

Universal Periodic Review

UPR report - Kurdistan region- Iraq 2019

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1. Preface

This report has been prepared by some civil organizations, the Human rights organization and Women's organization. The report highlight violating human rights in Kurdistan region, and we will mention about some important subjects, which are the issues and the conflicts of nowadays, and we regularly work on it, in the fields. In the past three years the United Nations in Iraq conducted many training, courses and meetings concerning the methods of writing and preparation for United Nations Assistance Mission for Iraq (UNAMI) Report, which made a connection between the organizations to concern this report and delivering the voice of the organizations to the outer world especially the United Nation. Human Rights in Kurdistan region .Kurdistan region as any other places in the world commit violation, and it's occurring as an obvious number of violation which resulted this report, as a part of our organization's duty, participating in solving the condition and the statue of human rights in Kurdistan region as a part of Iraq after the war and occupations as well as the religious and ethnic conflicts, caused of displacing people to Kurdistan region, which made the organizations to focus on the humanitarian work, and displacing has caused some violation of human

rights, therefore in this report we will focus on some of violations. In the upcoming four years it's on Iraq to work on the United Nations and the organization's suggestions to improve the status of human rights in Iraq and Kurdistan region.

2- Condition of the prison and prisoners in Kurdistan Region-Iraq:

Until now, Kurdistan Region-Iraq, doesn't have a law to administer and manage correction facilities, they implement the system no. of 2008. This indicates that Kurdistan Region-Iraq hasn't advanced in relation to giving attention to the correction facilities, and there is a minimum implementation of the international standards especially when it comes to the legal procedures related to ensuring fair trial for juveniles at the investigation stage. In addition to that, although Juvenile Care Law No.76 of 1983, states that juveniles while in prison should be kept at rehabilitation schools, but in Kurdistan Region they are kept at the correction facilities which are at the same facility with the women correction facility, which is against articles 9, 10, 11, and 28 of the Juvenile Care Law that requires having a special place to be considered during detention and serving sentence. Female juveniles are kept with adult women at the women correction facilities, while at Halabja province there are still no correction facilities for women, men or juveniles, during detention they are often obliged to send them to Sulaimaniya province. In Kurdistan Region-Iraq, there are no special buildings for juvenile correction facilities, the buildings are old and not suitable for the correction process, as they are not compatible for that, there is also a lack of an effective correction program and shortage of staffs and social workers, and lack of workshops which is necessary for the correction process. Torture and inhumane treatment with the defendants: Although Iraq joined the Convention against Torture (CAT) in 2011, but until now, torture is implemented in Kurdistan Region-Iraq, by the police, and security forces, in the years 2016, 2017 and 2018 out of 998 cases interviewed by DHRD 512 claimed they were tortured by security forces, police and counter terrorism forces. Kurdistan Region has not taken any steps to adapt itself with the CAT in the legislative, executive and judiciary aspects, in a way that those who have filed lawsuits haven't received any compensation, and the process is slow when it comes to taking legal action against torture perpetrators.

This report has been prepared by:
Democracy and Human Rights Development Center (DHRD).

3. Children without Affiliation:

This report highlights one of the most serious problems in Iraq and Kurdistan Region as well which is the issue of the children without affiliation and children born of rape

The focus of this report is on those children who were/will be born outside both marriages (legal or religious). The issues of these children are not just lack of identity but also they face discrimination and stigmatization in the community, which problem has a history in the area.

When ISIL controlled a big part in Iraq especially in Mosul and Ninawa cities, where many ethnic and religious minorities were lived in August 2014, they have committed numerous serious human rights crimes against women including sexual violence, kidnapping, enslavement and forced marriage. Many of the survivors have been able to escape and sought asylum in safer parts of the country, some stayed at their homes. Many of them became pregnant and have children from (ISIS) abusers. This became very complicated problem for Kurdish society especially the Eazidin community, because the children are not accepted in their society. Although in the Iraqi and Kurdistan society children born of rape are not accepted as well, but in the Eazidis society the problem is more complicated. According to Iraqi law any children born from Muslim father became Muslim automatically, this is the main concern of the Eazidin community.

