



# **Hammurabi Human Rights Organization Annual Report on the Human Rights Situation in Iraq with a Focus on the Situation of Minorities 2023-2024**



## Table of Contents

|  |    |
|--|----|
| The Status of Minority Rights in Iraq: Their Representation and Participation in the Management of Iraqi State Institutions..... | 3  |
| The Reality of Iraqi Religious Minorities .....  | 10 |
| Christians.....  | 10 |
| Slow and Unclear Solutions to Addressing Encroachments on Christian Homes and Properties   | 10 |
| Religious Freedom, Attacks on Christian Figures, and Hate Speech.....  | 14 |
| The Christian Quota and Political Participation .....  | 16 |
| Closure of Non-Muslim Minority-Owned Shops and Businesses in Baghdad .....   | 17 |
| Yazidis.....   | 19 |
| Justice and Compensation for Victims .....   | 19 |
| Infrastructure and Services .....  | 20 |
| Hate Speech and Freedom of Expression: .....   | 21 |
| Other Violations against the Yazidis: .....  | 21 |
| Mandaeans .....  | 23 |
| Iraqi Jews.....  | 24 |
| The Conditions of Displaced Persons in Iraq.....   | 26 |
| Climate Change and its Impact on Displacement and Migration .....  | 27 |
| The Impact of Political and Economic Tensions on Displaced Persons .....   | 27 |
| The Role of Civil Society Organizations in Supporting Displaced Persons and Refugees .....                                       | 28 |
| Migration, Immigrants and Return Migration Conditions .....  | 29 |
| The Conditions of Iraqi Refugees and the Issue of Return Migration.....  | 29 |
| Infrastructure Necessary for Return .....  | 31 |
| The Conditions of Syrian Refugees in Iraq .....  | 34 |
| The Conditions of Women in Iraq .....  | 37 |
| The Condition of Iraqi Women is under Systematic Targeting, and Children do not escape the Violence .....                        | 37 |
| Embarrassing Judges and Imposing the Will of Powerful on Them.....   | 38 |
| The Abhorrent Sectarianism is a Legacy of a Bygone Era .....   | 39 |
| Violations of the Highest Order against all Standards using Islamic Law .....  | 39 |
| Divorce is a Witness to Exacerbating Domestic Violence and Family Deterioration in Iraq.....                                     | 40 |
| Women’s Gains Are Insufficient .....   | 41 |
| Domestic Violence and Femicide.....  | 41 |
| Sexual Orientation and Gender Identity Condemned by International Organizations .....  | 44 |
| Do Children in Iraq Benefit from a New Law? .....  | 45 |

|   |    |
|---|----|
| Conditions of Persons with Disabilities.....                  | 50 |
| Combating Human and Drug Trafficking.....                     | 53 |
| Drugs.....  | 54 |
| The Reality of Education in Iraq.....                         | 56 |
| Health.....   | 57 |
| Human Rights Organizations.....                               | 59 |
| Civil Society Organizations.....                              | 60 |
| The Popular Movement and Freedom of Expression .....          | 62 |
| The Human Rights Reality in the Kurdistan Region of Iraq..... | 65 |

## **The Status of Minority Rights in Iraq: Their Representation and Participation in the Management of Iraqi State Institutions**

The situation of minorities in Iraq continues to fluctuate between relative calm at times and increased pressure on them at other times due to unstable Iraqi policies, as well as uncontrolled and inconsistent practices by Iraqi authorities toward them. These pressures include weak legal reform in matters and issues affecting them, some poorly considered executive measures, and haphazard policies for the return of displaced persons and refugees, particularly Yazidis and Christians, and a lack of attention to the infrastructure of their areas. This is in addition to the level of representation in political and public life, the issue of quotas that do not meet their aspirations and fair representation, as well as the extent of the religious and ethnic freedoms and rights they enjoy. This negatively impacts the reality of minorities and weakens their hope and confidence in state institutions, from which they have long expected justice, fair solutions, and the fulfillment of the rights granted to them by the Constitution, international human rights law, in addition to other international treaties and instruments to which Iraq has acceded and ratified.

The policy paper, prepared by the Hammurabi Human Rights Organization (HHRO) in April 2023 in collaboration with the Iraqi Minorities Alliance Network, on the mechanisms required to promote the rights of Iraqi minorities, as well as the executive regulations regarding their representation and participation in the management of Iraqi state institutions, emphasizes that protecting their rights and the requirements for protecting their general national presence remains an Iraqi state priority, without any reservations or doubts. This requires a number of considerations, however, including criminalizing and prohibiting acts of killing and genocide against them, protecting their heritage along with their cultural, linguistic, and historical legacy, preventing encroachment on their lands and properties, in addition to halting demographic change in their areas. These considerations continue to linger in unfair interpretations, obscuring these rights for narrow, quota-based purposes that undermine the values of partnership required by the principles of protecting Iraq's demographic diversity, which has existed since ancient times.

Unfortunately, addressing the rights of these indigenous populations remains limited to propaganda or media promotion, subject to a magistrate's whims, or the desire to raise eyebrows, and not within the framework of a consistent and committed policy that embodies the full meaning of open partnership in building Iraq.

The study examined a number of points and indicators, including the following:

- The Iraqi powers that hold public power in the country have not yet reached a conviction that it is in their highest strategic interest to be open to minority rights, and that their monopolization of influence would cause them losses, rather than the opposite. This stems from the premise that Iraqi minorities represent a fundamental pillar of the country's history and civilization, and that marginalizing them severely harms it, exposing it to disintegration. Meanwhile, recognizing their rights and working within the framework of national partnership enhances the country's strength at the local, regional, and international levels.

This is a matter of utmost importance, given that Iraq's cultural strength has always been and continues to be in its diversity, and that the tragedies it has experienced are, in part, due to the neglect of minority rights.

- There is a clear failure to define what should be done to promote minority rights in accordance with the values of national partnership enshrined in the Iraqi Constitution and international treaties, which are binding on the Iraqi state under international law. Foremost among them are the noble purposes of the United Nations Charter, the Universal Declaration of Human Rights, as well as international instruments and conventions related to the rights of special groups.

Through a legislative and field analysis of the Iraqi minorities' reality, it becomes clear that the phenomena governing their existence and the means to improve their protection are dependent on legal reforms and the development of policies to build them a stronger role. This can be achieved by leveraging the following concepts:

**First:** Legislation addressing Iraqi minorities' rights does not cover all of these. Even if it exists within the framework of the Constitution's provisions and articles, these require the enactment of executive laws and regulations in light of their indications.

**Second:** There is a conflict in the constitutional articles that is not in favor of the general national presence of minorities. This pushes toward a text representing the general Islamization of the Iraqi people's existence, with all its religious components, under Article Two of the Iraqi Constitution, which states: "First: Islam is the official religion of the state and is a fundamental source of legislation.

A- No law may be enacted that conflicts with Islam's established provisions.

B- No law may be enacted that conflicts with the principles of democracy.

C- No law may be enacted that conflicts with the fundamental rights and freedoms stipulated in this Constitution.

Second: This Constitution guarantees the preservation of the majority of the Iraqi people's Islamic identity. It also guarantees the full religious rights of all individuals, such as Christians, Yazidis, and Mandaean, to freedom of belief and religious practice."

Comparing the article stipulating that Islam is the official religion and that any texts that contradict this are not enforceable allows some religiously oriented blocs to undermine other non-Muslim groups' efforts to enjoy their full rights. These blocs act solely according to their own whims, by including legal texts with phrases that lead to variable interpretations depending on the circumstances. In other words, they "mine the texts with phrases that are open to multiple interpretations." This is in addition to their clear and explicit lack of belief in minority rights.

Reform in the field of personal status is important, therefore, by adding a special chapter to the Personal Status Law that addresses non-Muslim groups' needs – unless there is no need to establish separate laws to protect them – in key areas of personal status, including matters relating to marriage, divorce, dissolution of marriage, adoption, disposition of wills and inheritance, and others.

**Third:** Neither the past nor the present period has witnessed any response from the forces leading the political process in Iraq within the framework of initiatives to address minority rights. On the contrary, they stand in the way of any changes in favor of minorities. If they do respond, this is marginal and appears to be a favor, relegating the issue of minorities to ineffective, formal committees that do not provide a real solution to any problem.

**Fourth:** The influential political factions are adopting a policy of containment of many minority political figures who act on the basis of narrow personal or factional interests. This has led to the fragmentation of the Iraqi state's general position within the federal government, as well as within the Kurdistan Regional Government.

**Fifth:** Although Iraqi legislation does not contain overtly discriminatory provisions and seemingly does not target minorities, it fails to take into account the fact that the years of violence, terrorism, and displacement to which some of them have been subjected have led to their instability, turning them into a more vulnerable, frail and even unprotected component of Iraqi society.

**Sixth:** Many minorities share the view that the necessary developmental measures in their areas have not been effectively and adequately implemented, and that essential projects have not reached the level required to improve their situation, achieve sustainable development, or other poverty eradication and violence reduction plans. Indeed, minorities' livelihoods are being targeted, such as the closure of restaurants in Baghdad and factories in the Nineveh Plain (the Telskuf factory being a case in point) under the pretext of alcohol production, even though these factories and businesses were established with official approval.

**Seventh:** The displacement and migration that Iraq's population has been subjected to has primarily affected minority communities. Unfortunately, the responsibility for reforming and addressing this phenomenon has remained in the hands of major political forces, not political elites from minority communities, who are more knowledgeable about the methods and importance of addressing them. If some minority individuals have embraced this approach, they are loyal to one or another of the major components.

**Eighth:** The prevalence of marginalization affecting Iraqi minorities. At the level of ministerial formations, distinguished experts from minority communities have not had the opportunity to obtain the ministerial portfolios they deserve, while influential political parties in fact distribute these to individuals more loyal to one or another group. Marginalization also extends to the reality of the House of Representatives, with its meager proportional representation within the quota for minorities, as well as within four key commissions: the Integrity Commission, the Human Rights Commission, the Electoral Commission, and the Communications and Media Commission.

**Ninth:** The quota system is used to ensure minority participation in decision-making and fair representation, as the unregulated distribution of this leads to inequality and unintended imbalances. Quotas provide equal or balanced opportunities to access political power, especially in a society with diverse ethnic and religious affiliations, such as Iraq, where minorities have faced de jure and de facto racial discrimination in the past. Positive discrimination through the quota system must therefore be considered part of a broader political reform process, not a stand-alone solution. If political reform in Iraq is not accompanied by an advanced vision, accompanied by efforts to strengthen and empower

previously marginalized groups—here, we mean Iraqi minorities—the quota system could be viewed as merely filling seats, without having any real impact on the political process. In such cases, minority representatives either face marginalization within parliament or, as is the case, are subject to the control of large constituency lists that have traditionally exploited the quota in these ways.

In summary, the available operational guarantees for the rights of minorities (Christians, Yazidis, Mandaeans, Shabaks, Kaka'is, Baha'is, and others) are inconsistent with Iraq's international obligations under the 1966 International Covenant on Civil and Political Rights. Article 27 of the Covenant stipulates: "In those States in which ethnic, religious, or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with other members of their group, to enjoy their own culture, to practice their own religion, or to use their own language."

In light of the above, members of minority groups eagerly await the implementation of Article 14 of the Iraqi Constitution, which states: "Iraqis are equal before the law without discrimination on the basis of sex, race, nationality, origin, color, religion, sect, belief, opinion, or economic or social status." They also aspire to live in a safe and stable country where they can freely exercise their rights, based on Article 15 of the Constitution, which states: "Every individual has the right to life, security, and liberty. These rights may not be deprived or restricted except in accordance with the law and based on a decision issued by a competent judicial authority." They should also be able to access work and jobs, and participate in public life on an equal footing, without discrimination, in accordance with the executive framework of Article 22 (1), which states that "work is a right for all Iraqis, ensuring a decent life."

The 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR) includes the entitlement of minorities to social rights, education, health, social security, and social services. Unfortunately, successive Iraqi government institutions have not yet established clear protections for minorities since the 2003 regime change. This has led to the confiscation of minorities' public political voice. For example, their rights to being represented, including proper representation within the governorates of Baghdad and Nineveh, as well as those affiliated with the Kurdistan Region of Iraq (KRI), have been confiscated.

Minority representation in Iraqi state institutions primarily requires the existence of laws that protect their identities and create platforms for them in the country's state facilities. The issuance of laws addressing these issues should be consistent with some minorities' significant presence, as well as their geographical demographics in certain areas, and should not infringe upon their rights if they are present in other regions of Iraq.

Article 125 of the Constitution, which has not yet been implemented, and no law has been issued regulating the protection of minorities, states: "This Constitution guarantees the administrative, political, cultural, and educational rights of various nationalities, such as Turkmen, Chaldeans, Assyrians, and all other components, and this shall be regulated by law." Accordingly, the action plan we deem appropriate and propose for implementing this article is as follows:

1. Issuing a comprehensive law to implement this article (the comprehensive approach), or several laws for separate groups, or separate ones covering the rights stipulated in

the aforementioned article (the fragmented approach), by enacting a series of legislations addressing various topics. These, for instance, could include a law covering administrative and political rights, one dealing with the protection of religious, cultural, and educational rights and practices, another protecting minority languages, etc.

2. This article seeks to ensure the strengthening of minority self-administration at the district and sub-district levels, through which they can exercise administrative, political, cultural, educational, and linguistic rights, as well as to redraw the administrative map for minority population groups, especially in the Nineveh Plain and Sinjar. If implemented properly, it could constitute a political and administrative transformation toward strengthening minority rights.
3. Establishing minority self-administrations at the local and national levels would grant minorities the right to effective participation in managing their own affairs at the local and national levels, as well as in caring for their own communities. This would give them the right to allocate a special budget for their areas, provide their children with basic education, protect their antiquities and heritage, and safeguard their lands, properties, and privacy, among other rights.
4. The quota system in Iraq faces several challenges due to difficulties associated with not relying on the recent census, which requires determining component percentages. This is in addition to the fact that large components exceed the quota or exploit it for their own benefit. The quota's effectiveness depends on the system's proper implementation, the enforcement mechanism, and the imposition of penalties for non-compliance. The quota, mandated by Iraq's electoral law, already plays an important role in the country's political process. This is because it determines the number of seats allocated to the governorate in which the minority resides, based on constitutional provisions that emphasize the importance of minority representation in the political process. The result, however, is failure. When it comes to determining proportions and numbers to eliminate any imbalance, quotas undoubtedly have many advantages, but they are not without setbacks. While they increase representational balance, they also promote minority support for the political system and stability in the country, and serve as compensation for existing negative discrimination. At the same time, they may be viewed as a repression of voters' freedom of choice, especially when each minority has its own electoral register, separate from the national one.

The HHRO therefore believes that, in order to reduce political injustice against minorities in the quota issue, the following must be done:

- A. Adopting the previously prevalent method of allocating quotas through the mechanism established in the electoral law, while requiring the majority parties to sign a code of conduct declaring non-encroachment on minority quota seats and leaving minorities alone to compete for them.
- B. If the above mentioned in A is not possible, then resorting to the creation of a separate electoral register for each minority with clear religious, national, or ethnic distinctions. Its members should compete among themselves in special elections, or on the day of the national legislative elections, but at separate ballot boxes.



- C. Regarding representation in the executive authorities, other areas of Iraqi law may be well-served if legislators consider applying the concept of affirmative action when implementing certain articles of the Constitution that address independent bodies and their benefits. Similarly, the concept of affirmative action could be adopted in executive authority positions, ministries, and in the leadership of authorities, security and military agencies, and others.
5. Review Article 2 of the Constitution to clearly protect the rights of non-Muslim Iraqi minorities, leaving no room for interpretation that would undermine these. Recognize Baha'is, Kaka'is, and Zoroastrians as Iraqi religious groups existing on the ground, whereas this article only recognizes Christians, Yazidis, and Mandaeans, and while human rights are indivisible. This article should reflect the diversity of religions in Iraq and the principles of equality enshrined in other provisions of the Constitution.
6. Review Article 26, paragraph 2, of Law No. 3 of 2016 (the Unified National Card Law), which stipulates the conversion of minors if one of their parents converts to Islam. This guarantees the rights of these minors to remain in their original religion until the age of maturity (18 years according to Iraqi law) and allows them to choose their religious affiliation after this.
7. Article 372 of the Iraqi Penal Code No. 111 of 1969 states the following:

“Anyone who publicly attacks a religious sect’s beliefs or disparages its rituals shall be punished by imprisonment for a period not exceeding three years or a fine not exceeding three hundred dinars:

  - 1- Whoever publicly attacks a religious sect’s beliefs or disparages its rituals.
  - 2- Whoever intentionally disrupts the performance of religious sectarian rituals, a religious ceremony or meeting, or intentionally prevents or disrupts the performance of any such rituals.
  - 3- Whoever destroys, damages, defaces, or desecrates a building intended for the performance of religious sectarian rituals, a symbol, or any other object of religious sanctity.
  - 4- Whoever prints or publishes a book borrowed from a religious sect, intentionally distorting its text in a way that changes its meaning, or disparages any of its provisions or teachings.
  - 5- Whoever publicly insults a figure or person that a religious sect reveres, glorifies, or respects.
  - 6- Whoever publicly imitates a religious ascetic or ceremony with the intent of ridiculing it.”

This article is impressive because it works to consolidate the concept of tolerance in a multi-religious and multi-ethnic society by criminalizing acts that desecrate the sanctity of religions and cultural practices, as well as providing broad guarantees for exercising religious freedom

in the country. However, we see the need to work on amending this article to ensure its application to individuals and groups that violate the religious and national rights of minorities in general, especially since the HHRO has observed that it has not been applied to anyone for two decades, despite widespread hate speech against Iraqi religious groups such as Yazidis, Christians, and others. Furthermore, the fine penalty for violations of this article is very low, and therefore does not adequately deter acts of aggression or violence against minorities.

