thecnnfreedomproject.blogs.cnn.com/2011/11/10/silent-victims-iraqi-women-trafficked-for-sex-report-says/>

⁶⁶ Karamatuna, 2011. *An Investigation into the Sex Trafficking of Iraqi Women and Girls*. Available at - <http://www.peacewomen.org/content/iraq-karamatuna-investigation-sex-trafficking-iraqi-women-and-girls>

⁶⁷ Human Rights Watch, 2010. *At a Crossroads, Human Rights in Iraq Eight Years after the US-Led Invasion*. Available at - <http://www.hrw.org/sites/default/files/reports/iraq0211W.pdf>

⁶⁸ *ibid.*

⁶⁹ *ibid.*

⁷⁰ United States Department of State, 2015. *Trafficking in Persons Report - Iraq*, 27 July 2015, available at: <http://www.refworld.org/docid/55b73be115.html>

⁷¹ Global Research, 2014. *US War Crimes: The Continuing Deterioration of Women's Rights in Iraq*. Available at: <http://www.globalresearch.ca/the-continuing-deterioration-of-womens-rights-in-iraq/5367085>

- It is necessary that significant and effective measures are taken to implement counter-trafficking law and bring perpetrators of this crime to justice.
- The Iraqi government should uphold the importance of equal opportunities for women in education, finance, civil, and legal sectors.
- Women's education and empowerment should be seen as a major human resource for Iraq's social and economic development. Legislation reforms should reflect the implementation of this reality.
- The government should seek to ensure that religiously motivated militias do not have the right to impose their fundamentalism on women and should furthermore seek to criminalize and abolish all militia activity in the country.
- It is also the responsibility of the Iraqi government and its institutions to register all widows and to ensure their social protection, guaranteeing them financial aid and health insurance.

Children's Rights

Introduction

Poverty, insecurity and displacement on an enormous scale have deprived children in Iraq of a childhood. Not only are children missing out on adequate education they also face dealing with adult problems such as unemployment, daily violence and the burden of supporting and caring for their families.

Due to the war and ten years of occupation the number of orphans in Iraq has drastically increased. A total of five million Iraqi orphans are reported by official government statistics.⁷² Approximately 500,000 of these orphans live on the streets without family or specialized institutions to take care of them.⁷³ These children are particularly vulnerable both to arrest for begging as well as abuse and exploitation by criminals, extremists and human traffickers.⁷⁴

Physical and Mental Health of Children

Child mortality in Iraq has increased to an unprecedented level during the past fifteen years. Treatable diseases such as pneumonia and diarrhoea are two major killers of children in Iraq, together accounting for over 30 percent of child deaths.⁷⁵ Recent years have seen the deterioration of child immunization projects across Iraq. In 2011, the WHO reported that child immunization rates are down by nearly 20% since 2000, and mortality for children younger than five years stood at 45 per 1000 livebirths, which is

⁷² Altnetnet, 'Occupation's Toll: 5 Million Iraqi Children Orphaned'. 2007. Available at - <http://www.altnetnet.org/waroniraq/70886/?page=entire>.

⁷³ Report by Dr. Souad N. Al-Azzawi available at - <http://www.brussellstribunal.org/pdf/IraqiChildrenSuffering2010.pdf>

⁷⁴ Iraqi Children Foundation, 'News - Iraqi Children Foundation'. 2015. Available at - <http://www.sicfiraq.org/wp/news/>

⁷⁵ IRINnews. 'IRAQ: Child Mortality Soars Because Of Violence, Poor Health Care'. 2007. Available at - <http://www.irinnews.org/report/72150/iraq-child-mortality-soars-because-of-violence-poor-health-care>

twice as high as in Jordan and almost three times as high as in Syria.⁷⁶ In recent months, a severe funding shortfall has led to the closure of 84% of health programmes supported by humanitarian partners, including the WHO, leaving almost 3 million people without access to urgently needed health care services.⁷⁷

Daily exposure to violence has notably affected children's psychological development and behavior. According to the WHO, the fourth leading cause of morbidity among Iraqis older than five years is "mental disorders," which ranked higher than infectious disease.⁷⁸