The legal articles that dealing with this issue are as below:

According to the National Identity Card Law of 2016, the father is the only party for establishing affiliation and mothers cannot do such thing alone and does not have the right to issue identity card for the child.

The draft resolution for the amendment of the National Identity Card Law No. 3 of 2016 in order to abolish the existing discrimination between women and men concerning the affiliation –according to the Iraqi National Identity Card Law which only allows the registration of a child's name with the father's name.

According to Article 19 of the National Identity Card Law, section two:

The name is considered to be complete if it includes the single name of the person and the correct name of his /her father or the name of the grandfather and the title if any.

The name is considered to be complete if it includes the single name of the person and the correct name of his /her father or the name of his/her mother and the name of the grandfather from both sides and the title if any. (After the amendment)

In Article 20, Section one (The law as it is)

First: The Juvenile Court secretly sends a copy of affiliation the decision to choose the name of the born or the child who was found, the date and place of his/her birth, the

institution which sheltered him/her and the date of finding him/her to the directorate according to a model to be prepared for this purpose

(In this draft for the resolution in Article 20, section one there is a request for removing "foundling or whose affiliation is unknown" and changing it to the born or the child)

Section two: rejecting this section completely. (The reason for rejecting this legal section is that it stipulates that every foundling or whose affiliation is unknown is considered to be an Iraqi Muslim and this takes away the rights of all the other religions).

Section three: remains as it is

Section Four: The births of the foundlings shall be excluded, and those with unknown affiliation, the children of the absentees, the deceased and those who are separated shall be excluded from the period of informing stipulated in this Law and the decision of the Juvenile Court would be tantamount to informing about that.

The births of children who were found shall be excluded from the period of informing stipulated in this Law and the decision of the Juvenile Court would be tantamount to informing about that.

(In Article 20 there is a request for amending by removing "foundling and those with unknown affiliation" in this article)

Section five: The foundling or whose affiliation is unknown shall be registered based on an excuse or a decision issued by the competent court, whether the birth occurred before the 1957 census or thereafter in one of the following cases:

The born or the child is registered based on an excuse or a decision issued by the competent court, whether the birth occurred before the 1957 census or thereafter in one of the following cases:

In Article 20, section five (A, b) remain as it is

Section six remains as it is

Section Seventh: The registration procedures in the civil information system for the foundling or whose affiliation is unknown, the son of the absentee and the missing shall be determined by instructions issued by the Minister.

Seventh: The registration procedures in the civil information system for the born or the child, the son of the absentee and the missing shall be determined by instructions issued by the Minister.

In Article 20, section seven the request for the amendment is repeated as "foundling or whose affiliation is unknown" is used again.

Notes:

The most important change to be made in Article 19 of this law is adding the mother's name which establishes the affiliation and this will make Iraqi women in general to be entitled to determine their children's affiliation without the condition of the presence of the child's father.

In Article 20 the most important point mentioned in the above sections is the rejection of mentioning a child by foundling or whose affiliation is unknown which creates a clear discrimination. Thus, children according to this article in the law will be marginalized and discriminated. Therefore, this amendment is important in the requested ways above.

The recommendation (36 in 2014) of the United Nations recommendations and the CEDAW committee is criticizing Iraq as this is an absolute discrimination between women and men in term of the right of establishing affiliation.

Recommendations for this issue:

The above two points are specific legal recommendations; here we put forward other recommendations to be discussed by you.

Raising awareness and educating society about this problem, and protecting mothers of those children through advocacy campaign

Working on a societal level to eliminate any kind of discrimination against those children and protecting their lives and their dignity as well as respecting them like any other children, and providing safe place for any of them if needed.

supporting civil society organizations and involving media to increased work on this issue

Paying more attention to research and academic studies and field work.

This report has been prepared by:

People's Development Organization (PDO)

Emma Organization for Human Development

Azidi Solidarity and Fraternity League (ASFL).