## The Reality of Iraqi Religious Minorities

### Christians

#### Slow and Unclear Solutions to Addressing Encroachments on Christian Homes and Properties

The issue of land and encroachments on Christian homes and villages has yet to see effective and clear solutions from Iraqi authorities, whether in Baghdad or the KRI. Although the Iraqi government in Baghdad has established instructions and mechanisms to address the issue, and has tasked Christian endowment departments with oversight and monitoring, they face implementation obstacles, as law enforcement agencies are unable to implement court and judicial decisions.

The HHRO met with dozens of people experiencing encroachment on their homes and properties, and received numerous complaints in this regard in Basra, Baghdad, and the KRI. It also met with stakeholders, including owners of encroached properties and lands, as well as key stakeholders involved in addressing the issue. It concluded that this requires a clear strategy, the development and implementation of which involve influential institutions and actors, based on a genuine will to address it and develop solutions within a specific timeframe. The National Security Advisory, Prime Minister's Office, Council of Ministers' General Secretariat, Christian Endowments Departments, Shiite and Sunni Endowments, as well as stakeholders from the KRI are participating in developing this. Representatives from various ministries, including the Planning, Municipalities, Agriculture, Finance, Justice, Transport, and Migration Ministries, are also involved, as are representatives from governorates with high Christian populations, such as Basra, Baghdad, Nineveh, Duhok, Erbil, and Kirkuk. Representatives from the judiciary at the federal level, the KRI, and governorates not incorporated into the region, are also encouraged to participate in this effort.

In this context, the HHRO has appointed lawyers to litigate cases related to this issue. There are a large number of these that remain unresolved and require intensive follow-up. Some of the land and property owners are abroad and face difficulties and challenges in reclaiming their properties. The Organization has prepared a future vision regarding the encroachments and usurpation of Christian lands and properties, particularly those located in the KRI, as part of a program aimed at promoting peace and stability, protecting diversity and social cohesion in the Region, as well as working to address these encroachments, returning lands and properties to their original owners, and addressing the consequences. This is to achieve equality and non-discrimination, in addition to protecting religious, ethnic, and cultural minorities, especially Christians and Yazidis, with the aim of reducing their migration, while ensuring the rule of law for all equally. In 2024, the HHRO conducted field interviews with a number of notables and chiefs from the encroached villages, as well as meetings with Christian religious leaders in the region. Furthermore, it held extensive discussion sessions with stakeholders in the Kurdistan Region's governorates, including clerics, legal experts, activists, notables and chiefs from numerous villages, in addition to experts and lawyers from minority groups. It thus noted the following:

- 1- The problem of encroachments on minority lands and properties is not new. Rather, it has existed since the time of the previous dictatorial regime, and its repercussions have extended beyond the regime's fall. Some of these encroachments were inherited

by the new regime; others were resolved, while the majority remained unresolved. Others have emerged, but the problem persists. The existence of encroachments on minority property, especially Christian property, requires appropriate and just solutions within a clearly defined strategy for addressing them, as noted above.

- 2- In the KRI, despite the initiatives undertaken by the regional government to resolve this problem by establishing a so-called “Christian Affairs Committee” and other relevant committees over a decade ago, the Kurdistan Regional Government (KRG) also formed a ministerial committee in early 2021, headed by the Region’s Interior Minister, to address encroachments on Christian villages and properties. The committee also includes several ministers representing relevant ministries, such as the Ministries of Agriculture, Municipalities, and Transport, to address this problem. In Baghdad, a committee affiliated with the Council of Ministers’ General Secretariat was formed under the name of the “Christian Properties Committee,” and a special judge was appointed for this purpose. This is an important and positive step, commended by the HHRO. These committees, however, have not achieved tangible progress that meets minority communities’ wishes and addresses the problem radically. Meanwhile, minority communities are eager to build a serious government system capable of addressing the phenomenon of violations against minority properties and lands, especially Christians, who suffer the most from this problem.
- 3- The HHRO noted that the Kurdistan Regional Government has attempted to address the problems of some villages by compensating squatters for the expenses they incurred during their exploitation of the lands in past years. Although this process has yielded positive results in some villages, For example, the village of Fayshkhabur near Zakho (on the Syrian border) had negative side effects. Encroachers in other villages expanded their violations in an attempt to obtain greater compensation. Some in other villages received compensation after the encroachment was lifted, but ultimately retained the encroachment and resisted its removal. They thus received compensation while retaining the land.
- 4- Judicial procedures continue to suffer from sluggishness and instability in resolving many pending cases related to Christian real estate, properties, and villages. There is even more delay and procrastination in the police and security forces’ procedures in implementing court decisions that have become final at the execution directorates, making them a graveyard for such judicial decisions issued in favor of Christian property owners. Furthermore, government measures taken to seize property rights and return them to their owners lack seriousness and are likely marred by negligence and slothfulness, a situation that has encouraged the usurping individuals and entities to persist in their attempts to cover up the truth.
- 5- There are cases brought before the courts, but they have not yet been resolved for unconvincing reasons. These are intended to buy time and force their owners to settle outside the courts at low prices, and then drop the lawsuits based on these settlements.
- 6- The issue of encroachments on Christian properties and villages must be given priority in the courts within judicial decisions to restore rights to their owners. This is because delays, tardiness, and sometimes procrastination in the procedures for restoring rights encourage land usurpers to persist in their encroachments. This issue, therefore, can only be closed through deterrent judicial and security measures from

judiciary and executive government institutions. This is particularly true given the existence of laws that address and treat encroachments, such as Law No. 5 of 2015, which protects the rights of communities in the KRI, putting an end to acquisitive tendencies and encroachments on others. Minority communities consider this issue urgent and require immediate follow-up by the executive authorities.

- 7- Vast areas of Christian villages and towns in the KRI, for example Ankawa in Erbil, and in the Slevani Plain in northwest Duhok, were seized by the Iraqi Government during the previous regime for reasons of public interest or for the purpose of demographic change and Arabs were settled in them. However, the Arab squatters left the area after the withdrawal of the previous regime's authorities in 1991, and these villages returned to their Christian residents. Some of them are still under the control of officials and influential people in the KRI, although the matter of many of them is still pending and they have not returned to their genuine owners. For example, many of the people of Ankawa have not yet been compensated for their lands which were seized for the benefit of Erbil International Airport. All attempts by Christians to recover lands from the village of Qarawilla, west of Zakho, which have been controlled by influential people among the Kurds since 1992, have not succeeded. Encroachment is still ongoing in the Christian village of Derabun, west of Zakho near the Syrian border, where the government during the previous regime period had established a residential complex of approximately 200 houses on the village's lands for the benefit of Arabs. After these Arabs withdrew from the area in 1991, Yazidis were settled there, with a number of them coming from other areas and encroaching on additional lands belonging to the village.

The HHRO classified the nature of these encroachments by the usurping party, the type of encroachment, the class of encroached property, and the purpose thereof:

#### **First: Encroachment by party**

1. Encroachment by the central government under the former Iraqi regime on villages and Christian properties for the benefit of military and civilian institutions, without compensating their owners. This encroachment occurred after 1968, when the dictatorial Ba'ath Party seized power. After the end of Ba'ath rule, these properties were not returned to their owners and remained in the state's possession, and residents were not compensated for them.
2. Encroachment by officials or people with authority and backed by local governments. Most of these encroachments were on villages, agricultural lands, and private properties belonging to Christians in the KRI, as well as on property belonging to Churches. Most of the villages encroached upon were abandoned by their owners at the time due to exceptional circumstances, war, and military operations. They were displaced to Iraqi cities, especially Baghdad, and returned after the regime's fall, only to find other people encroaching on their villages and lands.

#### **Second: Encroachment on villages and properties by type thereof**

1. Encroachment or seizure of school buildings, as well as some club and association buildings, by the dictatorial Ba'ath Government. Al-Hikma University, Baghdad College, and numerous Church-owned school buildings were seized. Some of these

buildings were recovered and others were compensated after the former Iraqi regime's fall. Some properties, however, have neither been recovered nor have their owners ever been compensated.

2. Encroachment or seizure of agricultural lands owned by the state or authorized by the land registry, and whose owners have government documents to that effect. This encroachment was carried out by government agencies or influential individuals.
3. Encroachment on state-owned agricultural lands and properties that were under the control of Christians, under contracts concluded with relevant government agencies. These lands were called "agrarian reform lands."
4. Encroachment and seizure of properties that had been used by Christians for decades, and which belonged to Kurdish owners or sheikhs. This type of encroachment occurred through government agencies for the benefit of institutions, or by the residents of neighboring villages, especially in the KRI. For example, but not limited to, what occurred in the villages of the Nahla district, as well as the repeated threats and attacks on residents.

### **Third: Encroachment by property class**

1. Encroachment or seizure of school buildings during the former Iraqi regime's reign.
2. Seizure of agricultural lands previously used by Christians and based on agricultural contracts concluded between them and official government agencies. These were subsequently cancelled and concluded with Arabs, in accordance with the former regime's efforts to Arabize the region, as occurred in the village of Badriyah, in the Tell-Kepe district's Alqosh sub-district.
3. Seizure of orchards, agricultural lands, and entire villages in the KRI by residents of neighboring villages. This encroachment continues despite attempts to remove it, as in the Amadiyah sub-district's village of Meze and several villages in the Aqrah and Zakho sub-districts, such as Qarawilla, as well as the village of Chaqala in Barwari-Bala.
4. Seizure of lands previously used by Christians for decades, which belonged to some Kurdish sheikhs, by the local government or residents of neighboring villages, as occurred, for example, in the center of the Sarsink sub-district.

### **Fourth: The purpose of the encroachment or seizure of Christian properties, lands, and villages**

1. The Iraqi Government seized Christian properties during the Ba'athist regime to establish its facilities and institutions without compensation. This type of encroachment occurred in Erbil, Duhok, and the outskirts of Nineveh. Properties in Ankawa were also seized for the construction of military bases and the Erbil airport. The same applies to properties in Duhok, for example, in the village of Bakhitme, southwest of it, for the benefit of the Iraqi Defense Ministry.

2. The Iraqi Government seized Christian properties and villages for the purpose of demographic change, particularly in the Nineveh Plain districts of Hamdaniyah and Tell-Kepe, along with their affiliated villages. This encroachment also occurred in Duhok Governorate, within the KRI. However, the Arab encroachers left the area after it was placed under the people of Kurdistan's control, as it became part of the KRI after 1991, especially the villages of the Slevani Plain. Some of these have since been returned to their Christian residents, while others remain under the control of certain Kurdish officials or influential individuals.

The HHRO made this study available to the Iraqi Minorities Alliance Network, which in turn submitted it to the highest authorities in the KRI during an official meeting for this purpose.

**The HHRO has developed a set of recommendations for addressing these issues, as follows:**

- 1- Minority stakeholders recommend that the esteemed Iraqi Kurdistan Judicial Council and relevant courts prioritize resolving cases of encroached real estate and lands, especially since the majority of these cases are years old. They also call on political and administrative authorities in the Region to refrain from exerting pressure on the judiciary, allowing it to issue rulings mandated by the Constitution and law with complete independence and judicial wisdom.
- 2- Members of minority groups who are affected by such violations demand that law enforcement agencies (executive institutions) implement their judicial decisions and rulings regarding certain properties, which have become final before the courts.
- 3- Members of minority groups demand that the parties and individuals who have seized these properties provide written security pledges not to threaten their rightful owners, and to oblige them to bear the consequences of any harm that may be inflicted on these Iraqi citizens.
- 4- Emphasize that real estate registration departments verify the validity of ownership transfers and related documents, as some transactions may be subject to suspicions of forgery and fraud.
- 5- Incorporating minority rights through the establishment of judicial committees or a temporary special body to resolve current or previous violations during the former regime's era, similar to the Property Claims Authority. This was formed during the dictatorial regime's fall and was later, unfortunately, abolished.
- 6- The need to activate the work of the ministerial committee concerned with addressing the violations previously referred to in point 2 of the conclusions, and to add representatives from the Judicial Council and Justice Ministry to it.

### Religious Freedom, Attacks on Christian Figures, and Hate Speech

The year 2023 witnessed an escalating crisis with President Abdul Latif Rashid following his withdrawal of Decree No. 147 of 2013, which granted legal status to His Beatitude Cardinal Louis Raphael Sako as Patriarch of the Chaldean Catholic Church of Babylon. This sparked

ongoing opposition, prompting Patriarch Sako to leave his headquarters in Baghdad and head to the KRI.

On 12 July 2023, the Presidency issued a clarification regarding its withdrawal of the presidential decree regarding Patriarch Sako, which sparked angry reactions and widespread controversy in the media and society. In a statement published on its official website, the Presidency of the Republic said, “Some media outlets circulated news that the withdrawal of Republican Decree No. 147 of 2013 was not intended for a specific religious figure,” noting that, “two Republican Decrees had previously been issued for two Christian religious figures in the same period and were not renewed either due to the lack of a constitutional basis for their issuance.” It further clarified that, “Republican Decrees for appointment are only issued for employees in institutions, presidencies, ministries and government agencies,” indicating that, “a religious institution is not considered a government department, and the cleric in charge of it is not considered a state employee, so a decree cannot be issued appointing him.”

Iraqi Christian and Muslim religious authorities expressed their regret over the treatment and measures taken against Patriarch Sako, given his national and religious standing. Sistani’s office also rejected Patriarch Sako’s treatment in this manner, considering him a religious authority and a public figure.

The HHRO followed news of Cardinal Louis Raphael Sako’s return to his headquarters in Baghdad, months after the “crisis over the decree’s withdrawal” and his departure to Erbil due to his objection to “harassment” amid tensions between him, Iraqi President Abdul Latif Rashid, and the Babylon political movement. Patriarch Sako stated that his return came at the personal invitation of Iraqi Prime Minister Mohammed Shia al-Sudani, and that his departure from Baghdad to Erbil stemmed from his feeling that the Church was being targeted and facing various forms of “insult and violence.” He emphasized that he was not the target personally, but rather that Church properties were the implicit target. Following this, the Americans and Iraqi authorities traded accusations regarding the matter. The issue came to a head when US State Department spokesman Matthew Miller denounced “harassment of Cardinal Sako, Patriarch of the Chaldean Church, from various quarters, and expressed his regret over his departure from Baghdad, indicating his concern over this measure, and expressing his aspiration for his safe return.” Baghdad responded by saying, “We are disappointed by these accusations,” stressing that the withdrawn decree was not in accordance with the law.

In a related context, the solidarity of non-Christian Iraqis with Christians on Christmas was met with government practices that are neither appropriate for protecting solidarity among Iraqi society’s components, nor preserving diversity and social cohesion. Karbala Governor Nassif al-Khattabi ordered the removal of Christmas trees and banned New Year’s celebrations throughout the governorate, while threatening to close shops and restaurants for a full month if their owners did not comply. On 28 December 2023, the governor’s office had published a video clip, monitored by the HHRO, showing him touring Karbala’s streets, demanding that shop and restaurant owners remove their Christmas trees. He threatened to conduct another round of inspections on New Year’s Eve to ensure the streets were free of any festive signs, stressing that all restaurants or shops that did not comply would be closed. The justification for this step, according to Karbala Governor Al-Khattabi’s vision, was that the presence of these decorations and trees “contradicts the sanctity of Karbala and its identity, and presents a false image of the governorate.”



Within the framework of religious freedoms and combating hate speech against religious groups, the HHRO expresses its deep concern about the return of violent hate speech against the Yazidi community. The Organization condemns such false speeches and accusations directed against the Yazidi community in Iraq following the alleged burning of an Islamic mosque in Sinjar on 27 April 2023. It additionally demands that this community be treated with respect for their rights and the protection of their dignity, and calls for the discontinuation of such rhetoric against the Yazidi community at a time when it is entering a new phase of recovery and reparation after the genocide committed by the terrorist organization ISIS in 2014. While the Yazidis breathed a sigh of relief after the Yazidi Female Survivors Law came into effect and a special directorate was established for them, several thousand Yazidi women, men, girls, and boys remain missing and are held captive by ISIS, amid weak government efforts to determine their fate.

Such accusations and extremist rhetoric against the Yazidi community threaten the state's efforts, as well as those of national and international civil society organizations, to restore Yazidi confidence in state institutions and strengthen Iraqi social cohesion. Rather, they only serve to exacerbate divisions and exclusionary policies that threaten the protection of Iraq's religious and cultural diversity.

Nobel Peace Prize laureate Nadia Murad condemned the hate speech directed at the Yazidi community in the Nineveh Governorate's Sinjar district, stating, "It is heartbreaking to once again see such violent and discriminatory rhetoric directed against the Yazidis, nine years after ISIS perpetrated genocide against them." This condemnation followed alleged accusations and false accounts of Yazidis attacking the Sinjar district's "Al-Rahman Mosque," just as the Yazidi community is trying to recover from the recent genocide.

### The Christian Quota and Political Participation

Political representation for minorities has faced complex problems since the 2005 elections, despite the allocation of quotas for Christians, Yazidis, Mandaeans, Shabaks, and Fayli Kurds. True representation has become problematic due to the dominance of major parties outside the minority communities in the allocated seats. Non-Muslim minorities, particularly Christians, Yazidis, and Mandaeans, face challenges in obtaining fair and genuine representation due to marginalization, displacement, and conflicts over their lands and territories, which have become known as "disputed" areas.

The individual components are divided, with some demanding special internal representation, especially for religious minorities such as Christians, Yazidis, and Mandaeans, while others believe that representation should be based on full citizenship.