Studies on the mental disorders of children in Baghdad, Mosul, and Dohuk found that 47% of primary school children had been exposed to major traumatic events between 2004 and 2006 and that 14% were suffering from PTSD.⁷⁹ GICJ, in continued communication with experts on the ground, can attest to the fact that the situation has deteriorated and that no effective measures have been taken to improve the situation for mental health. On the contrary, it is believed that events in recent years and a sustained lack of treatment have increased the prevalence of mental disorders among children across the country. Despite the fact that article 39 of the Convention (IV) relative to the Protection of Civilian Persons in Time of War states that children who have been neglected, abused or exploited should receive special help to physically and psychologically recover and reintegrate into society, with only one psychiatric hospital in the Iraqi capital of six million people, professionals suffering training and funding cuts, and an absence of crisis centres, a very limited number have received treatment.⁸⁰

Large numbers of children in Iraq suffer learning disabilities related to a lack of early stimulation and learning. The psychological consequences of war have impacted children's learning capacities, with parents' and children's preoccupation with day to day survival hindering learning and speech.⁸¹ Additionally, children's cognitive development is also affected by poor nutrition.⁸² According to a 2007 Oxfam report, some 92% of Iraq's children suffer from learning impediments.⁸³

Since 2003 many children have also turned to drugs to ease their suffering. UNICEF reports warned that there was a 30 % addiction increase among children between 2005 and 2013 with nearly a 10% increase during 2013 alone.⁸⁴ Beyond the problem of addiction, many orphans find themselves the targets of drug dealers and traffickers who offer work and relief. With the government turning a blind eye, the only help children get comes from independent aid agencies and volunteers, who face a tough, sometimes dangerous, missions. Likewise security issues make it more difficult for volunteers to reach dependent

⁷⁶ Webster, Paul C. 2011. *'Iraq's Health System Yet To Heal From Ravages Of War'*. The Lancet. Available at - [http://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(11\)61399-8/fulltext](http://www.thelancet.com/journals/lancet/article/PIIS0140-6736(11)61399-8/fulltext)

⁷⁷ WHO. *'WHO | Iraq Health Situation'*. 2015. Available at - <http://www.who.int/hac/crises/iraq/en/>

⁷⁸ WHO Eastern Mediterranean Regional Office, 2005. Division of Health System and Services Development, Health Policy and Planning Unit, "Health Systems Profile: Iraq"

⁷⁹ Razokhi, Ali H et al. 2006. *'Mental Health Of Iraqi Children'*. The Lancet. Available at - [http://www.lancet.com/journals/lancet/article/PIIS0140-6736\(06\)69320-3/fulltext](http://www.lancet.com/journals/lancet/article/PIIS0140-6736(06)69320-3/fulltext)

⁸⁰ Razokhi, Ali H et al. 2006. *'Mental Health Of Iraqi Children'*. The Lancet. Available at - [http://www.lancet.com/journals/lancet/article/PIIS0140-6736\(06\)69320-3/fulltext](http://www.lancet.com/journals/lancet/article/PIIS0140-6736(06)69320-3/fulltext)

⁸¹ Global Research, 2013. *'Iraqi Children: Deprived Rights, Stolen Future'*. Available at - <http://www.globalresearch.ca/iraqi-children-deprived-rights-stolen-future/5326552>

⁸² UNICEF, 2010. *Girls Education in Iraq*, Available at -

http://reliefweb.int/sites/reliefweb.int/files/resources/A3F345FEB60FD713C12577AD00341F90-Full_report.pdf

⁸³ von Sponeck, Hans Christof in: *IRAQ: A CASE OF EDUCIDE*, March 2011, Ghent

<http://www.brusselstribunal.org/Seminar/texts/en/2.pdf>

⁸⁴ Global Research. 2012. *'The Children Of Iraq: "Was The Price Worth It?"'*. Available at - <http://www.globalresearch.ca/the-children-of-iraq-was-the-price-worth-it/30760>

children and armed drug dealers may take revenge against aid agents who try to take children off the streets.⁸⁵

Child Soldiers

Not only are children caught in the crossfire of the violence around them but they are also being directly enlisted to participate. Minors are being pulled into Iraq's war as the military, Kurdish fighters and militias battle to take back territory from ISIS militants who seized much of the country's north and west last year.⁸⁶ Children have been encouraged to spend their summers undertaking military training in camps run by the militia group, al-Hashd al-Sha'bi (the Popular Mobilization Front), across Iraq.⁸⁷ Al-Hashd al-Sha'bi receives weapons and funding from the Iraqi government and is trained by the Iraqi military, which itself receives its training from the U.S.⁸⁸

Education

A report released by the UNESCO National Education Support Strategy in April 2008 estimated that two million children of primary school age did not attend school largely due to the security situation.⁸⁹ Attacks on institutions by army and militias have decreased attendance dramatically.