4. Violence against women:

A report on women problems and legal issues of women protection, regarding the recommendations on women's issues in Iraq and Kurdistan Region, refers to some aspects such as applying procedures of protecting women's rights, empowering women, gender equality and having sufficient chance of women's education, employment and life improvement. Answering the recommendations, we have to refer to the following points: Regarding women's life and rights protection, it is not as it should be. There should be an environment where there is gender equality and women's life are protected. Because women lack proper jobs, equal opportunity for education as girls are often deprived from education and girls' dropout of schools are increasing. And there is no any serious attempt by the government to decrease those cases.

On the other hand, regarding women killing because of so called honor, it is increasing. The statistics shows the curve is going up on daily and monthly basis without bringing the culprits to justice. The murderers are getting away with it under the pretext of social and psychotic problems. So, the cases will not reach the courts of law. Another women's problem is that of setting fire on themselves or encouraging them to set fire on themselves as nowadays they are increasing.

Another issue is that there should be changes in the laws in a way that there should be gender equality and all the laws should be reviewed. It is clear that up to date there are no changes to the laws except to the few laws of personal status that are only applied in Kurdistan region to the exclusion of the other parts of the country. Therefore, there are often problems of implementing the laws and the other laws were not reviewed so far in away to be applicable to the international principles and treaties, especially SEDAU and work for implementing the SEDAU recommendations.

Regarding the family violence law, after passing eight years of the said law from its issuance, its implementation is still not in a good level. There are obstacles in its way. There is no adequate awareness among the community. No necessary and required budget was allocated for it. There are no special courts of law, offices and directorates for implementing the said law in all cities and towns. And lack of shelters related to the law and family problems is another difficulties.

Women's participation in the central legislative and executive power is very weak. The rate and influence of women in the central executive power is little. Women's presence

in the process of decision making in the political parties are nil. In Kurdistan region where five million people live in three governorates women's rights have the lowest level in power whereas men controlled the majority of power and manipulated it. Moreover, women are holding minimum numbers of administrative and political positions.

In Kurdistan region women's circumstances are generally going unstable for the lack of security and safety. Although there is the law of women protection, women are daily facing problems in their lives because the law is not implemented in the executive and legislative power and there is gender inequality in the community, laws, culture and different walks of life. Also, obstacles are put in the way of women issue in most aspects like sharing politics, society, economy and law. This confirms the fact that women don't live in a secure circumstance. This is why violence against women are increasing in the community. There are constant women killings while they receive a cold shoulder by the authority as legislative, executive and judicial authorities.

Thus, the real women's life and the obstacles in the way of the progress of women's issue is revealed.

This report has been prepared by:

- Women Organization for Legal Assistance (WoLA)
- Dabin Organization for Human Rights and Development

5. Education and learning in schools:

(1) The state of education in Kurdistan is very bad, to the point where the education process gets Shut down, in 2017, due to the economic crisis in Kurdistan region, most of instructors went on strike and in 2016 the education process was shut down for 2 months and then 3 months in 2017, because of this the education programs weren't completed and only a small part of it were finished during those two years, and now the teachers and instructors say that, "the strike has a big effect on the education process and the scientific level of the students is very low".

(2) Due to the social backwardness and the bad conditions of economical state between 2015 and 2018 years the level of student dropouts are on the rise, students don't believe that they can finish their education anymore because they think after finishing their college and university studies, they won't be hired and will end up jobless, and this way of thinking encourages students to seek out jobs, or try to travel to other countries. Furthermore, another part of the reason for dropping schools is that most of girls

decided to get married early and take a long time off schools and education. The marriage rates in Kurdistan have become a topic for discussion and there is a risk of uneducated mothers to increase because of it.

(3) There is a law in the Ministry of education in Kurdistan, for eliminating illiteracy, however there is any commitment for carrying it out and there is no punishment for parents either in this regard.

1. In schools, every building include two different schools and every school has double shifts working study , due to the unavailability of lecture halls and buildings, about (400) schools have issues in repairing and constructing new buildings. Some of the school building need to renew, since there are irreparable and are not viable for reconstruction

2. There is a problem in the education programs, for instance, for some lectures of the 2016 edition of the textbook compare to 2018 edition are different, yet both editions get distributed to students, thus creating issues for students and the ministry of education cannot provide enough textbooks to schools otherwise.