Twelve Christian groups, including political parties, religious organizations, and civil society organizations, submitted a memorandum to the High Electoral Commission calling for the need to establish electoral systems that would allow Christians to have their own separate electoral register and special election.

The signatories called for amending the election law for the Iraqi Parliament and provincial council elections to ensure the Christian community's true representation through measures that include the creation of a separate electoral register, as well as the allocation of separate ballot papers and boxes.

On the other hand, the Federal Supreme Court had decided in February 2024 to cancel the quota for components in the Kurdistan Region's legislative elections law and reduce the number of seats in the Kurdistan Region's parliament from 111 to 100 seats. This meant canceling 11 seats that were allocated to minorities, five of which were for the Chaldean-Assyrian-Syriac component, five for the Turkmen, and one for the Armenians. This issue sparked widespread resentment among minorities, leading them to announce a boycott of the June 2024 elections, describing this measure as a violation of the provisions of Article 92 of the Constitution and the Federal Court Law No. 30 of 2005, as amended, describing the court as having exceeded its legal powers by giving itself the right to intervene in issues related to the Region, as is the case in its decision No. 83, its Federal units 131 and 185 in 2025, which decided to cancel the quota in the Kurdistan Parliament Election Law No. 1 of 1992, as amended, and also cancel 11 seats, making the number of seats in the Kurdistan Regional Parliament 100, under the pretext that the largest lists indirectly occupy this number of quota seats.

Legal experts pointed out that the Federal Court's decision violated the Constitution under which the court operates, as it stipulates that the laws of the KRI have priority when they conflict with or compete with federal laws. Judges in the Region noted that "in its decision, the Federal Court has positioned itself as a legislator by amending the Kurdistan Regional Parliament's seats and amending the Independent High Electoral Commission Law No. 11 of 2007, while the division of electoral districts is the exclusive prerogative of the Kurdistan Regional Parliament and the Federal Court has no say in it. Judges and legal experts therefore called on the Federal Court to reconsider the decision, despite the latter describing it as final and binding on all authorities."

They also emphasized, "The necessity of reviewing the decision and adhering to justice is imperative, as justice is the foundation of governance. Establishing it among the people ensures its strength, prestige, and durability, achieves justice and equality in society, and guarantees the rights and dignity of citizens without discrimination based on race, religion, nationality, sect, or gender."

In a remarkable move in May 2024, the Federal Court reinstated five seats from the quota for components to be added to the KRI's Parliament, albeit in a smaller number. This move was viewed as a correction of a previous mistake it made against the KRI's components and their rights. Although the court's decision to reinstate five of the 11 seats it had previously revoked was not necessarily just, it can be considered a moderate position. On this basis, the Judicial Election Commission decided to grant the Region's components five seats in the Iraqi Kurdistan Parliament out of 100 if they compete in the elections. It also overturned the appeal that the Region's components had filed regarding the 11 seats allocated to them, which were annulled by the Federal Supreme Court, the highest judicial authority in Iraq. The Judicial Election Commission distributed the five seats as follows: two seats in Erbil Governorate, seats in Sulaymaniyah Governorate, and one in Duhok.

### Closure of Non-Muslim Minority-Owned Shops and Businesses in Baghdad

Christian and Yazidi businessmen expressed their dissatisfaction with the government's measures to close shops, warehouses, and liquor stores. They described these as an attempt to suppress non-Muslim communities' livelihoods. The measures are, for the most part, illegal

and reflect policies of extortion and harassment carrying no legal meaning, as the law is an abstract general rule that does not apply to a specific group but rather to others. Most of the owners of these shops, warehouses, and stores have licenses from the Culture and Tourism Ministry, while the Economic Crimes Department and security forces controlling the land are acting and issuing orders outside the law's framework.

The ban's implementation cannot be legal if it is implemented in Rusafa using mechanisms different from those in Karkh, in Baghdad, and if those used in Ramadi are different from those in Basra and Mosul. Traders and stakeholders therefore assert that the law is being implemented selectively and in a manner driven by self-interest and extortion. Others interviewed by the HHRO expressed, "Have all of Iraq's problems ended? Have rampant corruption, political hypocrisy, and mismanagement in most government institutions been eliminated? Have the health and education sectors been reformed, the security services reformed and purged of the corrupt? Have societal ills such as drugs, tribal bribery, murder, and weapons circulating outside the state, along with other problems facing society, been eradicated? So has the beer bottle become the greatest threat to Iraq?!" This is how the policies and procedures that control this trade are criticized. They consider it a war on livelihoods and that insisting on a ban is causing job losses for thousands of Iraqis who work in shops, stores, and factories involved in this trade, leading to further migration and suffering for minorities. This is especially true given that there are thousands of Yazidi and Christian families who make a living from this trade because their children work in shops, warehouses, and entertainment clubs. There are also licensed investment factories that have generated millions of dollars. The HHRO visited beer factories in the Tell-Kepe district, valued at \$10 million. It also visited stores and warehouses in Baghdad that hold official licenses from the Culture and Tourism Ministry, but which face arbitrary practices by security agencies. Some store owners claimed that they are subjected to extortion from time to time by influential figures in the security services affiliated with the Interior Ministry.

Others stated that restricting the trade in alcoholic beverages, which Iraqis have been accustomed to since Babylonia and Assyria until today, and which has become a social norm not only for non-Muslim Iraqis but also for non-religiously observant Muslim Iraqis, opens the door to the promotion of drugs and their dangers, which are the source of much crime in the country.

## Yazidis

Despite the passage of ten years since ISIS invaded Sinjar on 3 August 2014, committing genocide against the Yazidi community, they continue to suffer the effects and repercussions of these crimes, even though their areas have been liberated since 2017.

The HHRO has met and visited a large number of Yazidis, both at the leadership and grassroots levels. It has visited Yazidi camps and settlements in Duhok, Zakho, and other locations, and learned about the humanitarian and human rights challenges they face, which prevent the majority of them from returning to normal life.

Here, we must focus on issues of safe return, reconstruction, infrastructure, services, justice and compensation, as well as hate speech.

### **– The Conditions of Displaced Yazidis and the Issue of Voluntary and Safe Return**

Most statistics indicate that approximately 20,000 Yazidi families, comprising about 93,000 individuals, remain living in displacement camps within the KRI, particularly in Duhok and Zakho. Approximately 36,000 families, comprising about 183,000 individuals, live outside the camps. Although the vast majority wish to return to their areas of origin, they face numerous challenges, including administrative routine, political procedures, and complex security measures, often exploited to serve narrow political and partisan interests at the expense of victims' and human rights. Furthermore, the Iraqi Government's allocation of 4 million dinars for each returning family has been suspended for several months. Returnees report that they have not received this grant despite their return. They claim that their case is being used as a playing card in political and electoral competition, without attention being paid to finding radical and genuine solutions to their situation. They feel like "hostages" to political conflicts between the forces controlling the Iraqi political scene.

As for return, although the situation in Sinjar has gradually improved, given the absence of armed clashes or security threats, the voluntary and safe return of displaced persons remains hampered by restrictions. This is not only due to fears of the security situation, but also as a result of political and administrative tensions over the Sinjar file's control, in addition to the absence of basic services and delay in reconstruction programs.

## Justice and Compensation for Victims

Despite the Yazidi Survivors Law's issuance several years ago, which was a positive step toward redressing victims, the justice process remains incomplete. To date, no specific law has been passed to legally recognize the Yazidi Genocide, and no new mechanisms have been established to hold perpetrators accountable. Furthermore, survivors suffer from severe psychological and social trauma, given the lack of psychosocial and legal support programs at the national level. Since February 2024, the HHRO has opened a legal support center in Sinjar to assist in issuing documents lost during displacement, as well as processing compensation for lost property and assets. This center also empowers and educates survivors

to claim their rights and provides them with legal advice. The Organization hopes to soon establish a motherhood and childhood center in cooperation with European organizations.

Achieving justice requires:

- Ensuring that criminals do not escape punishment and holding accountable those responsible for their indifference and laxity in handing over Yazidis as easy bait to terrorist groups.
- Officially recognizing the genocide and issuing a special law guaranteeing material and moral reparations.
- Developing a comprehensive strategy to ensure that genocide against minorities, especially non-Muslims, is not repeated; also, strengthening state institutions in minority areas to ensure this.
- Establishing psychological and social support programs, in addition to legal aid for survivors.

### Infrastructure and Services

Repeated visits by the HHRO to Sinjar and Yazidi areas, and meetings with residents of these areas, clearly demonstrate that the infrastructure still needs rehabilitation and reconstruction, especially hospitals, schools, roads, and public buildings. This can only be achieved by unifying the administration in Sinjar, ending the conflict between Baghdad and Erbil, and allowing the Yazidis themselves to govern Sinjar.

Although the 2020 “Sinjar Agreement” was considered a step toward stabilizing Sinjar and allowing the displaced Yazidi communities to return in one form or another, and although it represents progress toward resolving regional tensions, its full implementation remains uncertain due to the complex political and security dynamics and tensions in Iraq. The Yazidi community rejected the agreement, citing its exclusion from its drafting, especially as they were victims of ISIS crimes. In addition, Yazidi groups oppose the return of the Kurdistan Democratic Party (KDP) to Sinjar under the agreement. There are additional allegations that the Popular Mobilization Forces (PMF) too opposes the idea of sharing power there with the KDP.

Despite all of the above, the infrastructure remains destroyed, and there is insufficient electricity and water supply in the area. Furthermore, the education and health infrastructure remain dilapidated. The failure to achieve reconstruction prevents the return of displaced persons and even encourages migration abroad, whether legally or illegally.

The existence of two administrations deepens the division within the Yazidi community, obstructs the delivery of budgets and service projects to Sinjar, and hinders voluntary return, especially since it is the only district in Iraq without an agreed-upon administration. The lack of an administration elected locally by the Yazidi community contributes to continued foreign interference and deprives the district of the administrative and political stability necessary for development and reconstruction.

Thus, any government inaction constitutes a failure to respect the rights of minorities and ensure their dignified lives. In this context, citizens the HHRO met in Yazidi areas, particularly Sinjar, confirmed that, “the relative reconstruction in Sinjar is due to the support of the international community and non-governmental organizations. This support declined at the end of 2024, however, dampening our hopes for recovery.”

### Hate Speech and Freedom of Expression:

The Yazidis, along with other non-Muslim minorities, are subjected from time to time to a wave of repeated abuses. These came in response to a statement made by a Yazidi leader regarding ISIS on the tenth anniversary of Sinjar’s occupation. This sparked an organized campaign and incitement to kill the Yazidis, particularly on social media. The Yazidis have long suffered from *takfir* campaigns, and extremists spare no effort to threaten this peaceful community, incite renewed genocide, and violate their religious symbols.

The Iraqi Kurdistan Regional Presidency also issued a statement on 9 August 2024, condemning offensive statements that incite hatred, while emphasizing the need to adhere to the KRI’s values of tolerance and coexistence: “At the same time, one person’s mistakes, regardless of their religion, should not be viewed as representative of all followers of that religion. Therefore, it is essential that everyone adhere to a culture of non-generalization, acceptance of others, tolerance and coexistence, and work to prevent the spread of hate speech and denial.”

Unfortunately, some media outlets and certain political discourses contribute, in one way or another, to fueling hate speech rather than strengthening social cohesion. The Iraqi Government, Kurdistan Regional Government, and international community must therefore pay attention to the concerns of defenseless Yazidi citizens in displacement camps and the state of extreme anxiety they are experiencing, fearing extremist attacks that may occur here or there. The international community is also required to assist Iraq in finding serious solutions to the plight of the Yazidis and other non-Muslim minorities, so that they can live in peace in their homeland. The Yazidis have the right to express their rights and their suffering, and they also have the right to demand recognition of their Yazidi ethnicity and its inclusion in the Constitution. This is especially true since a large segment of them dream of enacting a law guaranteeing the Yazidis’ ethnic rights in the Constitution as one of their legal demands. This is a legitimate right guaranteed by the Iraqi Constitution, which affirms that the country is one of multiple ethnicities, religions, and sects. The Yazidis therefore affirm that such demands are a natural and inherent right, guaranteeing their rights and dignity, and a correction of a long history of marginalization and injustice inflicted upon them.

### Other Violations against the Yazidis:

- Yazidi human rights organizations have called for an investigation into the handling of the remains of a group of the Sinjar Genocide’s Yazidi victims. They revealed that the remains of a large number of Yazidi genocide victims, who were killed by ISIS terrorists and buried en masse (illegally and unofficially), were exhumed by the Martyrs and Anfal Affairs Ministry, along with the Verification, Evidence Collection, and Processing Authority affiliated with the Kurdistan Regional Government of Iraq. These organizations demanded respect for these remains’ sanctity, especially since

they were exhumed illegally and unofficially. According to the amended Law on the Affairs and Protection of Mass Graves No. 5 of 2006, this process should have been carried out by the Mass Graves Affairs and Protection Directorate at the Martyrs Foundation and the Forensic Medicine Department at the Health and Environment Ministry.

- The Yazidi Movement for Reform and Progress announced its rejection of conducting a general population census on 20 November 2024, considering that this timing could deprive the Yazidi people of their rights. It pointed to attempts by some parties to obstruct the return of displaced persons with the aim of infringing on the rights of their families and areas. The Movement called for postponing the census until the displaced had returned, to ensure they are treated fairly, like other ethnic groups in Iraq, and included in future development plans. It also noted that there are districts and sub-districts in Nineveh Governorate where census and counting have not yet been conducted.

## Mandaeans

The HHRO has monitored the situation of the Mandaeans in Baghdad and the south. Although their numbers are declining annually, and most statistics indicate that the remaining population in the country is between 5,000 and 10,000, they are occasionally subjected to encroachments on land and property. Numerous media outlets reported the seizure of four properties belonging to a Mandaean woman named Salima, who had returned from the Netherlands after fleeing Iraq due to the unstable situation there. Upon her return, she discovered that her properties in Baghdad, valued at \$5 million, had been sold with forged documents. These sources confirmed that the process of reclaiming the properties is not easy, but rather complicated, given the forged documents and alterations to property records.

In a related context, the Presidency of the Sabian-Mandaean Community in Iraq and the World announced that one of its places of worship was subjected to an armed attack on 9 March 2024, in the city of Amarah. The statement indicated that the attack resulted in the injury of two temple guards, while security services have not yet announced anything regarding the perpetrators.

The Sabian-Mandaean Community Presidency's statement indicated, "While we condemn this attack, we urge the authorities and all stakeholders to bring the perpetrators to justice and fulfill their duty to protect places of worship and our peaceful children in all Iraqi cities, in order to preserve what remains of this authentic component of our country, a country for all."



## Iraqi Jews

Iraqis still associate the Jewish religion with Israeli policy, a problem facing Iraqi Jews. Despite this, the Iraqi government provides protection to members of the Jewish community and the community's administrative headquarters in Iraq. It has not taken effective measures, however, to end the encroachments on Jewish synagogues controlled by illegal groups. The state should be protecting these as national religious symbols and heritage icons, and their disappearance and destruction represent a loss to Iraq's heritage and the remaining traces of the ancient Jewish presence there.

The Iraqi Government also responded weakly to the 2022 assassination attempt on the head of the country's Jewish community, Dr. Khalida Fouad Eliyahu. The assassination attempt's perpetrators remain at large, evading punishment by the Iraqi judiciary and not being subjected to any deterrent legal action.

Hate speech against Jews is still prevalent in many regions and governorates, with graffiti and banners reading "Curse the Jews" being visible in numerous locations. Some Iraqi politicians continue to repeat, in their speeches and on social media accounts, the same phrases uttered under the former regime, which have been frequently used for years to spread insults against Jews and denigrate their religion. Meanwhile, the Iraqi Government and official authorities have not taken any action to erase or remove these writings, prohibit their posting, or hold these speeches' authors accountable, as they contravene the principle of religious freedom and respect for freedom of belief in Iraq, as stipulated in the Iraqi Constitution and Iraq's international obligations.

The Organization has also learned, and sources have claimed, that there has been no progress in the files of restoring Iraqi Jews' rights, despite the interest shown by some Iraqi officials in protecting and promoting diversity in Iraq, particularly the small remaining number of Iraqi Jews, and their compliance with the requirements of the their community's leadership in the country.

The HHRO also noted that the Iraqi Parliament, during its discussion of official holidays for Iraqi religions in 2024, had to take into account the Jewish community's holidays and festivals within the official holidays law. While this recognized official holidays for other minorities, it required ensuring this right for the Jewish minority, despite its small number of members. This would have a significant impact on the importance of consolidating the democratic system in Iraq and granting all Iraqis equal rights, regardless of their numbers or presence. Recognizing this right also sends a message of comfort to the thousands of Iraqi Jews who live not only in Iraq but also around the world with their children and grandchildren, proud of their Iraqi identity.

The HHRO has received allegations that government departments, in violation of the law, are refusing to complete administrative transactions related to the Jewish community in Iraq, especially after the events of October 2023, based on prevailing stereotypes.

Unfortunately, the role of educational institutions, government media, and influential social organizations in Iraqi society has not succeeded in correcting misconceptions about the Jewish religion and the Jewish community in Iraq.

What is encouraging is that Iraqi Jews continue to enjoy positive relations and attitudes with other minorities in the country, which can be described as good, and the Kurdistan Regional Government of Iraq treats this community's members in a balanced manner. Recently, the Iraqi Government has begun providing good protection for community members and even allowed reconstruction efforts at the Rabbi Isaac Gaon shrine in Baghdad. The Prophet Nahum's shrine in Alqosh also enjoys adequate protection.