During recent years, GICJ have received communications and reports detailing numerous threats made against schools by militias and their religious leaders demanding changes to the curriculum, segregation of classes and the denial of education for students from certain targeted groups. In 2011, around 87% of children are enrolled in primary school, a figure far below Iraq's 2015 national Millennium Development Goal target of 98%.⁹⁰ Beyond this, less than 50% of children enrolled in primary school go onto intermediate and secondary school.⁹¹ Prior to the US invasion, UNESCO indicated that school attendance was nearly 100%.⁹²

2014 was the deadliest year for Iraq since 2008. Nearly 700 children were killed and another 500 injured. The displacement of over three million Iraqis has put huge strain on an already inadequate education infrastructure. At least 950,000 school children have been affected.⁹³

⁸⁵ Forums.understanding-islam.com. 2009. *'Iraq's Children Drug Addicts, Dealers'*. Available at - <http://forums.understanding-islam.com/showthread.php?7464-Iraq-s-Children-Drug-Addicts-Dealers>

⁸⁶ Cbsnews.com. 2015. *'Iraq Shiite Militia Have Summer Camps For Teens To Learn Combat Techniques For ISIS Fight'*. Available at - <http://www.cbsnews.com/news/iraq-shiite-militia-summer-camps-teens-learn-combat-techniques-isis/>

⁸⁷ The Big Story. 2015. *'Iraqi Militias Train Young Teens To Face The Threat Of IS'*. Available at - <http://bigstory.ap.org/article/41c185b1794c4021b747d3993dfe58c4/summer-camp-iraqi-shiite-boys-training-fight>

⁸⁸ ibid.

⁸⁹ Global Research. 2013. *'Iraqi Children: Deprived Rights, Stolen Future'*. Available at - <http://www.globalresearch.ca/iraqi-children-deprived-rights-stolen-future/5326552>

⁹⁰ UNICEF, 2011, European Union and Government of Iraq start €17M programme to improve primary education in Iraq. Information available at - http://www.unicef.org/media/media_57942.html

⁹¹ ibid.

⁹² Al-Azzawi, Souad. 2010. Report available at - <http://www.brussellstribunal.org/pdf/IraqiChildrenSuffering2010.pdf>

⁹³ UN Children's Fund (UNICEF), *Education Under Fire*, 3 September 2015, available at: <http://www.refworld.org/docid/55e954654.html>.

In 2014, around 1,200 schools in host communities have been taken over as collective shelters. Up to nine families shared each classroom, hanging laundry in the hallways, preparing meals in the courtyard, and sleeping where students once studied. This delayed the start of the last school year.⁹⁴

Poor school stock is having an increasingly negative impact on the quality of education and attendance rates. These figures were confirmed in 2007 by UNESCO and UNICEF who found that 70% of school buildings were suffering from war damage or neglect. Not only is there an acute lack of essential materials required for teaching but the lack of infrastructure and overcrowded classrooms have forced one third of schools to deliver lessons in two or even three shifts.⁹⁵

Most schools lack potable water, toilets or refuse bins - the lack of access to sanitary facilities places particular burdens on girls.⁹⁶ Repetition rates and language requirements of displaced children pose a considerable hindrance to learning in Iraq as does the lack of training and difficulty of physical access to schools for children with disabilities.

Impact on Children with Disabilities

Since 2003 a lack of educational and training materials, poor infrastructure and the absence of basic medical and teaching facilities have also resulted in the increased economic vulnerability of families with disabled children. The Ministry of Labour and Social Affairs is responsible for institutional care and benefits, however social care staff lack training, experience and modern educational facilities required to work effectively. Distances and difficulty of access to schools and healthcare mean that families from rural and remote areas may never see healthcare professionals. If available, costs of medical care will be prohibitive to most families.⁹⁷

Responsibility of the Government

- The government must take all measures to improve the situation of children in terms of health, education and protection. This includes the rebuilding of basic facilities and providing necessary services.
- Every child has the right to education and the government has a responsibility to ensure that education is not only provided free of charge to every child but that school environments are safe, adequately stocked and staffed and free from militia influence.
- All measures should be taken to deal with the huge number of orphans in Iraq. This includes providing adequate and safe shelter, health care, education and social aid.
- Comprehensive steps must be taken to improve and rebuild immunization programmes and reduce the child mortality rate.