3. The knowledge level of instructors are low, because pedagogical science is absent in their training, thus sometimes violence occur between them and the students.

4. In Higher education, the science majors that have the highest graduation levels have become a problem. The Colleges accept students, give them degrees but then later don't get hired; the most common colleges include (Law, Geography major, and history).

5. The absence of gender equality in the management positions of the ministry of education and most of the officials are males.

6. The dilution of politics in the education system and determining the direction of the education process based on political instructions, which harm the education programs academically.

7. The absence of benefiting from (Art and Sports) lectures to help students specialize in them, for them to develop motivation and encouragement for the education programs.

8. There is a gap in education where there isn't enough information and knowledge regarding (Gender Equality, and Rights).

9. Not taking in account the religious variations and different minorities in the Education process in Kurdistan.

Suggestions:

11. A mechanism should be deterrent for implementing a law for students to study in schools.
12. Educational Textbooks should be reviewed and all of its shortcomings to be fixed.
13. Summer course should be opened for students in school to raise the learning level and the scientific ability of instructors should be improved.
14. Arts and Sports instructors to be further trained so that they can train their students and help them find their passions.
15. The political and economic situation would be stabilized in Kurdistan region so that more students don't get sacrificed.
16. New buildings to be constructed for schools to fix the building issues.

1. Chiman Mohammed Gharib / Headmaster of khaka Lewa Basic School/ Slemani
2. Bahray Zhnan organization, 2017 Report
3. Shorsh Ghafor/ Media Director of the ministry of Education
4. Dlshad Omer, General Director of the ministry of education of slemani in an interview with (KNN) satellite channel.
5. Shno Osman, highschool Instructor and Journlist/ Basic school of Khaka Lewa.
6. Number (5) sources.
7. Unofficial sources from the ministry of higher education.
8. Mhabat Jamal/ General Director of Dukan Education/ in an interview with (KNN) satellite channel, 3rd of march 2019
9. Layla Qasab, Instructor Nawzad/ Sports lecture supervisor.

This report has been prepared by:
Talent Women Organization (TWO)

6. IDPs (Internally displace person):

The Situation of IDPs in Sulaymaniyahn Governorate and Service Provision

According to the reports of Sulaymaniyah Displacement and Migration Office that is working on registration of IDPs in cooperation with Civil Development Organization

(CDO) and UNHCR, in Sulaymaniyah Governorate and Garman Administration, there are currently 181,000 displaced persons including camp residents. 73% of this number is aged 5 to 17 and 35% of the population is female.

Primary services and basic needs such as a place to live, water, electricity, education, health services, have been provided properly by the government and NGOs in 2016 and 2017 including issuing security code and legal assistance. Currently the situation is unstable; the IDPs live in a poor financial condition because they have spent the amount of money they had before their displacement to Kurdistan. The quality and quantity of projects by NGOs have decreased because of insufficient budget and the donors and international agencies have changed their main focus to south of Iraq. These changes have affected the provision of services and assistance by NGOs that have worked and supported IDPs during financial crisis and when the government was not able to take required actions.

The situation will be more explained if the below issues are analyzed:

Education

Within the start of the new year of school 2018 to 2019, the IDP schools have faced several issues and crisis. Previously, the Ministry of Displacement and Migration of Iraq allocated a budget for the rent of the IDP school buildings to support and cooperate with the Ministry of Education. Several buildings were rented and were used as schools. But in 2018 the budget was removed and some schools were closed as a result. Many children and youth were deprived from school. A number of families tried to return to their homeland but the unstable security condition and danger on their lives due to the armed militias, lack of services and job opportunities made them come back to Kurdistan.

Lack of documents such as national and personal ID in 2018 deprived many children from being registered at school. The NGOs made several advocacy with the Ministry of Education, proof of birth were then issued for the children by CDO lawyers and all of them were approved to be registered until their families go back to their homeland and issue the documents. This will provide safety insurance for some families that are not willing to return.