## The Conditions of Displaced Persons in Iraq

Although the program of the new government, formed in late November 2022, includes goals related to improving the conditions of displaced persons and rebuilding areas destroyed by terrorism. This includes resolving the displacement issue by allowing such persons to return to their villages and cities, from which they were displaced. The process of removing obstacles facing them, however, including reconstruction and compensation, is proceeding very slowly. The process of creating appropriate conditions and achieving the requirements for voluntary return to locations damaged by ISIS terrorism has yet to be achieved in some cities and towns, particularly the Sinjar region, which was once home to approximately 400,000 Yazidis.

Protection guarantees for minorities and marginalized groups, including displaced persons and refugees, remain insufficient, and the reasons driving their migration outside Iraq have not significantly changed. To date, approximately 276,000 displaced Yazidis remain in camps in various areas of Duhok Governorate.

It is worth noting that, in its ministerial program, the government emphasized the launch of a reconstruction project for special areas in Sinjar and the Nineveh Plain, the populations of which predominantly consist of non-Muslim minorities (Yazidis, Christians, Kaka'is, and others).

The Iraqi government had previously announced that the closure of camps for internally displaced persons (IDPs) would begin in April 2024, but postponed it until the end of July that same year. The HHRO believes that this closure will remain merely on paper. Rather, the actual situation on the ground has not changed, negatively impacting IDPs who choose to remain in camps or host cities. Even though the Iraqi Migration and Displacement Ministry intends to provide financial support to returnees to encourage their return, those in Sinjar claimed that they have yet to receive the promised support, and that the return process has stalled and is facing difficulties, leaving thousands of IDPs to remain in the camps. Statistics indicate that the number of Yazidi returnees to Sinjar has not yet exceeded 60% of them, and that the road to the return of displaced Christians to Mosul remains long. The Christian returnee number stands at 70 out of approximately 10,000 who resided in central Mosul in 2014, before the ISIS terrorist invasion.

The policy of closing IDP camps and returning IDPs to their areas before they are rehabilitated is inconsistent with the principle of voluntary return. This poses a threat to their lives and pushes them to emigrate abroad.

The major challenges facing refugees and IDPs in Iraq include the state's weak livelihood support programs to facilitate their integration, including job opportunities, job matching, and support for small businesses. It also includes a lack of vocational training, social and psychological rehabilitation programs, and legal support services.

Steps to reform the Iraqi legal system and promote community development are slow and weak, including the restoration of local service infrastructure, such as expanding educational institutions for refugees and IDPs, facilitating access to education, reconstructing hospitals, and developing a modern and suitable health environment for them.

Delays in achieving these goals encourage IDPs and refugees to consider emigrating or seeking asylum and resettlement in a third country, and push them to exploit both legal and illegal means of migration abroad.

The steps taken by the Iraqi government to combat smuggling networks to curb illegal migration and mitigate its dire consequences cannot achieve decisive success unless the conditions for the integration of refugees and IDPs into their communities are improved, a safe and stable environment is created, coupled with improved infrastructure in their areas of origin. Iraq must fulfill its international obligations to adopt and implement international instruments relating to refugees and IDPs, such as ratifying the 1951 Geneva Convention relating to refugee protection, and cooperating closely with international and local organizations to end internal displacement.

### Climate Change and its Impact on Displacement and Migration

Climate change in Iraq poses another major challenge, leading to increased displacement and migration. Desertification, which is affecting large parts of the country, is a consequence of these changes, given the lack of government programs that address the scale of the problem. Vast areas of water are disappearing from the Iraqi marshes, a tourist destination that provides employment and livelihood opportunities for southern Iraq's people, particularly women, animal breeders, fishermen, and fish stocks. Iraq has come at the top of the list of countries most affected by climate change, with a near-total absence of rainfall over the past three years and a decline in the water flow from rivers originating in Iran and Turkey, forcing Iraq to ration its water use.

Desertification, scarcity of rainfall, and the decline in the Tigris and Euphrates rivers' water levels have contributed to population imbalances, the migration of people from rural areas to urban ones, and the overcrowding of Iraq's major cities. The scarcity of green spaces and the decline in agriculture have led to further migration abroad, while state policies have not taken serious steps to address these issues.

### The Impact of Political and Economic Tensions on Displaced Persons

In addition to ongoing political, security, and economic tensions, further conflicts between the federal government in Baghdad and Kurdistan Regional Government in Erbil have had additional negative impacts on the conditions of IDPs, as well as on those of Syrian and Iranian refugees in terms of services, access to education, health, and employment, as well as access to residency documents, freedom of movement, and employment.

Addressing the challenges facing IDPs and refugees, and planning for post-conflict scenarios, requires enhanced cooperation and participation from all civil society actors and stakeholders, as well as government cooperation with civil society organizations.

## The Role of Civil Society Organizations in Supporting Displaced Persons and Refugees

In this context, it is worth noting that Iraqi and international civil society organizations have made outstanding efforts to protect and develop the capacities of displaced persons, refugees, and their host communities, contributing significantly to strengthening their resilience and perseverance. They have also contributed significantly to supporting refugees and displaced persons in education, school construction, and vocational training. They have additionally played a significant role in assisting them with reception processes and providing them with legal and humanitarian assistance, food, and winter clothing. The HHRO has played a distinguished role in this field, particularly in capacity building, providing psychological and legal support, and providing livelihood programs and job opportunities. The Organization has also contributed to programs to enhance social cohesion, religious freedom, and pluralism, all of which support resilience and voluntary return to areas of origin.

## Migration, Immigrants and Return Migration Conditions

During 2023–2024, the HHRO monitored, documented, and conducted desk and field research on the conditions of Iraqi refugees, both in destination countries and those returning home. It also focused on Syrian refugees in Iraq, their living conditions, and access to services such as education, health, social care, and employment.

### The Conditions of Iraqi Refugees and the Issue of Return Migration

Western countries, including the United States and the European Union, have emphasized immigration governance. The issue of migrants and refugees has become a matter of concern for many countries and has been used in election campaigns and electoral competition between the far right and other parties on the other side, such as socialists, moderate parties, and others.

US President Donald Trump made the implementation of immigration law a focus of his election campaign and a pressure card on Congress to allocate financial resources to encourage illegal immigrants in the United States to leave, ostensibly voluntarily but implicitly forcedly. This is especially true since the Trump administration announced it would provide financial incentives to illegal immigrants who decide to voluntarily return to their countries of origin. Meanwhile, the administration is moving forward with its plan for mass deportation of immigrants from the US.

Supporters of President Trump's campaign against immigrants believe that it will lead to lower unemployment, a decline in unemployment claims, and an improvement in the US economy. American reports published on economics and business websites, however, have confirmed that "there is no evidence yet that the policy of immigrant 'mass deportation' is beneficial to the country's economy." The HHRO recently reviewed reports that the pace of arrests and deportations has continued since President Trump took office, and that fear among immigrants is growing, including those who are legal residents or even American citizens. Statements by US Immigration and Customs Enforcement (ICE) officials that immigrants are not subject to normal legal procedures, such as obtaining arrest warrants, identifying detainees, and allowing access to lawyers and family members, have sparked a great fear among millions of people about going out in public, especially in areas that have recently witnessed tensions, such as Los Angeles.

Other reports indicate that farmers across the country are not going to work, and that workers are absent from shops, restaurants, and barbershops in immigrant neighborhoods for fear of raids by ICE.

The HHRO followed that these measures have had an impact on Iraqi immigrants who have been deported from the United States. The Organization monitored the return of some of them and met with them. It later discovered that they had been killed upon their return to Iraq. The HHRO followed up with the lawyer pursuing their case, which raises concerns for it regarding the need to govern return policies and prevent migrants' lives from being endangered. Their return should be dignified and safe.

Regarding Iraqi refugees in Europe, despite the lack of official statistics and data on their numbers and percentages, media reports indicate that waves of Iraqi migrants have arrived at the borders of specific European countries. In 2021, a wave of Iraqi migrants reached Belarus, Poland, and other countries seeking asylum in European Union countries. The number of Iraqis in Europe, however, numbers tens of thousands, and many of them struggle to obtain permanent residency and integrate into European societies. Recently, after the rise of the far-right to power in some European countries, the process of repatriating refugees has begun, particularly those who were unable to obtain permanent residency, have complex legal issues, or specific violations related to the credibility and justifications for their asylum claims.

In this context, a research team from the HHRO conducted a pilot survey in 2024 targeting Iraqi returnees from European Union countries to learn about their experiences in the host countries, their motivations for returning, and their experiences during and after their return, in terms of acceptance, integration, and ability to endure and continue normal life in their country of origin (Iraq). The sample included 30 targeted returnees, 22 of whom were males and 8 females, residing in five Iraqi governorates: Baghdad, Nineveh, Erbil, Duhok, and Najaf. These represented a wide variety of Iraqi society's ethnic and religious components, including Arabs, Kurds, Yazidis, Chaldeans-Assyrians-Syriacs, and Turkmen. Some of them were forcibly returned from eight European countries: Germany, Sweden, Austria, France, Belgium, Denmark, Finland, and Britain.

An analysis of the survey results also revealed that most Iraqi returnees are not considering re-migrating illegally. A small percentage have encountered realities and are finding it difficult to reintegrate and would like to re-migrate, but through legal means rather than illegal immigration. Furthermore, it was found that the most common motivations for return were homesickness, family reunification, and the inability to obtain residency in host countries.

The pilot survey additionally revealed that the assistance received by returnees from countries or international organizations was minimal, whether to help them return or to encourage them to return voluntarily.

Furthermore, upon their arrival, returnees did not receive clear and sufficient assistance in training, employment, or finding job opportunities that would achieve integration and human dignity. The Iraqi Migration and Displacement Ministry and Labor Ministry have linked the granting of loans and assistance to returnees finding a guarantor so that they can obtain these to establish small projects to improve their livelihoods. Finding a guarantor is another serious obstacle.

The results of the survey conducted by the HHRO also showed that most returnees suffer from psychological crises, anxiety, and fear for their and their families' future, although 14% of them expressed that they could not move forward without immediate support or assistance. The majority expressed hope of communicating, overcoming problems, and making a positive transition to their new life in their country of origin. The majority showed no regrets about returning home, nor did they regret their previous migration.

The majority also demonstrated resilience, while a small percentage was concerned about their health. The majority agreed with their ability to start a new life in Iraq.

## Infrastructure Necessary for Return

Through its research team and monitoring committees, the HHRO has observed that the process of returning Iraqis from diaspora countries takes three forms: self-voluntary return, assisted voluntary return, and forced return. Iraq began accepting involuntary returns from European Union countries in 2023 and established a system called the National Referral Mechanism (NRM).

This is a national program to organize the safe, orderly, and regular return of Iraqi refugees. It is overseen by the Migration and Displacement Ministry, in coordination with other ministries such as those of the Interior, Foreign Affairs, Labor, Health, Education, Planning, and Transport, among others. The program aims to create an environment conducive to returnees' personal safety and provide them with necessary services. This covers all returnees, whether their return is forced or assisted, but it must occur within official return channels.

The HHRO noted that this program is new and has significant gaps, including weak coordination between relevant state institutions and insufficient budget allocations for its full implementation. The infrastructure for voluntary return requires providing information and guidance to migrants about available return options and conditions in their country of origin, as well as the nature of logistical and financial support opportunities for migrants who wish to return voluntarily, including providing travel tickets and assistance with legal procedures. This should be provided by embassies and missions abroad under the Foreign Affairs Ministry's direction. Unfortunately, this has not been adequately provided by Iraqi diplomatic missions, nor has the level of coordination required for the return process with authorities in both country of residence and that of origin to ensure the process' safety and respect for migrants' rights been sufficient. This is in addition to the level of services provided, including vocational training programs, medical assistance, and psychosocial support to ensure migrants' adaptation to their new environment.

Regarding forced return, the HHRO conducted interviews during 2024 with more than 250 individuals returning from European countries, 39% of whom were forcibly returned. They were deported against their will, either due to their illegal presence or due to a decision by judicial authorities or the government to deport them. For such a return to occur, the deportee often requires extensive attention and care in both countries of origin and destination. The process, therefore, requires legal procedures that ensure that deportation operations comply with local and international laws, and that migrants are not subjected to human rights violations such as torture or inhumane treatment, whether in the host country or that of origin.

The process may require detaining migrants prior to deportation to coordinate its operations with authorities in the country of origin. In some cases, migrants are accompanied by security personnel to ensure the process' safety.

Despite all this, the survey conducted by the HHRO of 250 Iraqi returnees, interviewed in person as a research sample, revealed that 39% of Iraqis were forcibly returned, and 41% of them were likely considering re-migrating. The survey also revealed that coordination by host countries with Iraqi authorities, both abroad and within Iraq, was rare. Indeed, a number of Iraqis were returned to the country without local authorities being aware of their return, and the Civil Aviation Authority was not notified of their situation. Assisted returns, which combine elements of both voluntary and forced return, and where migrants are supposed to



receive additional support to return to their country of origin, constitute forced returns, albeit in a guise of voluntary renunciation, due to a range of pressures on them to leave, sometimes indirect, such as refusal to renew their residency permits. The survey revealed that returns are conducted in a barter-based manner at the expense of human rights. European countries provide financial and logistical support in exchange for public or secret agreements with countries of origin, under the pretext of assistance for the reintegration of migrants or to help them start a new life in their country of origin.

The HHRO documented numerous violations against Iraqis returned from Germany, Sweden, Finland, Greece, and other countries. More than 80% of them were young people under the age of 50, and only 41% received financial assistance. Only 4% received in-kind assistance, such as training, employment, tickets, or psychosocial support.

Seventy-one percent of them stated that family was the most important factor in their resilience and perseverance, while others stated that friends and religious values helped them endure the hardships after their return. Furthermore, 25% of them were detained before their deportation and subjected to arbitrary treatment until they arrived at the airport in their country of asylum.

The HHRO noted a lack of cooperation between the government and international organizations to provide reintegration programs that include vocational training, financial assistance, and mentoring. It also noted a lack of involvement of national civil society organizations in this effort, which requires all state institutions' concerted efforts. The support provided to returning migrants, whether from their country of origin (Iraq) or their countries of residence, is insufficient to enable them to integrate into their communities and build stable new lives.

The HHRO also noted that the agreements concluded by Iraq with several European countries regarding the return of Iraqi migrants and refugees are characterized by secrecy and a lack of transparency. It is difficult to determine the mutual obligations, the nature of the exchange, the extent of the benefits, and Iraq's potential benefits from concluding these agreements. This can be used to assess the situation or determine the effective mechanisms needed by implementing agencies to monitor migrants' cases after their return to ensure sustainable support and integration.

The HHRO submitted a memorandum addressed to the Iraqi Prime Minister regarding support for Iraqis returning from abroad. It explained their conditions, suffering, and tragic stories, requesting and proposing possible solutions, such as providing urgent support at the emergency (short-term), medium-term, and long-term levels. This represents the most basic rights of this segment, the numbers of which are increasing more and more, and most of them are young men and women from various Iraqi backgrounds. The memorandum proposed the following:

1. Financial or in-kind humanitarian support for returnees from Europe and elsewhere, especially upon their arrival, when they are in dire need of temporary housing, adequate food rations, medical and psychological treatment, as well as the return of children to school.
2. A financial grant for a period of no less than one year, with the aim of supporting and stabilizing individuals and families, and assisting individuals in finding work and

restoring confidence. Although the Labor Ministry is undertaking some of this work, it is hampered by numerous routine requirements that prevent returnees from obtaining any of their rights due to the bureaucratic procedures inherent in much of the paperwork. The most difficult aspect is finding the returnee a sponsor. This is not an easy task, as most returnees no longer have relatives or have not been received by them in the required manner, and in most cases, their requests are not met.

3. Rent apartments to returnees as government support at symbolic rents after a year of free occupancy.
4. Allocate a plot of land for each returning head of household, approximately 250 square meters, or a residential apartment for each returning young man or woman. This will support and encourage a dignified and safe return, with the assistance of those involved in re-establishing themselves in their homeland. It will also create a sense of citizenship, as well as a physical and moral connection to the homeland.

Despite all this, the HHRO has documented the progress Iraq has made on the issue of return and readmission of Iraqi refugees and migrants, given the challenges facing the country in managing migration. It must be acknowledged here that Iraq played a pioneering role in drafting the Global Compact for Migration, and the efforts of the Migration Ministry with international partners such as the International Organization for Migration (IOM) and the UN Migration Network. Iraq also succeeded in managing the capacities to support returning Iraqis and the NRM, facilitating safe and dignified return.

Despite the slow progress, the HHRO recognizes that many challenges still face the Migration and Displacement Ministry, including insufficient data on Iraqis residing abroad, a lack of resources and financial allocations for the required support activities and events, as well as weak cooperation and coordination between the Ministry and other ministries such as those of Foreign Affairs, the Interior, Health, and Education, as well as other Iraqi and international institutions and civil society organizations.

## The Conditions of Syrian Refugees in Iraq

Despite the political impact that occurred in Syria in December 2024, the end of the Assad family's 53-year rule has been plagued by the controversy surrounding Mohammed al-Sharaa (al-Julani) assumption of power, as well as the fears of minorities in the country, particularly Christians, Druze, Alawites, and others. They are especially concerned about the possibility of being subjected to revenge attacks and retaliation, given the new rulers' inability to impose state authority and law throughout Syria. This is compounded by the presence of armed forces outside the framework of the state and the law, composed of various tribes and militias. Moreover, the Syrian Democratic Forces (SDF) control northeastern Syria, and this brings the potential for future clashes with Damascus.