⁹⁴ UN Children's Fund (UNICEF), *Education Under Fire*, 3 September 2015, available at: <http://www.refworld.org/docid/55e954654.html>.

⁹⁵ CARA, 2010. *A Study of Education Opportunities for Disabled Children and Youth and Early Childhood Development in Iraq*. Available at - <https://www.escholar.manchester.ac.uk/api/datastream?publicationPid=uk-ac-man-scw:131680&datastreamId=SUPPLEMENTARY-2.PDF>

⁹⁶ Ohchr.org. 2010. *UNAMI Human Rights Reports*. Available at:

<http://www.ohchr.org/EN/Countries/MENARRegion/Pages/UNAMIHRReports.aspx>.

⁹⁷ CARA, 2010. *A Study of Education Opportunities for Disabled Children and Youth and Early Childhood Development in Iraq*.

- The government has a responsibility to protect children and measures should be taken to ensure that they are not recruited into the militias and armed groups.
- The vulnerability of children during conflict and economic hardship requires the government to take special measures to ensure that vulnerable children, especially those suffering from mental health disorders, are well protected and not left susceptible to trafficking and other sexual and drug related abuses.

Freedom of Assembly, Association and Expression

Introduction

Though the Iraqi constitution guarantees the right to freedom of assembly, this right is frequently restricted and violated in practice. The Interior Ministry in recent years has invoked broad and restrictive regulations on protests to refuse permits for peaceful demonstrations, in contravention of Iraq's constitutional guarantee of free assembly.⁹⁸ For years the people of Iraq have been subjected to continuous grave human rights violations and the failed provision of government services. Frustrated with living in fear and in constant violation of their most basic human rights, citizens have taken to the streets to demand that their rights be restored. Their calls for action came in the form of peaceful demonstrations which began over a decade ago and continue to this day.

Demonstrations Met with Violence

Since 2012, protestors have taken to the streets demanding the release of female detainees, who, according to reports, were being subjected to rape, torture and other inhumane treatment. Subsequent demonstrations have come to address a range of violations and demands including: the release of all women prisoners detained under Article 4 of the Anti-Terrorist law; that all individuals participating in the rape of women prisoners be held publicly accountable; the immediate release of fellow protestors; the abolition of anti-terrorist laws; an end to the use of the death penalty; the cessation of random night raids without legal warrant; the ban of the use of sectarian criteria as a basis for state employment; the provision of security to all citizens, and the end of financial, administrative and legal corruption.

A ministerial committee tasked with dealing with the demands has, as yet, yielded no results. One year on the committee has failed to interview any witnesses or participants. The government response to the demonstrations was largely characterized by violence. Security forces from the police, army, and SWAT responded to protests with force, arresting, and in some instances, beating protestors before prosecuting them on specious charges of "failure to obey orders."⁹⁹

Examples of such use of force by the government was witnessed in Mosul on the 4th and 7th Jan 2013, in Fallujah on the 25th Feb 2013 and most brutally in al-Hawija on the 23rd April 2013. In Mosul, the Iraqi army used batons and fired rounds against protestors and those attempting to reach the demonstration.

⁹⁸ Human Rights Watch, 2014. *World Report 2014: Iraq*. Available at: <https://www.hrw.org/world-report/2014/country-chapters/iraq>. pp. 2-3

⁹⁹ *ibid.*

In Fallujah, the army opened fire killing 7 and injuring 60.¹⁰⁰ The death toll for demonstrators grew further at al-Hawija where it was reported that under Maliki's direct orders, forces stormed the camp and began to shoot heavily and indiscriminately using live ammunition, tanks and helicopters. Forces also brought in trucks with hoses and dispersed demonstrators using extremely hot water, causing serious burns and deaths.

Prior to the massacre in al-Hawija, access to food, water and medical treatment from the demonstrators' camp had been prevented by army officials for four days. Military officials were given orders to storm the demonstrators' camp before any genuine negotiations could be carried out and claims that demonstrators were armed and fired at security forces were false and unfounded. Following the ambush, medical treatment was withheld and evidence shows the executions of the wounded. Chairman of the Human Rights Commission and member of the Commission of Inquiry, confirmed that involvement of senior Iraqi military officers in the massacre and their having issued soldiers orders to kill.

Based on the Iraqi government's past threats and use of violence against demonstrators, GICJ strongly believes that hundreds of thousands of prospective protestors face impending danger.