Many IDP teachers, who originally belong to Diyala and Anbar, were told to return to their homeland by the Iraqi government through official letters while they were working in Sulaymaniyah IDP schools. The NGOs made regular advocacy and followed up the situation and made the government re-estimate their decision and allow a number of teachers stay in Sulaymaniyah.

Insufficiency in stationary, books and clothes for students had a very negative impact of the quality of education in the IDP schools and resulted in lack of development within the students.

The above reasons have had different impacts on girls and women; it results in early marriage, forced marriage, child labor and beggary that have increased. Girls who do beggary, laboring or working in factories face sexual harassment which is so far one of the phenomenon that girl and women in the society suffer from.

Health

In the middle of 2018, a large number of the clinics and health centers that were managed by the NGOs had been closed due to lack of budget or termination of project. This resulted in difficulty for the government to provide required amount of medication and proper health services to IDPs because of financial crisis; for example in the camp clinics and districts such as Pirmagrun and Dukan.

There are many IDPs with chronic disease and urgent cases that need surgery but their poor financial condition prevents them from undertaking surgery and other related parties cannot provide assistance to these cases.

Security Condition

The NGOs contact the returned displaced families to gain updates on their safety and security and follow up their condition. Many of them voiced their concern for being threatened by the armed groups; their houses were burned or destroyed. These reasons forced the families to return to Kurdistan and live as displaced again.

All the reasons that have decreased the rate of service provision especially in the camps have become danger to on pregnant women. When time to give birth comes, there are no close health centers or clinics to their tents. Pregnant women may face death or may lose their babies in these conditions.

Child Protection

Many parents force their children to work or have no choice and need their children to do beggary and this will result in facing dangerous situations and cases for the children such as sexual and psychological assault which mostly happens within female children.

Currently a large number of children aged below 4 which compose 13% in Sulaymaniyah governorate cannot go to kindergarten because there is no such allocated place in Arabic language. In addition, the Kurdish kindergartens do not register Arab children.

This situation will have negative impact on the children because they don't receive any preparation for school.

Awareness

There are still many IDP individuals who have no awareness on health, hygiene, protection from violence, and their basic rights and so on.

Most of the humanitarian organizations in their projects have aimed to raise awareness of IDP individuals but still a large number haven't yet been approached by the NGOs and need to increase their awareness. Currently such projects have decreased or are about to vanish such as the projects of ACTED UNICEF, REACH, UPP and Center of Democracy and Human Rights Development.

Camp Residents and Receiving Tent

Joint Crisis Coordination (JCC) signed an agreement with UN agencies not to let more IDPs into the camps except very urgent cases. A number of IDP families live in unstable and poor financial condition, they can neither return to their homeland nor live in the camps, therefore, they have moved to the villages where approaching them by the NGOs to deliver humanitarian assistance is difficult.

Lack of shelter or a place to live, especially for the woman-headed families who have lost their husbands, is the biggest issue because the women are not able to work as the breadwinner of their families and cannot pay housing rent including expenditure for their children at school. This has resulted in cases such as women beggary and prostitution. Even if a woman can take care of all of this, there is still danger of facing sexual harassment when the perpetrators know they are IDPs and have no close relative to support them.

This report has been prepared by:

Civil Development Organization (CDO)

7. Early Marriage:

In article 25, clause a, the Committee has expressed its concern about early marriage, and in article 26, clause a, recommends to the member country to take a number of procedures.

According to the information obtained by PDO in 2018, from a survey they did in Garmian area on early marriage at Taza De and Qoratu IDP camps. Taza De is administratively under Kalar district, and Qoratu is under Khanaqin. Early marriage is

prevalent at the IDP camps, because the women are housewives and the absolute majority of them have not finished education. The number of girls in a family is a strong factor for early marriage. The survey showed that 51.5% of the surveyed women got married based on their free will and they weren't pressured, while 7.9% of the women regretted their marriage. 41.9% considered poverty and the poor living conditions of their families as factors pushing them to get married. The age of most of those who were raped was 15-17; which is dangerous. Among those who have serious diseases, 37.5% of them their age are 12-13; while this is a high rate. Giving birth rate among age group of 12 to 14 years old girls is at 25% of the surveyed women.