Nevertheless, throughout 2023 and 2024, the HHRO monitored the conditions of Syrian and other refugees in Iraq, including the reasons and motivations for Syrian migration to Iraq, the process of their arrival and reception, determining their numbers, as well as their economic, social, and political conditions within the country. It also examined how Iraqi institutions deal with them, the issue of their return and its governance, both in terms of level and type, and the actors, policies, and practices adopted at the national and international levels. The Organization further monitored the impact of return governance on the protection of Syrians in international legislation and agreements, in addition to the resulting impact on the reality of return migration.

Syrians arriving in Iraq are not legally considered refugees by the country, but rather guests or "cross-border displaced persons," and asylum laws do not apply to them. Iraq relies on regulating the status of asylum seekers and immigrants, and protecting them in accordance with international human rights law. This is particularly true given that the country has acceded to and ratified eight of the nine international human rights conventions, with the exception of the 1951 International Refugee Convention.

Through interviews conducted by the HHRO with Syrians residing in Iraq, a large portion indicated that they came to the country for political reasons, due to political pressure exerted on them by the Syrian Government (the Assad regime), which restricted their political and professional freedoms, and generally imposed dictatorial policies on society. There was no political pluralism, no real political participation, and no equal opportunities. Furthermore, there was widespread favoritism and nepotism, and the majority Sunni Arab community suffered from oppression, marginalization, and restrictions on governmental participation.

Others expressed that the civil war that Syria had witnessed since 2011, which resulted in the deaths of thousands of unarmed civilians, the arrest of thousands of innocent citizens, the increase in fear, and the conscription of young men into military service and fighting for no national goals, drove them to emigrate and avoid areas of conflict and war.

Many Syrians have chosen to seek refuge in Iraq for various reasons, including geographical proximity and shared history, in addition to social and religious kinship. Syrians also indicated that their migration to countries other than Iraq is not as easy or simple as some imagine, especially for young people and families residing in the Syrian regions and governorates bordering Iraq. Indeed, their choice to travel to Iraq is preferable to other available, but more costly and dangerous, options, such as migration to Europe via the Mediterranean or the difficulties of crossing to Turkey or Jordan.

Statistics indicate that more than 8,000 migrants drowned in boats while crossing the Mediterranean in 2023 alone, and some may be arrested or imprisoned by border authorities in European countries.

The security chaos in Syria and the proliferation of terrorist organizations (Al-Qaeda, Jabhat al-Nusra, ISIS, and others) had led to kidnappings, killings, and destruction of the country's infrastructure. These have contributed significantly to the emigration of many residents, along with deteriorating economic conditions, including unemployment, poverty, and difficulty finding work.

The economic blockade the international community imposed on the country has also impacted the lives of ordinary citizens, with salaries now barely exceeding a few dollars a month. Furthermore, the deterioration of the health, education, and service sectors has been directly linked to the economic situation, prompting many to resort to emigration in search of a safe haven and better living opportunities. Among these countries, Iraq was their destination. In the final months of 2024, however, Iraq began tightening residency requirements for Syrians and increasing residency fees. Those interviewed by the HHRO reported that they were forced to pay high fees to brokers to renew their residency, reaching up to \$2,000 per year.

Media outlets have also reported that Iraqi authorities forcibly returned Syrians to Syria for committing residency violations. This is a violation of the Iraqi Constitution, which prohibits the forced return of refugees to their homelands. Media outlets reported that some of those returned were arrested and interrogated in Syria, posing a threat to their lives.

The latest statistics indicate that the number of Syrians in Iraq has reached 300,000, and that those registered in the KRI as of March 2024 amounted to approximately 258,000. Others reside in other governorates such as those of Baghdad, Nineveh, and the south. Most of them work in hotels, restaurants, and small professional businesses such as confectionery, carpentry, and blacksmithing. Some have submitted asylum applications to the UNHCR offices in Erbil with the aim of being resettled in third countries, while others live in the KRI under residency permits after obtaining a job or opening a business.

In this context, the HHRO recommends:

- Iraq should take a clear legal position regarding the use of the term “refugee” as an alternative to the term “guest” for Syrians residing in Iraq, with the aim of establishing clear standards for protection and ensuring that this group enjoys their legal rights under national and international law.
- Adopting the principle of transparency in dealing with Syrians in Iraq by publishing information and statistics on them on the websites of relevant government agencies to assist in planning support and assistance.
- Adopting effective laws to prevent illegal migration and combat migrant smuggling networks operating in Iraq to smuggle Syrians to third countries.
- Promoting a culture of tolerance, building bonds of civil peace and acceptance of others, as well as preventing any opportunity for the emergence of hate speech and xenophobia, especially against Syrians.

- Enforcing the principle of non-refoulement for Syrian refugees, while encouraging voluntary or assisted return when possible and under appropriate circumstances, and if the Syrian Government or authorities administering areas outside its control allow their safe and secure return to their areas.
- Urging the international community to provide appropriate solutions, necessary support, and assistance to reduce the pressure on host countries and support return policies.
- Supporting civil society organizations to play an effective role and coordinate their work in host countries (Iraq), as well as to support, assist, and complement the state's role.
- Resolving the refugee problem requires extensive coordination at multiple levels, and host countries must continue to allow legitimate refugees to enter their territories, in accordance with the principles of international humanitarian and human rights laws.
- Urging European Union countries to assist Iraq in the matter of governing return migration by improving its relevant legislation and adapting it to comply with international and humanitarian standards and laws.

## The Conditions of Women in Iraq

### The Condition of Iraqi Women is under Systematic Targeting, and Children do not escape the Violence

This section of the report issued annually by the HHRO, on the status of women's rights, usually begins by stating: "As in many or all countries of the world..." After the proposal to amend Personal Status Law No. 188 of 1959 was presented in the fall of 2024, however, there is no room for comparison, as what was hidden has become exposed to the point of normalizing violations and developing a culture of misogyny that was deeply rooted, but is like fire under the ashes – a mere whiff of air igniting a fire everywhere... As a result, the targeting of women through recent laws and amendments to the Personal Status Law is the greatest evidence of the decline and entrenchment of attacks on women, as if "World War III is a war against women."

In a historical review of the steps taken to violate women's rights within the framework of personal status law in Iraq, in 2003–2004, Governing Council Resolution No. 137 was among the important decisions following the change of the fascist regime in the country, signed by all members, including, with all audacity, the one who called himself the Christian representative! At that time, during the first six months of the aforementioned Council's tenure, under the US administration and the international coalition forces participating in the overthrow of the tyrannical Ba'athist regime, political Islamists' interest in issuing Resolution 137, which abolished Personal Status Law No. 188 of 1959, emerged as a priority for the "new Iraq." This was seen as a vital necessity for Iraqis, even though there was no parliament or national government yet. The religious authorities' rush to impose this resolution was their primary concern even before the promulgation of the interim constitution and the end of the occupation. They also overlooked popular discontent with the resolution, which women had demonstrated most courageously in resisting through the first nationwide protests. Democratically, the women achieved their right to demand that the international coalition administration pressure the aforementioned Governing Council to repeal Resolution 137, in accordance with their demands. Maintaining or postponing it would nullify all the gains enjoyed by Iraqi society, particularly women and children, due to its inevitability upon the departure of international forces from Iraq.

It is noteworthy that Draft Law No. 188 of 1959, as amended, stipulates that: "If the parties to a single family case disagree on determining the source of the applicable rulings in their request, the Sharia opinion shall be relied upon." The new amendment also requires "the Shiite Endowment Office's Scientific Council and the Sunni Endowment Office's Fatwa Scientific Council, in coordination with the State Council, to develop a code of Sharia rulings on personal status matters related to the marriage age for women, the registration of marriage contracts in courts, the legal and Sharia authority for mixed marriages, the rights of divorced women, and child custody—all matters that primarily concern women." After the law came into effect on 17 February 2025, however, and several months later, the alleged code, which should be presented to Parliament for ratification, has not been issued.

## Embarrassing Judges and Imposing the Will of Powerful on Them

The decision to amend the Personal Status Law was met with categorical rejection by most of Iraqi society at the popular level, especially among women, despite its introduction in Parliament for malicious political considerations.

The current Personal Status Law sets the legal age of marriage at 18, or 15 with a judge's permission, based on "legal maturity and physical fitness." However, there are recorded cases of clerics permitting the marriage of girls as young as 9 years of age. In marriages where one or both spouses are minors and they present their marriage to the court for ratification, judges find themselves faced with a *fait accompli*, often choosing to register such marriages of minors, fearing opposition from the powerful religious authorities in Iraq! This is nothing more than a systematic embarrassment of the judiciary and an undermining of its independence, clearly stipulated in the Constitution's second chapter, which deals with rights and freedoms, as stated in Article 19: "The judiciary is independent and shall not be subject to any authority other than the law."

By legitimizing this fear, the supremacy of the Constitution itself is being undermined, even though it is the fundamental law of all laws. The question that arises here is: What is the primary role of the Federal Supreme Court in Iraq, given that its top priority is to monitor the constitutionality of existing laws and regulations, and ensure their compliance with the Constitution? Where in the Constitution does it permit the marriage of children under the age of 15? Where does it permit the brutal killing of women, as we witness daily? Wouldn't it have been better for these influential figures to devote their influence to urgent and vital tasks that require, among other initiatives, paternalistic initiatives?

Wouldn't it be more appropriate for them to serve all the Iraqi people by exercising their influence over the Iraqi authorities with the aim of finding solutions to desertification and drought, which cover approximately 70% of the Arab region's land area, which is classified as extremely arid, including most of the surrounding countries? There is truly no priority more important than that of fundamental rights, which are violated by unhelpful preoccupations and destructive reactionary ideas.



*Women continue to demonstrate, expressing their dissatisfaction with the infringement of their acquired rights in Personal Status Law No. 188*

## The Abhorrent Sectarianism is a Legacy of a Bygone Era

The roots of this sectarian legacy go back to the previous regime, when the so-called “faith campaign” was launched, shaking the ideology of the defunct Ba‘ath Party, which falsely claimed to be secular. We witnessed every moment of that dark history, and this so-called “secularization” only lasted until the ideas of Michel Aflaq, the founder, were paralyzed and buried, along with him. As for his successors, Saddam Hussein in Iraq and Hafez al-Assad in Syria, they respected him only to the extent that they could remain in power for the longest possible time and then pass it on to their inheritance. A revolution was inevitable, as our peoples, who bore the brunt of their policies and practices for decades, continue to revolt. The repercussions of those policies and practices continue to impact societies, leading to destruction and a decline in values and morals. This has led to abhorrent sectarianism, legitimizing murder, captivity, and mass destruction at the hands of extremists, most of whom are executioners and professionals in terrorism and intimidation. They exploit the people’s revolutions to further sectarianism, compete for gains, and seize power and positions for as long as possible.

This is truly a heavy legacy, deeply impacting the very fabric of human particularity, characterized by dignity and fundamental rights that cannot be disposed of under any pretext. Today, the moral system is being overthrown, not only distorted by the tyranny of the previous regime, but even more criminally, it has overthrown the entire society by targeting the gains of women, children, and society as a whole. That is, any gains that preceded the Ba‘ath regime. This is not only on the material level, but especially on the profound moral level, which is increasingly moving away from the integrated human ethos that witnessed rapid growth in Iraq during the 1950s and 1960s. At the time, Iraqis had high hopes for embarking on the path of progress and human development, where coeducational schools were not in doubt or exploited for purposes other than education, and where educational rigor and quality, recognized internationally, were among the most advanced at the time and up until the early 1980s. The secret to this growth was also the ethnic diversity that existed in most of Iraq’s regions since the monarchy era, and they served the country without diminishing their competencies due to ethnic affiliation.

## Violations of the Highest Order against all Standards using Islamic Law

Nowadays, families are fighting among themselves, and conflicts are occurring between men and women as a result of the customary entrenchment of violence and legalization of further violence in a way that is astonishing. The Iraqi legislature refuses to vote on a draft law against domestic violence out of fear for its reputation! Meanwhile, a draft law to “amend” the Personal Status Law in Iraq was hastily voted on, abolishing the right to motherhood itself. This is the height of violence! In other words, a mother is not entitled to custody of her child according to the alleged law which, if enacted, would also impose its burden on Islamic law!!!! And by what right? This represents a violation of the highest order against all standards, not only the rights of women and children, but also those of Islam, which is being used as a means for short-sighted political and personal gains.

As for the oppression of minors and squandering of their rights at the expense of the age necessary to develop and nurture their physical and psychological capabilities until



adulthood, which requires them to be in the custody and care of their parents, especially their mothers, there is no better term than “**legalizing child rape**” when children are exploited from the innocent ages of 9 to 15, since marrying them off during this period of innocence is considered forced marriage. This is because the law considers a child, male or female, a minor until the age of 18, and they lack the necessary mental capacity to make any decisions until they reach the age of 18. In addition to their physical and psychological limitations, they cannot withstand the pitfalls of marital relationships, nor the complexities and harshness of family life, as they require more time, affection, and parental support until they reach the age of 18, or even 20! As for manipulating roles, this is completely unacceptable, as a mother’s affection is irreplaceable and lasts throughout a child’s life, even into old age. What we have observed through our observation of this situation regarding the Personal Status Law, however, is a matter based on abhorrent sectarian bidding. The evidence is that a code of Sharia rulings for this law has not yet been issued, and its implementation was conditional upon its issuance!

The HHRO, therefore, as a monitoring body that observes the Iraqi authorities’ performance and oversees relevant national decisions and legislation, demands that these decisions, which affect children, be reversed, regardless of the justifications. This also includes the demand to amend Article 26 of the National Identity Card Law, which stipulates that minors from non-Muslim Iraqi minorities must convert to Islam if one of their parents does. This constitutes a forced conversion. The HHRO has presented an alternative proposal, based on the Iraqi Constitution, which protects children and the right of non-Muslims to practice their beliefs freely. This alternative proposal would leave minors in their religion until the age of 18, while giving them the freedom to choose their own religion. If implemented, this would not only demonstrate Iraqi law’s respect for those of different religions, but would also represent a major achievement for the country’s authorities in a fledgling democracy that has yet to gain much credibility among citizens. It would also follow the example of Egypt, which has amended or is about to amend this law.

## Divorce is a Witness to Exacerbating Domestic Violence and Family Deterioration in Iraq

The annual rise in divorce rates is evidence of an increase in domestic violence, which has no solution other than further domestic violence. According to official statistics, divorce cases in Iraq reached nearly 70,000 in 2024, representing an average rate of nearly nine per hour. Many marriages and divorces occur outside the courtroom, particularly in villages and rural areas, and are not recorded. Other sources record a total of 72,842 divorces recorded in 2024, a rate similar to that recorded in Iraq during the first 11 months of 2023, when more than 68,000 divorces were registered. The fragility of the country’s economic and social situation is also a fundamental cause, often at the root of domestic violence. Iraqi women’s marginalization is thus a main source of violence against them. The numbers warn of many disasters, with recorded cases of domestic violence in 2023 reaching 9,000. According to a report prepared by Al Arabiya Iraq in February 2025, the number of domestic violence cases recorded in the country during 2024 reached 14,000, with the majority of victims, representing 73%, being female. This indicates an increase in the number of female victims of domestic violence in Iraq.

## Women's Gains Are Insufficient

Women's participation in the security services, which is less than symbolic, and in some political decision-making circles, represents only a fraction of their demands. Despite women achieving a significant percentage of representation in the Iraqi Parliament, reaching 28.88%, Iraq ranks second in the Arab world after the UAE in terms of women's representation and 65th globally. According to the CEO World report of 150 countries, however, women's participation in the workforce declined to 10.7% in 2024. This is a striking indicator of rising gender-based discrimination. It also demonstrates the persistent targeting of women in all their rights and their killing in various ways.

Legally, there is a fierce attack against women, and the imposition of amendments to the Personal Status Law is a glaring example. The advantages Iraqi women gained through Law 188 of 1959 did not reach the desired level they had hoped for. Rather, what is happening now are attempts to strip women of even these insufficient gains, with regard to child custody, marriage, divorce, property rights, inheritance, and more. In short, maternal rights in Iraq are being abolished in favor of patriarchy, and women's dignity is being trampled upon, leaving them as mere sexual objects fit only for pleasure.

## Domestic Violence and Femicide

Iraqis have long been skeptical of legal remedies available for each problem, including domestic violence. A draft law to combat domestic violence has been circulating in parliament since 2010, but it has been rejected by powerful male figures that fear they will receive their share of legal accountability for the domestic violence that occurs in Iraqi families daily.

According to statistics from the Supreme Judicial Council, the number of cases registered in Iraqi courts during the first half of 2024 reached 13,857. The most recent one confirming violence against women in Iraq occurred when a father killed his daughter after years of prolonged abuse, leading to her death. He then claimed that it was a suicide. It was later revealed that her father had a long history of unchecked and unpunished abuse, even against her deceased mother.

In another case, fashionista and blogger "**Umm Fahd**" was arrested and detained for six months before being killed in April 2024 by a gunman on a motorcycle in the Zayouna area east of Baghdad. This was followed by the arrest, according to media reports, of a number of **bloggers who faced arbitrary detention**, such as **Asal Hussam and Enas Al-Khalidi**, as well as other women who were subjected to threats and harassment. **Aya Al-Shammari, Warda Al-Iraqiya, and Natalie "Raghad Mohammed,"** a TikTokker, were also arrested. Most recently, action was taken against **Sarah Al-Makira**, one of the most famous fashionistas in Iraq. Only 3 to 5 men have been arrested for posting indecent content. Despite the accusations and allegations raised against them, this should not lead to murder, arbitrary detention, or torture. Such liquidations violate the most fundamental human right: that to life. Furthermore, perpetrators must be held accountable through the judiciary and law, not through indiscriminate killing. The HHRO thus condemns any indiscriminate killing or physical liquidation, regardless of the justification, provided that a fair judiciary exists.