In the immediate aftermath of the Al-Hawija massacre, General Ali Ghaidan Majid, the then Iraqi Land Forces Commander, openly threatened protestors around the country, reaffirming that he was both authorized and determined to take serious actions against all demonstrators. To further highlight the continued threat of violence facing demonstrators one need only refer to a speech given by Al-Maliki on 18 August 2013, in which he promised to end any and all demonstrations against the political process in Iraq and declared that as was the case in Egypt, his government is capable of putting an end to the demonstrations and could do so in less than an hour.

Media Monopoly and Blackouts

The constitution guarantees freedom of expression and of the media, subject to a requirement to respect public order and morality. The requirement to respect public order and morality as a condition on freedom of expression is alarming in itself and of course open to much abuse at the detriment of the Iraqi citizens. Few outlets in Iraq's relatively diverse media landscape are independent of political forces, and conditions for the press were particularly harsh during 2014. In January, the government issued a wave of arrest warrants for journalists. The government also issued "mandatory guidelines" requiring favourable coverage of the Iraqi security forces, prohibited publicity about IS advances, and limited internet access in some contested areas.¹⁰¹

Former Prime Minister Maliki appeared on television almost on a daily basis following the massacre in al-Hawija, reiterating his view that the demonstrators are terrorists and reaffirming that army forces would not evacuate the cities where protests were being held and that they would put an end to all demonstrations. A week after the massacre, Iraqi authorities cut off internet and phone communications and suspended licenses for ten media channels.

Repeatedly during 2014, the government-controlled Communication and Media Commission and other government entities threatened to close or revoke the licenses of critical media outlets, particularly those with foreign ties that gave a platform to Sunni politicians, carried denunciations of the government

¹⁰⁰ The video from Al-Jazeera Arabic showing this is available at:

<http://www.youtube.com/watch?v=6b0ybuS5hAQ&feature=youtu.be>

¹⁰¹ Freedomhouse.org, 2015. *Iraq | Freedom House*. Available at - <https://freedomhouse.org/report/freedom-world/2015/iraq#.VfA-HxG8PRY>.

of then Prime Minister Maliki, or provided live coverage of the fight against IS. In January, the Iraqi government banned the printing and distribution of the Saudi-owned pan-Arab daily *Al-Sharq al-Awsat*.¹⁰²

Journalists face regular threats and physical harassment from both state and non-state actors, and Iraq had one of the world's highest murder rates for journalists in 2014. Mosul was especially dangerous for media workers, even before the IS takeover.¹⁰³

2015 demonstrations

The 2015 demonstrations, thus far, have seen thousands of Iraqis take to the streets in cities across the country to protest the lack of basic services and call for an end to corruption. As temperatures in the country reached over 50°C this summer, the power cuts and water shortages in particular have driven people to the streets, but little has changed.¹⁰⁴ In recent weeks, the demonstrators' demands have grown to include calls to establish a new secular political system based on a new constitution free from sectarian quotas.

The government attempted to placate the demonstrators by making cuts to government expenditure, dissolving several ministries and promising to improve the provision of services. These measures were seen by the demonstrators to be insufficient and not to be tackling the real problems in the country.

GICJ has documented the assassination of at least seven leading and vocal demonstrators at their homes or going about their daily routine following their participation in the demonstrations. These assassinations were carried out by unknown armed persons but it is strongly believed that they are linked to the security agencies of the government.

Responsibility of the Government

- It is the responsibility of the government to ensure that they respect their constitutional obligation to allow peaceful demonstrations in the country and allow the Iraqi people to assemble freely and safely in order to voice their opinions and demands.
- It is in violation of international human rights obligations that the government carried out these violent attacks against the demonstrators in al-Hawija, Mosul, Ramadi and Fallujah. All perpetrators of these violations must be brought to justice.
- GICJ considers the current situation as being of particularly serious concern for the Iraqi people and requests the urgent intervention of the Special Rapporteur on Freedom of Peaceful Assembly and of Association to remind the Iraqi authorities of their obligation to respect and fully protect the rights of Iraqi people to assemble peacefully and associate freely.

¹⁰² Freedomhouse.org, 2015. *Iraq | Freedom House*. Available at - <https://freedomhouse.org/report/freedom-world/2015/iraq#.VfA-HxG8PRY>.

¹⁰³ *ibid.*

¹⁰⁴ Aljazeera.com, 2015. *Iraqis protest over power outages and poor services*. Available at: <http://www.aljazeera.com/news/2015/08/iraq-electricity-services-protests-150803043651896.html>

Guarantee of All Rights without Discrimination

Despite the legal and constitutional obligations of the Iraqi government to guarantee Iraqi citizens the enjoyment of all rights free from discrimination, many attempts have been made by successive governing authorities to circumvent these obligations in order to implement discriminatory policies, predominately along sectarian lines.