This survey showed that 41% of early marriage cases of children at Qoratu camp was due to poverty, miscarriage among the surveyed sample was at 46% and 77% of the surveyed women are married through religious ceremony conducted by an Imam, and don't have legal marriage contracts.

A report by Talent Women Organization (TWO), conducted in 2017 at Sulaimaniya city, shows that early marriage is increasing. The financial crisis and fight against Daesh (ISIS) made the society take steps backward. Jehad Omar, a social worker at the Sulaimaniya Court, said "although detailed surveys on early marriage rates in Kurdistan Region is not available, but as a social worker at the court, I see such cases on daily basis, I can say that on weekly basis there are 10 to 15 cases of early marriage registered at court, the age of these girls are 15 to 17 years old, and that is only at Sulaimaniya Personal Status Court." This social worker said according to the amendments made on Iraqi Personal Status Law in Kurdistan Region, marriage age is identified as below:

Completing age 15: in maximum necessity conditions, as decided by the judge and with the consent of the guardian and a medical report proving the individual is physically suitable for marriage.

Completing age 16-17: with the consent of the guardian and a medical report proving the individual is physically suitable for marriage.

Shalha Baba Rasol, teaching human rights topic at secondary schools, said that at human rights topic, early marriage is clarified to girls at seventh grade, but the negative aspects of this type of marriage is not explained to the students, and that it is better to be avoided.

The recommendations on the early marriage are the following:

Preventing Imams from performing marriage ceremonies when girls under 18 are involved, since religious marriage ceremonies happen outside court, and for

ministry of Endowment and Religious Affairs to create pressure to end this illegal phenomenon and to hold the Imams accountable.

Government institutions including, Ministry of Labor and Social Affairs, Ministry of Health, Ministry of Education, Ministry of Interior and Ministry of Culture, to raise awareness on the perils of early marriage.

Amending Iraqi Personal Status Law to prevent early marriage.

This survey was conducted by People's Development Organization (PDO)

A report by Talent Women Organization (TWO)

8. Political Participation:

Research about condition of women at decision making centers

A research conducted by People's Development Organization (PDO) in 2015, shows that the top leading positions of all the political parties is filled by men, and the percentage of women in the presidency of IKP in all the previous terms [till 2015] is zero, as women didn't get any of the three positions in the IKP presidency. This indicates that till now none of the political parties in Kurdistan Region believe in the capacity of women enough to put them in these high level and sensitive decision making positions. Although women's participation in the political process is at a visible percentage, through quota system, at the political parties and at the parliament, but based on the collected data and statistics, women participation in the decision making centers is at 2%.

Another research which is done by PDO in 2018, about the cultural and social effects on the weak role of women at the decision making centers; shows that 40% of the surveyed individuals chose to vote for women and 64% chose to vote for men, while out of the 484 individuals who took the survey 62% of them were female, while a big number of them prefer to vote for men because they believe they can represent them. 63% of the surveyed individuals believed that women currently serve as the shadow of men and 37% believed that women are capable of taking decision making positions.

The recommendations for women's political participation

Improving political parties' law, and to pressure the political parties through parliament to guarantee equality of participation between men and women at the political parties.

Pressuring the political parties to review their bylaws, to make sure women percentage at the decision making positions is not less than 40%

Resolution 1325, which is signed by Iraq, to be implemented on the political parties in Kurdistan to ensure true participation of women in decision making, negotiations, and diplomatic activities.

Facilitating the democratic environment for women participation and empowering them in order to take leadership roles instead of being only a facade and voter.

Providing equal opportunity for women in administrative and leadership positions.

9.List of the organizations:

- Democracy and Human Rights Development Center (DHRD)
- People's Development Organization (PDO)
- Women Organization for Legal Assistance (WoLA)
- Talent Women Organization (TWO)
- Civil Development Organization (CDO)
- Future Organization for youth and Development (FOYD)
- Dabin Organization for Human Rights and Development
- Emma Organization for Human Development
- Kurdish Organization for Election (KIE)
- Azidi Solidarity and Fraternity League (ASFL)
- Khanzad Cultural and Social Organization
- Women's Media and Culture Organization
- New Organization