Women's rights activist Sura Abdul Wahid explained to the Al-Jibal News website, “This year (2024) has been a difficult and intense one against women. The real goal behind the focus on women is a gradual attempt to restrict their freedom on social media platforms, by imposing strict restrictions on taking and sharing photos and videos freely, which leads to a shrinking space for personal expression.” She noted that, “the primary goal of the campaign against inappropriate content and other existing laws, such as ‘honor killing,’ is to impose strict control over women and keep them out of the public sphere, a move many activists describe as a form of ‘oppression of women’ under the guise of religion and morality.” Sura explained, “These practices have increased this year and have not diminished, contrary to what is being promoted.” What is clear is that there is unprecedented hatred against women in Iraq. No accurate and comprehensive official statistics have been published on the number of women killed in Baghdad, central Iraq, and southern Iraq.

– In the KRI, violence against women and girls is one of the most widespread, persistent, and devastating human rights violations in our world today. Most of it remains unreported, however, due to the lack of punishment, silence, shame, and stigma surrounding it. According to global statistics, a woman is killed every 10 minutes! This indicates that men reject fair competition under various pretexts, such as washing away shame, suicide, etc.

Amnesty International, in its 2024 report, highlighted the various forms of violence perpetrated against women in the KRI. These crimes included murder, rape, beatings, burning, and mutilation, while the perpetrators go unpunished despite a law criminalizing domestic violence. This is what makes such inhumane behavior a culture and a norm, resulting in the absence of fair judicial procedures. What laws and judiciaries normalize murder crimes so that the perpetrators go unpunished simply because the victims are women? If this indicates anything, it points to a decline in human feelings, leaving room for the entrenchment of more male brutality among many men. This situation, in turn, leads to an escalation of misogyny, a clear and vivid testimony to the inability to show required respect, absence of intellectual training, evasion of responsibility, and rejection of fair competition.

Without any doubt, all of the above is the result of the accumulated psychological harm suffered by most Iraqis, and most of them men, regardless of region. This causes them to have limited vision, hatred of life and especially of women (misogyny)! Because true partnership in life is still unclear in the minds of the arrogant males among them, they prefer to live by what is said about them, rejecting partnership in a real life characterized by respect, exchange of opinions, and cooperation in building societal peace through forgiveness and true love among members of the same family. Yes, here lies the secret in a reality that men serve themselves with, represented by all manifestations of arrogance and the manufacture of a “qualitative reputation” imposed by Iraqi men – (and thus all Eastern men) – on the lives of women and not on themselves, as they are directly concerned, or with women equally! Because they believe that the value of a human being lies in elevating their sense of superiority, which is represented by toxic masculinity, this stimulates in them a love of control, selfishness, and roughness resulting from the violence inherent in their behavior, especially when culture and science fail to refine it. As for what males believe to be their “perfection,” it comes at the expense of women as well, whether it is their mother, wife, or sister. He boasts about his religion because it portrays him with its appearance, which symbolizes religious practice. He additionally boasts about his “perfect” family upbringing, as he occupies the position of head of the household and feels flawless. He denies that he gained this from her embrace. He continues to look down on women until he eliminates equality in dignity and rights between them, and evades bearing the greater burden of raising

a family. He also boasts about his honor at the expense of women's lives, making himself their ruler, executioner, and murderer, until he legitimizes ending their lives. Worst of all, patriarchs have codified for themselves broad legal entitlements by crafting law enforcement tools that simply allow them to escape punishment! Where and what is the degree of humanity then?

As the aforementioned Amnesty International report demonstrates, even when women survivors of violence attempt to achieve justice and obtain their rights, they face serious obstacles. They are also humiliated in court and forced to reconcile with the perpetrator. Judges often prefer to adhere to the stereotypical principle of prioritizing "family unity" over achieving justice. This task falls to social researchers, not judges, because judges are mandated to achieve justice between members of the same family or any individual who has sought their help, especially when crimes occur between adversaries. Thus, men simply absolve themselves of any serious obligation and continue to justify living in contradiction, first with themselves and then with others. The question that arises is: what is the point of current laws and their enforcement mechanisms? Without a doubt, the primary motivation for this negative reality that violates human dignity lies in Iraq's harsh laws, which require numerous amendments to align with the spirit of the new Constitution, not only in achieving justice, but also in the interpretations of those laws.

Iraqi laws are rife with gender-based discrimination. There is clearly a hatred of women and the easy simplification of their cases, including when survivors of violence reach shelters designed to protect them. In the KRI, women are deprived of their freedom, as if they were in prisons! They remain without a safe exit strategy or a means to rebuild their lives. As human rights defenders at the HHRO, therefore, we demand that authorities in the Region hold criminals accountable, achieve justice, and provide assistance to centers that shelter survivors, meeting their material and moral needs, to ensure that services are maintained in a manner befitting human dignity.

The HHRO also demands the amendment of several laws under the new Constitution by activating Article 14 to ensure respect for and the realization of equality in the respected dignity and protected human rights of women and men. Enough with the abhorrent double standard that is leading Iraqi society toward an inexorable decline, with men forgetting all the glory achieved by various civilizations on this country's land, across its generations, throughout its millennia-long history, where women symbolized freedom, generosity, wisdom, and beauty, and where even the deities were represented by female names and personalities. It seems that the worst danger is the decline in human values and the growing inferiority complex of women due to men's rejection of the reality of fair competition at all levels, which has become an inevitable necessity.

Iraq has issued several national strategies and plans to improve women's status and participation, and has currently submitted its third national plan to support it in implementing its commitments to women's right to participate in security and peace processes and decision-making. The current practice, however, is not significantly different from what it was in the past. In fact, the killing of women is on the rise. In the KRI alone, 48 women were killed in 2024. This number is considered unofficial, but the reality is much higher. The distribution was as follows: 18 cases in Erbil Governorate, 13 in Sulaymaniyah Governorate, six in Duhok Governorate, three each in Kirkuk Governorate and Raparin Independent Administration, and two in Garmian Independent Administration, as well as one each in Koya Sub-district, Zakho Independent Administration, and Khurmatu district.



*A women's conference condemning femicide in the Kurdistan Region of Iraq*

A report by the “Against Femicide” campaign, which included 12 feminist organizations, stated that 48 murders of women were recorded in the KRI over the past year, and most of the killers have yet to be arrested!<sup>1</sup>

The Iraqi government is responsible for protecting the rights of all Iraqis. Aggressive behavior against women violates the Iraqi Constitution, which protects the right to non-discrimination and equality before the law (Article 14) and privacy (Article 17), as well as the country's obligations under international human rights law. The International Covenant on Civil and Political Rights, ratified by Iraq in 1971, affirms the rights to life, liberty, security of person, privacy, and freedom of expression. The Arab Charter on Human Rights, to which Iraq has additionally acceded, also affirms these rights.

## **Sexual Orientation and Gender Identity Condemned by International Organizations**

Amnesty International called on Iraq to repeal the new law criminalizing same-sex relations. It said, “The Iraqi authorities’ approval of a law punishing same-sex relations with up to 15 years in prison represents another blow to the country’s LGBTQ+ community.” It added, “The recent amendments constitute an assault on human rights and represent a worrying escalation in the authorities’ campaign to tighten control over freedoms,” according to journalist Razaw Salihi, Amnesty International’s Iraq researcher.

In August 2023, the Iraqi Communications and Media Commission **required media outlets** to replace the term “homosexuality” with “sexual perversion” in their published and broadcasted content. The amendments’ initial draft, passed on **27 April 2024**, included the **death penalty** as a punishment for same-sex relations. The law also criminalizes vaguely defined acts, setting long prison sentences for “promoting” same-sex relations, and for men who intentionally commit “effeminacy,” and “adultery with more than one person.”

Human Rights Watch reported a significant increase in the practice of **summary executions** carried out by Iraqi authorities on a large scale in 2024, without prior notice to lawyers or

<sup>1</sup> From JINHA Women’s News Agency.

family members, and despite credible allegations of torture and violations of the right to a fair trial.

We note that violence only begets more violence, and its most violent foundation is the death penalty, normalized through a law that encourages the practice of atrocities of killing in all its forms against adults and children alike, even those with special needs. One example is what happened to 6-year-old boy Joud Ali in Baghdad's Banks neighborhood. His father says, "He went out on his bike and never came back. The matter is still unclear, according to him, and he is awaiting the completion of the police investigation and forensic report."

We also note that this type of crime, which does not occupy a significant portion of the lives of citizens who continue to seek justice, is the clearest evidence of the normalization of violence and its methods in the Iraqi mindset.

The HHRO, therefore, calls for solidarity with all other organizations and voices to seek effective and respectful solutions to the human right to life **by abolishing the death penalty from Iraqi law** and exercising legal responsibilities to end all forms of discrimination.

### Do Children in Iraq Benefit from a New Law?

Iraq was one of the first countries to ratify the Convention on the Rights of the Child, adopted by the United Nations General Assembly in 1989. Baghdad ratified it under Law No. 3 of 1994, making it part of the national legislative system. In practice, however, this convention is still treated as an extraneous legislation, as is the case with other international obligations. This reflects a lack of understanding of the value and integration of international laws into national policies.

The well-known and experienced Judge Salem Rodhan describes this as "the greatest legal challenge, given that the Convention on the Rights of the Child is one of the most important and binding treaties ratified by Iraq." The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and other human rights texts are also binding in international human rights law. A large part of the problem lies in implementation. Legal instruments ignore these texts' value, and even that of Iraq's international obligations is meaningless to them! In other words, law enforcement agencies are unaware that these international texts have become part of the national legislative system, and their implementation is mandatory, like any other law, since they were published in the Official Gazette after their ratification. This is what national plans and strategies should include as mechanisms for implementing international texts.

The Iraqi Constitution explicitly stipulates the security forces' commitment to protecting human rights, in accordance with Articles 9 (4) and 84 (1). The problem, however, lies in the executive's interaction with these commitments. Instead of promoting consistency between national legislation and international conventions, some legal concepts are still treated with a mixture of suspicion and confusion, as occurred with the controversy surrounding the CEDAW and the rights of the child within it. This underscores the need for a more open legal awareness of Iraq's international obligations.<sup>2</sup>

---

<sup>2</sup> From journalist Shaza Al-Amili.



Iraqis boast that the country's legislation guarantees children's rights through several laws, the most important of which are:

- The Personal Status Law, which was amended to favor males, nullifies even maternity, such as a mother's right to hold her child during childhood.
- Juvenile Welfare Law No. 76 of 1983, which also restricts children's rights when subjected to violence, meaning they have no right to file a complaint against their abuser in the family.
- Iraq's obligations under the Convention on the Rights of the Child. The significant increase in violence against children since 2003, however, is evident due to the failure to implement laws and the entrenchment of the political and security crises the country has experienced, along with the absence of healthcare, education, and social care. Children are also sexually exploited in prostitution, sex trafficking, as well as their recruitment into military operations, armed conflicts, and other activities. School dropout among children and adolescents is a phenomenon not discussed by the media. Meanwhile, the illiteracy rate officially reported by the Planning Ministry in the latest general census data is 15.31% and 16.23% in the KRI. Undoubtedly, the majority of these people are underage, and most of them are girls.

While education is a constitutional right, it is mandatory for all. According to 2024 statistics, Iraq's population is 46,118,793, 20,083,220 of whom are under the age of eighteen, representing 43.5% of the total population.<sup>3</sup> This means that more than a quarter of the Iraqi population are minors. This census is an achievement for the Iraqi Government, as it provides a close, though not accurate, database of Iraqi society. This population database will provide insights into the level and extent of public needs to serve the population in more comprehensive and programmatic development.

| <b>Results of the 2024 Iraqi Population Census<sup>4</sup></b> |                     |
|--|---------------------|
| Population   | 46,118,793          |
| Number of males  | 23,161,604 (50.22%) |
| Number of females  | 22,957,189 (49.78%) |
| Percentage of population under 15 years of age                 | 24.74%              |
| Percentage of population between 15 and 65 years of age        | 60.44%              |
| Percentage of population over 65 years of age                  | 3.66%               |

Previous reports have revealed that approximately 90% of children between the ages of one and 14 are subjected to violence in some form or another, in addition to being exploited for illegal labor. Many children have even fallen victim to domestic violence, with some parents disposing of them by torture, murder, or throwing them into the Tigris River, as one woman did in 2020 from the Imams Bridge in Baghdad. Another example is Abu Zainab, who killed his 10-year-old daughter, considering her a disgrace because she was a woman. He killed her while she was sleeping in her mother's arms. There are dozens of similar stories documented by the HHRO.

---

<sup>3</sup> From Wikipedia.

<sup>4</sup> From Wikipedia.

For example, on 3 March 2024, the Community Police Department of the Interior Ministry's Public Relations and Media Department rescued two siblings from severe abuse and deliberate starvation by their parents. They were handed over to the Family and Child Protection Directorate. Reputable Iraqi and Arab media outlets reported on a mother locking her children in a cage in Baghdad, opposite Al-Farahidi College, and the discovery of a newborn baby under Al-Sinak Bridge in central Baghdad, with its mother arrested.

As for children born of unregistered marriages or those born as a result of rape, they face an inhumane dilemma, especially after the ISIS invasion of Iraq. This group of children has been unable to obtain official documents such as birth certificates and other basic civil documents such as unified national ID cards and residency cards, depriving them of all other basic social rights, such as school registration. They are forced to work illegally and even marry illegally. Without a legal solution, the situation will worsen for new generations.

– According to a 2021 study conducted by the Planning Ministry and Central Statistical Organization, 25.5% of married women in Iraq were married before the age of 18, and 5.2% of them were married before the age of 15. In the same context, Human Rights Watch research found that unregistered marriages were effectively a loophole for child marriage. High rates of child marriage have been linked to poverty, insecurity, and lower educational attainment for girls. Child marriage and teenage pregnancy can have serious adverse health effects, limit access to education and employment, and exacerbate the risk of sexual and domestic violence.

In June 2023, the Iraqi Council of Representatives introduced a draft child protection law, the first of its kind in the country and an important step in protecting children's rights. If passed, the law will address critical issues such as child labor, exploitation, and abuse. It will also explicitly enshrine children's fundamental rights, including those to life, health, education, and nationality. This is an opportunity to include the segment of the population with unknown parentage and all those mentioned above with a clear legal solution in this law.

The draft Child Protection Law is also a good start toward enshrining children's rights and protection, provided it clearly outlines the rights children enjoy, particularly that to complain about violence, which Iraqi patriarchs view as a threat to patriarchy rather than a deterrent, or even a preventative, measure.

In this report, we would like to commend the establishment of two new government institutions: the National Committee for Childhood and the Child Protection Department, which are dedicated to designing and implementing child protection policies. Most of the provisions in this draft law are vague, however, as no financial or budget allocations are included.

Some provisions conflict with the articles of the Convention on the Rights of the Child, which Iraq has ratified, and there are notable gaps in the scope of the protection envisioned, especially for girls.

Juvenile Welfare Law No. 76 of 1983 does not allow a child under the age of 9 to file a lawsuit unless the father or guardian is present. This deprives the child of the opportunity to escape domestic violence by filing a complaint against a parent or any abuser in their family. This is the reason why the enactment of a child protection law is being postponed, with



excuses that no longer hold any place in a society that seeks progress and humanizes the harsh life in more than one are. All men want is legitimacy for themselves, absolute power, and the violence they desire to inflict simply because they are male! As for blatant violations such as injustice and ongoing violence, they are borne by vulnerable groups: children, women, people with special needs, and the elderly. Even in the case of murder, Iraqi law is designed to avoid touching on deadly masculinity! Where do men want to drag our world with the rope of violence they enjoy? And where is the role and importance of the state in all of this?

As a human rights organization, therefore, and in the context of the search for solutions, not the other way around—that is, a defense in which children are the foundation and women are the focus—the HHRO calls on the Iraqi authorities to find a solution. This old, new dilemma can be addressed with a resolution that ends these blatant violations or reduces their severity, by implementing the international conventions to which Iraq has committed itself. As for knowledge of this, we can benefit from the experiences of other countries; for example, the Netherlands' experience in applying the Action Plan for the Implementation of UN Security Council Resolution 1325. Iraq has three implementation plans, and the achievements made fall far short of the ambition.

The Dutch National Action Plan 1325 is a partnership between the Ministries of Foreign Affairs, Defense, Education, Culture and Science, Justice and Security, and more than 70 civil society organizations based in the Netherlands. This Action Plan includes joint commitments to implementing UN Security Council Resolution 1325 and its subsequent resolutions, as well as other international commitments and obligations on “women, peace, and security,” such as General Recommendation 30 of the CEDAW and the UN Arms Trade Treaty.

In addition to what the Dutch have achieved at the national level, the Dutch government and civil society organizations have committed to supporting women, men, and youth in the Netherlands and in conflict-affected countries through their efforts. Aiming to achieve comprehensive peace and security, the signatories to the 1325 National Action Plan achieve this goal in close cooperation with Dutch missions, local women's organizations, human rights defenders, and peacebuilders in countries experiencing conflict (or post-conflict), as well as with migrant communities and institutions in the Netherlands.

These are the correct and spiritual mechanisms for implementing plans, not the multitude of texts that represent them. What is missing in Iraq that prevents it from doing better than all of the above?

In conclusion, in order to achieve real solutions, the ongoing tragedy against women and children in Iraq must be recognized. Violence must be eradicated through laws and the proper implementation of balanced laws that are free of racism and coercion. This way, the existing setbacks can be reversed on many levels. The Iraqi state must prove itself responsible for people's lives, guarantee the safety of every individual on its territory, and protect the dignity of the human person regardless of various affiliations, including sexual, ethnic, social, political, and other differences.