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These discriminatory policies have been strongly protested against in demonstrations since December 2012, particularly in the provinces of al-Anbar, Salah ad-Din, Diyala and Ninawa. GICJ has documented from participants of the demonstrations that sectarian policies feature considerably in the processes and actions of the government, where there is widespread use of sectarian slogans and pictures in government offices and army and security units. In the public statements of many government figures including the Prime Minister, members of parliament and political party leaders, sectarian and discriminatory language is often used, especially against the population of the above mentioned governorates. The Iraqi people have called for a ban of the use of sectarian slogans and phrases in all state institutions, especially security institutions, as well as in the media and schools.

Participants have also noted, with regard to matters of security and the courts that most of those arrested belong to certain sects and that many criminal court decisions are also based on sectarian affiliations and biases, especially when it comes to the use of the death penalty and other severe punishments. Most of the accused are Sunni.

GICJ have also noted that among the most flagrant violations of this right is the unofficial appointment of religious authorities over the state authority and established rule of law. This applies in particular to the role enjoyed by the religious authority, Ali al-Sistani, whose fatwas and statements are heavily relied upon by the government. Without interference in their duties, we find that the practice of placing any religious leader or group above the law lies in contradiction with the claim that there is a democratic and constitutional authority in Iraq. This practice has contributed to the creation of an environment of hatred and resentment among the different components of Iraqi society.

This discrimination has also manifested itself in sectarian attacks carried out by militias and criminal groups on mosques in Sunni areas. More than 200 mosques have been attacked, with the majority having been completely destroyed. In addition to this, more than 300 Sunni scholars have been assassinated since 2003 by militias and security forces and many others have been arrested and detained without charge. One of these attacks, carried out by a militia group, took place against the Musa' b bin Umair mosque in Al-Zarkoush village of the Diyala province on 22 August 2014, during Friday prayers. The attack killed more than 70 people and injured tens of others. Witnesses in the area confirmed to GICJ that the attacks were orchestrated in collaboration with the government security unit near the mosque.

Numerous attacks on other religious minorities by militias and ISIS have taken place and the government has consistently failed to protect them, despite the fact that the threat posed to these minorities was well-known in advance.

Responsibility of the Government

GICJ believes that it is the responsibility of the government to undertake measure to implement the following:

- To ban the use of sectarian criteria as a basis for employment in State's institutions, especially within security institutions, as well as in the media and schools.
- To stop conducting random night raids motivated by sectarianism. Any accused persons should be arrested during the day and with respect to all legal procedures.
- To abolish the law allowing security forces to receive information from confidential sources, as this law is often used as a tool to harass and persecute people based on sectarian and religious grounds.
- To speed up the formation of the Supreme Federal Court, and to ensure that it is made of honest and professional judges who do not have any party or political affiliation with the forces governing the country, in order to guarantee the independence of the judiciary.

The Committee on Economic, Social and Cultural Rights (CESCR)*

The Committee on Economic, Social and Cultural Rights (CESCR) is the body of independent experts that monitors implementation of the International Covenant on Economic, Social and Cultural Rights by its States parties. The Committee was established under ECOSOC Resolution 1985/17 of 28 May 1985 to carry out the monitoring functions assigned to the United Nations Economic and Social Council (ECOSOC) in Part IV of the Covenant.

All States parties are obliged to submit regular reports to the Committee on how the rights are being implemented. States must report initially within two years of accepting the Covenant and thereafter every five years. The Committee examines each report and addresses its concerns and recommendations to the State party in the form of “concluding observations”.

In addition to the reporting procedure, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, which entered into force on 5th May 2013, provides the Committee competence to receive and consider communications from individuals claiming that their rights under the Covenant have been violated. The Committee may also, under certain circumstances, undertake inquiries on grave or systematic violations of any of the economic, social and cultural rights set forth in the Covenant, and consider inter-state complaints.

The Committee meets in Geneva and normally holds two sessions per year, consisting of a three-week plenary and a one-week pre-session working group.

The Committee also publishes its interpretation of the provisions of the Covenant, known as general comments.

*For more details see: <http://www.ohchr.org/EN/HRBodies/CESCR/Pages/CESCRIntro.aspx>