Iraq is capable of becoming a regional power that loves and builds peace by distancing the state from foreign meddlers in its affairs and utilizing all economic, social, civil and political tools to serve the sound human development that every Iraqi deserves. The country can thus

move from poverty and deprivation to a life of tranquility and peace among its various communities, and even with neighboring countries and the entire world. Iraq does not need anything that warrants wars with others. Rather, God has provided it with more than it deserves. Let us learn to manage our own affairs, and God will bless.

## Conditions of Persons with Disabilities

For two consecutive years, during 2023–2024, the HHRO monitored the conditions of persons with disabilities and special needs through twenty training and awareness-raising workshops conducted in Baghdad, in cooperation and coordination with the Humanitarian Charity Association (Caritas) and the John Paul II Foundation. The outcomes of these workshops revealed a clear weakness within government departments in implementing Law No. 38 of 2013, which was amended by Law No. 11 of 2024. This weakness stems from a lack of understanding of the application of this law's provisions, which are binding on all government departments concerned with the care of persons with disabilities.

The HHRO identified the following:

- A- There is a clear shortage of government rehabilitation centers that should provide services to persons with disabilities, forcing some families to place their disabled children in private rehabilitation centers that impose exorbitant fees, which they are forced to pay, burdening them financially.
- 1. Government Education: There is a lack of capacity for people with disabilities at all educational levels. School administrations also lack an understanding of their responsibilities in this regard, ignoring the obligations under Law No. 38 of 2013, which was amended by Law No. 11 of 2024. They also suffer from a lack of educational tools and means of communication that help people with disabilities learn and acquire knowledge. This requires the Education and Higher Education Ministries to focus on disseminating and informing schools of the law's content and required obligations. They also need to ensure that specialized personnel are provided in kindergartens, schools, and other educational institutions to care for people with special needs.
- 2. Healthcare: The HHRO found that most people with disabilities lack access to specialized healthcare and medical treatment. Iraq also lacks government medical clinics specializing in psychological care for people with disabilities. Increased attention to the health sector for people with disabilities is required, therefore, with a focus on prevention and early detection mechanisms.
- 3. Social and Economic Care:
  - A- Families of people with disabilities complain about the Labor Ministry's lack of interest in holding training workshops to raise awareness of the Law on Persons with Disabilities and training workshops to prepare their children for employment.
  - B- Reviewing the mechanisms currently in place to support people with disabilities through salaries and developmental social care linked to sustainable human development.
  - C- The Labor and Social Affairs Ministry must expand its focus on caring for people with disabilities and coordinate with public development agencies to address the needs of people with disabilities by monitoring the implementation of Law No. 38 of 2013 and its amendments, particularly in building design, urban planning, and youth and sports centers. This should include providing spaces in these buildings and

facilities that enable people with disabilities to lead public lives, allocating designated parking spaces for people with disabilities, and providing other services.

4. Iraq suffers from a lack of recreational centers and resorts for people with disabilities. Public parks and gardens, managed by the city of Baghdad and municipalities in other governorates, still lack designated spaces for people with disabilities.
5. Iraq still lacks cultural and media institutions that understand the Universal Declaration of Human Rights and the 2006 International Convention on the Rights of Persons with Disabilities. Furthermore, most government and private media outlets lack dedicated programs and activities to raise the morale of persons with disabilities and establish cultural platforms for this purpose.
6. Using modern technologies to care for and develop the capabilities of persons with disabilities: Monitoring by the HHRO and feedback from participants in workshops that it organized has shown that the modern technological means currently used, whether in education, transportation, or health, lag behind more advanced technologies in this regard. Government agencies should be open to this issue. Coordination can be undertaken between the Planning, Labor and Social Affairs, Education, Health, Transport, and Higher Education Ministries to benefit from the latest technologies in this field.
7. Requesting the government or parliament to establish mechanisms to measure the impact of laws being enacted and the extent of their implementation, to assess flaws and shortcomings, especially monitoring laws that affect the rights of marginalized groups, including the rights of persons with disabilities and special needs.

## **Transitional Justice for the Families of Martyrs is Incomplete**

The Martyrs Foundation is an institution affiliated with the Iraqi Council of Ministers. Established in 2005, its mission is to monitor the general situation of the families of martyrs and the wounded, and to provide them with financial and moral compensation, including empowering them in light of the extent of their sacrifices. Given the long history of martyrdom in Iraq, only Iraqis who have been martyred over at least six decades are considered martyrs. The HHRO has noted the failure to achieve satisfactory transitional justice, one of the objectives of which is to compensate martyrs' families through the Martyrs Foundation, the subject of this review. This is if we take, for example, but not exclusively, the victims of the 1988 Anfal campaign, as before it, many individuals were martyred, and their families were not even granted the most basic rights. Some of them were not recognized as martyrs, even though they were killed in the line of duty. The same applies to those harmed by the former regime's terrorism, and the process is still ongoing, whether in the KRI or in the rest of Iraq. The Martyrs Foundation was established to care for the families of martyrs from three categories: those who were victims of the former regime, the Popular Mobilization Forces, and terrorism. This is a heavy legacy, as the number of martyrs, according to the Foundation's president, is approximately 520,000. This number includes both martyrs and the wounded, and is an approximate figure, as there is no reliable database for their exact numbers.

In the KRI, after the mother of military martyr J.Y.D. moved from Baghdad to a village for fear that the rest of her family members would be targeted, she has not been receiving his full salary. Rather, in a grave injustice, his salary, which has reached 1,200,000 dinars per month and is currently perhaps even higher, is being withheld by the regional government. The General Retirement Department in Baghdad disburses it in full, and the martyr's mother only receives 360,000 dinars, as was the case in 2008!! The aforementioned martyr was martyred in the line of duty in September 2005, while serving as a minister's bodyguard.

Although the Foundation has been operating since 2007, there is still no solid database. According to informed sources at the HHRO, the Foundation suffers from a huge financial gap between the number of families benefiting from it and the amount allocated to it from the general budget. The Foundation has been granted only 6% of its planned funding. A simple equation to measure funding relative to time would require approximately 500 years for even a portion of the housing allowance to be paid. This is in addition to the delay in disbursing other rights and benefits, such as social and healthcare. A portion of the cash allowance is paid for the treatment of cancer and incurable diseases. This represents a clear circumvention of the Foundation's law. Furthermore, it has been noted that the foundation has failed to find strategic solutions to compensate martyrs' families and meet their urgent needs.

The HHRO, therefore, with deep concern, demands justice for the families of martyrs, the wounded, and all types of victims, given the stories it has observed from martyrs' families and their accumulated suffering in order to obtain their most basic rights. The Organization draws the relevant Iraqi authorities' attention to address this deadly injustice to this segment of society. Some families have even asked the HHRO to submit their requests to the United Nations to take care of their needs, using available Iraqi currency reserves and treasury bills to implement programs and projects that will achieve the goals of transitional justice for Iraqi society, especially vulnerable groups such as the families of martyrs and all other victims.

## Combating Human and Drug Trafficking

The HHRO has been monitoring the issue of human trafficking after discovering that this crime has begun to take on dangerous dimensions and is escalating as security conditions deteriorate, law enforcement agencies become lax, and economic conditions deteriorate, such as inflation, lack of job opportunities, and developmental stagnation. This is compounded by the emergence of newly formed, impulsive, wealthy classes whose goals are based on greed and the exploitation of innocent citizens, both men and women, who have been driven by poverty to fall under the control of aggressive individuals and mafias. Their general approach is based on seizing and extending influence and disposing of the victims' rights in ways that provide them with opportunities for exploitation in the most heinous forms, such as exploiting people through prostitution, sexual abuse, forced labor, slavery, and begging, in order to gain a prominent position in the public sphere.

The HHRO noted that Iraq is among the countries most affected by this phenomenon due to its history of successive wars, political conflicts, security instability, economic difficulties, widespread unemployment and ignorance, and the lack of necessary mechanisms for sustainable development. The Organization has therefore made monitoring and documenting this phenomenon a top priority, helping government agencies acquire the expertise, as well as field and legal procedural knowledge, to prosecute it, confront its perpetrators, and rescue the citizens who fall victim to it.

This, therefore, requires reviewing Law No. 28 of 2012 and measuring its impact on the ground, its effectiveness in deterring this phenomenon, and the extent to which the mechanisms and human expertise exist to implement this law without any leniency. The HHRO recognizes that the development of human rights measures to combat this dangerous phenomenon can only be achieved through extensive cooperation between government agencies and national and international civil society organizations to adopt clear and effective steps to confront it. This is especially true given that combating human trafficking in Iraq has a constitutional basis in the Freedoms Chapter, as stated in Article 29 (3): "The economic exploitation of children in all its forms is prohibited, and the state shall take the necessary measures to protect them." Article 37 (3): "Forced labor (servitude), slavery, and the slave trade are prohibited, as are trafficking in women and children and sex trafficking."

This crime is intertwined with others, such as terrorism, money laundering, and drug trafficking, and these are characterized by their targeting of people suffering from poverty and unemployment, and lacking a minimum level of social security, as well as particularly marginalized groups such as women, children, refugees, and displaced persons.

The HHRO has observed that this phenomenon's most vulnerable victims are those whose deteriorating economic circumstances, crises, or a desire to improve their living conditions have led them to be trafficked and exploited by weak-minded individuals and criminal gangs.

The HHRO has documented numerous cases of child trafficking through the sale or rape of children. Media outlets reported on a convict who was imprisoned for 15 years, along with his wife, for selling their son for 15 million dinars in Najaf.<sup>5</sup> Security sources also reported

---

<sup>5</sup> Al Sharqiya News Channel.

the arrest of a woman and a young man who attempted to sell a child for 10 million dinars in Najaf.<sup>6</sup>

On another note, on 30 October 2023, the Iraqi Intelligence Agency announced the arrest of a gang seeking to sell a 14-year-old minor girl for \$6,500. The agency formed an intelligence and technical team to investigate the girl's sale. The statement continued, "After obtaining the necessary judicial approvals and conducting a well-planned ambush, the girl's sale was thwarted and three individuals (two women and a man) were arrested." The statement added, "The defendants explicitly confessed to adopting the minor girl and offering her for \$6,500 in order to involve her in immoral acts and sexually exploit her."<sup>7</sup>

Other media outlets also reported the arrest of a girl accused of selling a 25-day-old infant in Baghdad's Zayouna area on 30 March 2024.<sup>8</sup>

The HHRO has also recorded dozens of similar cases, including rape and sexual exploitation for financial gain.

## Drugs

The HHRO has noted the escalating phenomenon of drug trafficking in Iraq, which has become a threat to the existence of the country's society and well-known infrastructure. This is because Iraq has previously not been a source of drugs and perhaps only a transit point for them to a limited extent. Reports in the Iraqi media about crimes occurring here and there, however, the arrest of drug dealers, the seizure of quantities in the possession of criminals, and prison sentences issued to a number of drug dealers raise concerns that threaten not only the Iraqi state's security and sovereignty due to their connection to illicit financial activities, but also because they instill negative moral and health risks in Iraqi society, devastating children, youth, and others.

As evidence, on 3 February 2024, Iraqi media outlets reported the arrest of a drug-dealing gang in possession of 10,000 narcotic pills in Najaf. Furthermore, on 9 February 2024, the General Directorate of Intelligence and Security at the Defense Ministry announced the arrest of 3 drug dealers and 9 foreign residency violators in Baghdad. Another drug-dealing gang was arrested in Dhi Qar on 28 April 2024, led by a Lieutenant Colonel from the Border Guard.

The Iraqi National News Agency also reported that on 9 February 2024, the Interior Ministry arrested 19 drug dealers and seized more than 7 kilograms of crystal meth in Babylon, Baghdad, and Dhi Qar. A statement from the Interior Ministry stated, "A dangerous drug-trafficking network was dismantled, and its members, 8 dealers, were arrested in possession of 4 kilograms of crystal meth in Baghdad's Karkh district, after being pursued and tracked."

On 11 February 2024, Iraqi media outlets reported that the Supreme Judicial Council announced in a statement that "the Najaf Criminal Court issued a life sentence against a drug dealer for the crime of drug trafficking." The statement indicated that "the convict was found

---

<sup>6</sup> Shafaq News Agency.

<sup>7</sup> Iraqi News Agency.

<sup>8</sup> Al Sharqiya News Channel.

in possession of 4,000 amphetamine pills, intended for trafficking and sale among users.” Furthermore, on 15 February 2024, Iraq’s Central Criminal Court sentenced five drug dealers, including a woman, to life imprisonment.

This phenomenon’s escalation has repercussions on political, social, economic, and health issues, and is causing a rise in crime, particularly murder, rape, theft, adultery, sodomy, suicide, and others.

This is in addition to increased unemployment, family disintegration, and an increase in cases of adultery, divorce, fraud, breach of trust, assault, and violence against children, among others.

The HHRO therefore calls on the relevant Iraqi authorities, particularly the security apparatus, to control the country’s borders in order to prevent these destructive drugs’ entry from neighboring countries, as well as hold those involved in any form of drug trafficking accountable.



## The Reality of Education in Iraq

The reality of education in Iraq is characterized by deterioration and chaos, both in terms of educational level and infrastructure, as well as a lack of even the most basic components required for the educational process in the country, compared to the situation in the 1970s and 1980s.

The horizontal expansion of Iraqi universities, and the proliferation of private schools and universities, comes at the expense of quality and integrity. The HHRO has recorded numerous observations and collected information and news about the shortage of school buildings, and where they exist, they are dilapidated schools in some governorates, districts, and towns. These were found empty of desks, lacking cleanliness, filled with dust and dirt, and unsuitable for educational purposes.

The organization monitored a circulating video clip of Jarir School in Al-Rumaitha. On 9 September 2023, Al-Rasheed TV channel published photos of dilapidated schools in Dhi Qar Governorate, after large sums had been spent on them. Some of these schools are caravans, where students suffer from the summer heat and winter cold. In Karbala Governorate, the organization observed dilapidated classrooms on the verge of collapse at Al-Mawaheb Government School. In addition to the need for continuous review of curriculum content and outdated teaching methods, the Organization observed students and pupils complaining about poor education, a shortage of teaching staff, and overcrowded classrooms. A video clip also circulated of a school in Muthanna Governorate showing 85 students beginning their school year in a classroom without excursions.

This is in addition to the limited number of teaching and learning staff, the need for a comprehensive review of educational legislation, and other problems and challenges facing education in Iraq. These include the growing trend toward private tutoring at the expense of rigorous teaching's neglect in government schools, with the same efficiency provided in private schools.

As recently as 2024, the HHRO noted activity in school construction in a number of Iraqi districts and sub-districts it visited. The process, however, remains inconsistent with actual need and the increasing population growth associated with the rising number of students entering school. The HHRO's monitoring of the quality of education also indicates that memorization and rote learning are still the dominant method in education, and adherence to traditional teaching and examination patterns is still paramount, regardless of advances in educational technology, the digital revolution, and the encouragement of research methods and informational organization. Furthermore, curricula need to be continuously reviewed and methods of delivering information to students updated, along with enhancing the capabilities of teaching staff and integrating them into ongoing training courses to adapt to modern educational technologies.

It is worth noting in this report that the HHRO draws attention to the fact that educational legislation needs to be reviewed and amended, as most of it is outdated and inconsistent with current political, social, and educational transformations.

## Health

The health sector in Iraq still requires sustained reform. Despite relative improvements in services and the construction of new hospitals in a number of governorates, the health system faces significant challenges, including a shortage of medical personnel, lack of funding, and failure to keep pace with modern technologies to meet needs.

The health services and environment the health sector provides remain below Iraqi citizens' level of satisfaction. Despite government efforts to develop this sector, the reality has yet to rise to the level befitting Iraq, and the health services provided in government hospitals are weak and incapable of improving the health sector.

Reports reviewed by the HHRO indicate that the Iraqi capital, Baghdad, ranks last in the healthcare index published by Numbeo, a website specializing in statistics that monitor the standard of living in countries around the world. This is in light of the poor services provided to citizens. On 19 August 2023, the HHRO monitored poor hygiene and services, as well as the spread of waste, at the Children's Cancer Hospital in the Iskan neighborhood. The Organization also received a plea from residents about the diseases caused by the filth, blood-soaked corridors, and dirty doctor's and toilet facilities. Al-Baghdadia TV further reported on the deteriorating service situation at Muthanna Governorate's Al-Khader General Hospital, including the presence of waste in the corridors and rooms, and an unclean floor inside the hospital.

Citizens met by the HHRO in government hospitals during its visits expressed the poor medical services provided to patients, as well as the lack of medical equipment and modern technology in government hospitals, which has forced them to seek expensive private medical centers or hospitals to provide adequate healthcare. They also expressed concern about the poor services provided by health facilities, the dilapidated infrastructure of many hospitals, aging of their facilities, lack of maintenance services, and rampant financial corruption within these institutions. They additionally spoke about the high costs of treatment in private hospitals and high prices of medicines in pharmacies, which health facilities are unable to provide, forcing citizens to purchase them from the market at double the price.

Citizens demanded that their voices be heard and that the Iraqi government take serious and meaningful measures to improve the health situation, including building specialized centers and new hospitals, upgrading medical equipment and facilities, and providing essential medicines and medical supplies.

Through its monitoring, the HHRO documented ongoing attacks on doctors and health sector workers amid weak and indifferent implementation of laws deterring these violations. This has forced a number of doctors to emigrate in search of a safe environment, away from violence and daily challenges, including tribal practices that hinder their work, as well as death threats and the imposition of extortion payments. On 4 September 2024, media outlets reported that security forces assaulted Dr. Ali Fares, breaking his hand and foot because he demanded his rights.

These attacks are not limited to doctors working in the private sector; they also affect those working in government hospitals, which are supposed to provide them a safe environment. Doctors point out that, "the continued disregard for these violations creates an unsafe environment and threatens the entire Iraqi health system." Many of them called on the

relevant authorities to strengthen security measures within government health facilities, hold those responsible for any negligence accountable, and impose deterrent penalties on attackers. They also called for intensified education and awareness campaigns to respect health workers and highlight their vital role in serving society.

## Human Rights Organizations

The HHRO has closely observed the work of human rights organizations in Iraq through their advocacy, monitoring, and documentation of violations, exposure of them, as well as monitoring the proper implementation of laws, legislation, and various procedures at the governmental and judicial levels. It also conducts awareness-raising and educational activities at the social, economic, and human rights levels, in addition to raising awareness of democratic and civil issues in Iraq. However, they face indirect pressure from government institutions, which raise suspicions about dealing with them and issue limited-circulation books aimed at restricting their activities, particularly in providing information on government activities and reports, which places them within a circle of mistrust. This is in addition to imposing difficult restrictions and conditions on financial transfers, dealing with banks, opening accounts, financing issues, and other matters. This reduces the opportunity to use democratic spaces to develop community work and diminishes the vital role required of civil society organizations, especially human rights organizations, in promoting democratic development and providing the necessary conditions to deepen democratic practice and affirm its core values. These stem from the importance of civil society's role, along with the roles and functions it performs in society, strengthening democracy's infrastructure.

Although the NGO Department within the Council of Ministers' General Secretariat, which oversees and monitors NGO work at the administrative and technical levels, performs admirable tasks and is fully aware of its role, it often fails to overcome the challenges facing civil society organizations, particularly human rights organizations.

The pressure on human rights organizations only serves to convey a perception of a decline in the adoption and belief in democratic principles in Iraq, and a sense of nostalgia for the totalitarian regime, which arbitrarily subjected existing unions, mass organizations, and youth unions to state control and oversight, gradually transforming them into a natural extension of the political authority's institutions. The regime also prevented the existence of civil society organizations, thus preventing them from achieving real successes in the cultural, social, or human rights fields. Such actions block the path to the emergence and development of a genuine, effective, and vibrant civil society that meets the requirements of democratic action.

## Civil Society Organizations

Iraqi civil society and non-governmental organizations have proven their effective contribution to numerous public policy, social, cultural, educational, media, and legal activities. They are an important pillar of building the democratic process in the country. They have spared no effort in supporting the political process and peaceful transfer of power, educating citizens about political and civil rights, such as voting, elections, and running for political office, as well as introducing constitutional and electoral concepts, and other public rights. They are close to citizens, expressing their rights and duties, promoting a culture of non-violence, and explaining the duties of the three Iraqi governmental branches. Their role in monitoring laws and judicial activities has become clear, particularly in monitoring the proper implementation of laws, legislation, and various procedures of judicial departments and their components. They also direct the media toward the advantages and disadvantages of Iraqi legislation, their efforts to enact alternative legislation or amend it, and the preparation of legal programs broadcast through the media to educate citizens legally.

This is in addition to their role in providing humanitarian support to displaced persons and marginalized groups, as well as providing psychological support to these groups, including women, children, IDPs, refugees, the unemployed, and the elderly.

It is worth noting the efforts of civil society organizations in capacity building and training Iraqi cadres by holding workshops, as well as raising awareness about democratic and civil society issues in Iraq, and violence against women. This is in addition to their role in developing influencing techniques and improving teamwork, equality and non-discrimination, citizenship rights, in addition to the protection of diversity and minorities, among other issues.

Despite all this, organizations face significant challenges, including legal restrictions on implementing their projects and financial challenges, including the complexity of opening bank accounts, lack of banking facilities, and imposition of bank deductions. Although they are non-profit organizations, they are treated like commercial companies, not based on the principle of providing humanitarian aid. Iraq's Central Bank has issued strict instructions for dealing with them, which involve them in a complex routine, especially since most of these organizations are staffed by volunteers who do not receive salaries.

These organizations also face difficulties in accessing decision-makers, as well as information for the research and studies they conduct, which undermines required transparency and integrity.

This is in addition to the security challenges faced in obtaining permits to operate and access prisons and detention centers to uncover facts and expose violations. Furthermore, civil society organizations face challenges related to funding and sustainability. They mostly receive support from international institutions, whether financial or logistical, while there is no national fund to support the role played by Iraqi NGOs in providing humanitarian aid, supporting marginalized groups, promoting human rights, empowering women, combating corruption, monitoring elections, and spreading a culture of coexistence and peace.

The grants received by civil society organizations and NGOs in Iraq fall into two main categories. The first is transnational grants, which are funding provided by international entities that do not have offices or direct work programs within Iraq. These often come from

European, American, or other organizations, and are provided after field visits to these international organizations or through public relations communication with local Iraqi organizations. Such grants represent an important source of funding. However, many local organizations suffer from a lack of effective communication with international donors, which reduces their chances of obtaining sustainable funding.

The second type consists of grants provided by international organizations operating in Iraq. This includes funding provided by international organizations registered in the country, some of which are affiliated with the United Nations, and others not affiliated with it, such as the International Organization for Migration (IOM), Germany's GIZ, the United States Agency for International Development (USAID), UN agencies, Norwegian People's Aid, the National Democratic Institute (NDI), the International Democratic Institute (IRI), and other international organizations.

Such grants are divided into two categories. The first is funding directed by international bodies, in which international organizations determine their programs in advance and open the way for local partners to apply to implement those specific projects.

Although this category of funding provides good opportunities for Iraqi organizations in terms of employment and capacity building, it falls short of the sustainability and benefits offered by the second category of funding, which is based on Iraqi organizations submitting project proposals to donors according to their priorities, with donors responding to the proposals submitted by these organizations.

This type of funding is preferable and provides greater scope for local organizations to design projects that address local community challenges and enhances their operational independence.

Despite all this, many Iraqi organizations faced challenges at the end of 2024, when US President Trump took office and issued orders to suspend USAID. Dozens of development and relief projects that relied on US support in vital sectors such as reconstruction, rehabilitation of war-damaged areas, support for displaced persons, and development programs were halted. These were particularly concentrated in the north, west, and south of the country, where the effects of violence, terrorism, and climate change still persist.

## The Popular Movement and Freedom of Expression

Over the past two years, Iraq has witnessed a popular movement demanding basic rights, including freedom of expression. In any such movement, citizens typically face significant restrictions and challenges, including the use of violence to suppress protests and strikes, as well as attempts to obstruct freedom of expression through restrictive bills. The draft Freedom of Expression Law has been presented to the House of Representatives over four sessions, and each failed to pass it due to controversy and political bickering between the various blocs in parliament. In addition, there is increasing pressure from the public and human rights organizations to reject its content. It will hopefully be put to a vote next year, and we also hope that it will be voted on in a manner that serves the freedom of expression principle.

Although the democratic system and Iraqi Constitution guarantee the right to demonstrate and assemble peacefully, citizens and groups who feel marginalized and excluded, as well as citizens' reactions to widespread corruption in state institutions and the lack of basic services such as electricity, water, and healthcare, push them to engage in unrest or protests to demand their rights. However, they often face beatings and arrests by security forces and relevant law enforcement agencies.

For example, but not limited to this, on 4 February 2024, media outlets reported that government forces beat administrative and educational graduates in Babylon Governorate during a protest demanding permanent appointments, similar to their peers. These demands, however, were met with excessive force by so-called riot police.

Media outlets also reported that engineers demonstrating in front of the Basra Gas Company were subjected to beatings by riot police. Sources told Al-Sumaria News, which reported the news on 20 February 2024, that, "riot police beat the female and male engineers demonstrating in front of the Basra Gas Company on the Safwan-Basra road." The source explained that "these individuals had been demonstrating for more than a year, demanding jobs and rejecting the foreign labor that has invaded oil companies in Basra Governorate."

In the same context, media outlets reported on 25 February 2024, that civil activist Ahmed Mahlahal was sentenced to three years in prison for participating in a 2018 demonstration in Basra. Journalist Ali Al-Dhabhawi, host of the Al-Tasi'a program broadcast on Al-Baghdadia TV, was also detained for three days without a judicial order after exposing corruption cases on 24 February 2024.

Al-Rasheed TV additionally reported that on 28 July 2024, demonstrators demanding that the assessment exam's practical part be counted were assaulted and beaten by security forces in front of Baghdad's Higher Education Ministry.

Al-Sharqiya News further reported on 11 August 2024, that several demonstrators from health professions were attacked during a protest demanding their rights in front of the Health Ministry headquarters in Baghdad.

In a related context, on 13 August 2024, media outlets reported that the Communications and Media Commission had banned civil society activist Bashir al-Hajimi from appearing in the media for six months.

The attacks on demonstrations by medical and health professionals sparked reactions from human rights organizations. The Alliance for the Defense of Freedom of Expression, sponsored by the Iraqi Observatory for Human Rights, issued a statement on 3 September 2024, demanding that the Iraqi Prime Minister open an investigation into these attacks on demonstrators. The alliance expressed concern and condemnation of the incidents, stating that hundreds of medical and health professionals were subjected to a wave of violence by security forces while exercising their constitutional right to peaceful demonstration. The statement indicated that the attacks resulted in more than 25 injuries, ranging from direct beatings to attacks with hot water, as a result of riot police using water cannons to disperse demonstrators in the Karadat Maryam area.

These attacks came in the wake of mass demonstrations organized by medical and health profession graduates demanding job opportunities and appointments commensurate with their qualifications. This was particularly after the Iraqi Government announced that Prime Minister Mohammed Shia al-Sudani had approved the appointment of 60,000 graduates.

The Alliance for Defending Freedom of Expression condemned these attacks, considering them clear violations of freedom of expression and peaceful assembly, guaranteed by the Iraqi Constitution and international law. The use of excessive violence against demonstrators is alarming and threatens an important human right.

Meanwhile, media outlets reported that a security force arrested 23 people, including two women, during a raid on one of the halls of the Olive Branches Restaurant and Gardens in Al-Jadriyah, due to a Halloween celebration. Halloween is a holiday celebrated in the United States on October 31st of each year by people wearing costumes resembling horror movie heroes and superheroes, and this celebration has spread to other countries around the world.

On 11 November 2024, other media outlets reported that government forces attacked graduate demonstrators demanding their rights in front of the Oil Ministry in Baghdad.

In another context, the Sharqiya Channels Group announced on 24 November 2024, that its Nineveh office director, Jamal al-Badrani, was assaulted by armed individuals in Mosul. A spokesperson for the channel explained that three gunmen followed al-Badrani's vehicle and assaulted him while he was alone. The spokesperson confirmed that the attackers belonged to an armed faction seeking to undermine the city's stability. He noted that Sharqiya Channels trusts the security and judicial authorities to bring the perpetrators to justice, adding that the channel will continue its mission of disseminating the truth and defending national values.

Also on 24 November 2024, the Al-Baghdadia Channel reported activist Duaa al-Asadi's arrest in Dhi Qar on charges of inciting demonstrations.

In the same context, Iraqi authorities issued a decision imposing strict restrictions on the use of social media by government employees, sparking widespread controversy among human rights defenders and activists. The decision, issued via a circular from the Supreme Judicial Council, requires employees to exercise extreme caution when publishing content online and prohibits the posting of insults or criticism on websites. The statement also prohibits the sharing of sensitive information and emphasizes the need to separate personal opinions from work.



Many human rights activists considered the decision an additional restriction on freedoms, arguing that it adds nothing new to existing Iraqi laws regulating employee behavior. They noted that media terms such as “damaging the institution’s reputation” open the door to broad interpretations that could be used arbitrarily against employees. The report warned of the decision’s risks, such as self-censorship, lack of privacy, and weakening of constructive criticism, a key tool for improving government performance. It also noted that the decision conflicts with Iraq’s international obligations regarding freedom of expression.

The report concluded by recommending a review of the decision and implementation of existing laws, emphasizing the protection of constitutional rights and strengthening recommendations on the responsible use of social media.

With regard to journalists, the HHRO monitored news and statements about them being subjected to harassment and assault. In a statement issued by the Iraq Center for Human Rights, it expressed deep concern about violations against journalists in Iraq, which pose a real threat to press freedom and human rights. On 27 December 2024, the center specifically referred to a case filed against journalist Zainab Rabie, head of the Nakhil Center for Press Rights and Freedoms, over something she posted on Facebook. Several lawsuits were thus filed against her by official government institutions while she was practicing her journalistic work.

The Center emphasized that these measures, which target journalists and defenders of public freedoms, aim to silence voices and undermine journalism’s role in combating corruption and revealing the truth. It also explained that this campaign is part of arbitrary policies that contravene the Iraqi constitution and international conventions.

The Center additionally called on the Iraqi Government to take immediate steps to end the case against Zainab Rabie and ensure the protection of journalists in the country. It further emphasized the need to provide a safe environment for journalists to enhance their role in achieving transparency and accountability, and called for an immediate halt to the use of malicious lawsuits as a means of restricting freedom of expression. The Center concluded its warning that the continued targeting of journalists will lead to a decline in public confidence in state institutions and increase public frustration, placing Iraq among countries experiencing a deterioration in press freedom and human rights.

On 7 November 2024, Iraqi media outlets reported that Al-Ahd TV correspondent Mohammed Farid was subjected to abuse while performing his duties at the Planning Ministry. He was prevented from filming, and the crew was subjected to verbal assault, detention, and destruction of cameras.

## The Human Rights Reality in the Kurdistan Region of Iraq

Despite the gradual improvement in some human rights issues in the KRI, there are still significant challenges that need to be monitored and highlighted. Despite the enactment of the Components Law No. 5 of 2015, there are reports and statements from minorities alleging violations of their rights, particularly with regard to land and real estate in the villages of Aqrah, the Sapna area, Barwari-Bala, Amadiyah, and the Nahla area, as previously mentioned in the section on Christian and minority properties.

Christian activists have expressed their dissatisfaction with policies implemented in the Christian town of Ankawa, which allow the excessive opening of nightclubs and bars, transforming their area into a hotbed of corruption and prostitution. Ms. Mona Yaqo, head of the KRI's Independent Human Rights Commission, stated that "Ankawa is suffocating under the weight of distortions, including nighttime moral decadence and chaos in hotels, the numbers of which are unjustifiably increasing in residential neighborhoods. There is also clamor in party halls until late hours, and a violation of social norms through the wearing of revealing clothing in the streets, which contradicts the people of Ankawa's traditions. There is also a noticeable increase in the number of liquor stores, massage parlors, and nightclubs within residential neighborhoods, raising concerns about the safety of the family environment." Ms. Yaqo stressed the "need for strict legal measures to regulate these phenomena, and that licensing must be granted only in accordance with legal regulations."

Furthermore, despite the enactment of laws and legislation to protect families, violence against women continues, particularly domestic violence and honor crimes, including assault, burning, murder, and rape. The HHRO has documented the positive role of community police in supporting women subjected to domestic violence and monitoring their situations.

The HHRO has also documented numerous instances of hate speech and insults against religions and beliefs. In this regard, Ms. Mona Yaqo explained at a press conference in August 2024, "The Commission has referred several cases related to religious insults to the judiciary and will continue to take the necessary legal steps in this regard." She added, "The Commission strongly rejects any form of insult to religions and beliefs."

The Organization has additionally observed an increase in Iraqi women's participation in the Legislative Council (the decision-making process) and their beginning to enter the labor market. This represents a significant development in providing them with opportunities to access employment, participate in politics, and run for elections.

On the other hand, freedom of expression in the KRI faces a pattern of restrictions, despite the fact that the legal framework there guarantees this right and contains explicit provisions to that effect. The HHRO has reviewed local and international reports indicating that the Region is exerting pressure on journalists by summoning and arresting them. A report published by Amnesty International states that, "a number of journalists were summoned or detained during the first three months of 2024." Some of them are serving prison sentences after undergoing grossly unfair trials. The report adds that journalist Qahraman Shukri is serving a seven-year prison sentence after undergoing a grossly unfair secret trial. Prior to his arrest, he had criticized the Kurdish authorities' handling of the Turkish airstrikes in the KRI.

The region also witnessed mass protests to pressure the regional government to pay public sector salaries more regularly. Thirteen teachers went on a hunger strike for weeks, while

security forces violently prevented demonstrators in Sulaymaniyah from expressing their right to protest and transferring their protests to Erbil. These protests, which began on January 28 of this year in response to repeated delays in the payment of salaries to civil servants in the Kurdistan Regional Government of Iraq, led to the refusal to report to work.

It is worth noting that there are 1.5 million employees, the majority of whom receive their salaries as their families' sole source of income.

The issue of non-payment of salaries and the political usage of this card in the conflict between Baghdad and Erbil, which is frequently raised, casts a shadow over the human rights situation, particularly the deteriorating economic situation and rising poverty rates. Furthermore, this salary issue has begun to be used to promote hate speech between Baghdad and Erbil, which could, God forbid, lead to violence in the future.

In addition, rocket attacks by Iraqi armed factions on sites in the KRI have continued to escalate tensions between it and the central government in Baghdad. The former has accused Baghdad of supporting what it calls outlaw groups in carrying out attacks on the KRI. These mutual accusations negatively impact living conditions and fuel hatred between residents on both sides.

In a related context, the HHRO has monitored repeated Turkish shelling of border villages in the KRI. In addition to being a violation of Iraqi sovereignty, these attacks have caused massive forest and land fires and property damage, particularly in border areas near Amadiyah, Barwari-Bala, and other areas adjacent to the Turkish border. The shelling has further contributed to residents' displacement, making them afraid to return to their original areas for fear of the recurring shelling.

The migration of residents from these border villages places pressure on the center of Duhok Governorate and reduces agricultural production, such as apples, walnuts, almonds, and other crops, thus affecting the Region's food security.