



**Sawtuha network for human
rights women defenders**
(N.G.O)

**شبكة صوتها للمدافعات
عن حقوق الانسان
(منظمة غير حكومية)**

**The conditions of the journalists Women and Female Human Rights Defenders in Iraq
2018 -2014**

A report presented by “Sawtuha” Network for Women Human Rights Defenders

For the Human Rights Council on its 3rd session for reviewing

Report Universal Periodic Review

IRAQ

2019

Introduction:

“Sawtuha” Network for Women Human Rights Defenders, is officially registered with the NGO Department, founded by Iraqi Women Journalists Forum (IWJF) and Center for Public Policy. It includes 90 Iraqi organizations from most of the provinces of Iraq and the Kurdistan region aimed at ensuring that everyone enjoys all civil and political rights as stipulated by the Iraqi Constitution and international treaties and conventions, working to harmonize all domestic legislation with human rights instruments, supporting good governance and policies, implementing national policies for the protection of women human rights defenders against any sort of discrimination or violence against them, recognizing that women human rights defenders are an integral part of the human rights defenders' system, in addition to supporting victims of human rights violations by preventing violations from going unpunished, by ensuring that legal accountability measures are taken and encouraging organizations affiliated with the network to work collectively as a lobbying force to mobilize in the face of any violation against human rights, women, media, and freedom of opinion and expression.

This report is submitted in accordance with the United Nations General Assembly resolution 60/250 of March 15th, 2006 on the universal periodic review of the human rights situation, which is submitted by the network to the Human Rights' Office of the High Commissioner of the United Nations which monitors the extent of Iraq's implementation of the recommendations it has agreed upon, regarding media women, freedom of expression, and women human rights defenders, when the recommendations of the report of the second session of the Universal Periodic Review of the situation of human rights in Iraq.

First: promoting and protecting the rights of journalists and media women and freedom of speech that have been guaranteed by the Iraqi constitution:

Which included the recommendations of the second comprehensive review report, which were accepted by Iraq, including 6 recommendations on this subject (166, 165, 167, 169, 170, and 171). The legislative authority shall be considered as keen to include the freedom of speech, and freedoms of press and media within the Iraqi Constitution, Article (38). As well as the adoption of cultural activities and institutions within Article 35 of the Constitution. It ensured the protection of individuals from intellectual, political and religious coercion in Article (37-II) of the Constitution. It also guaranteed to each individual the freedom of thought, conscience and belief, according to Article (42) of the Constitution.



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In addition to the enactment of the Iraqi Media Network Law No. 26 of 2015, which is distinguished by the fact that it includes quota for women in the Board of Trustees of the network by no less than one third.

The legislative authority shall be considered as keen to present a draft law on the freedom of expression, assembly and peaceful demonstration, based on Article (38) of the Constitution, to regulate exercising of these freedoms and rights in a way that guarantees achieving their objectives. As well as the draft law on the right to information. The draft law on cybercrimes. And the Law of Protection Journalists No. 21 of 2011.

However, despite these legislative pros, the network has monitored an increase in targeting female journalists and media women in Iraq by terrorist organizations, unidentified armed individuals, or by government agencies. Despite the declaration of the Law of Protection of Journalists No. 21 of 2011 and the existence of the constitutional article (38) which affirmed the guarantee of freedom of expression and the protection of journalists, there is still a weakness in the legal legislation on freedom of opinion and expression.¹ Female journalists were subjected to various attacks, such as not being allowed to cover certain activities, being subjected to physical attacks, or being prevented from writing because of their opinions.

The Iraqi Penal Code No. 111 of 1969 also contains restrictions on the freedom of opinion and expression, especially those related to publication crimes embodied in the criminalization of criticism, dissemination of news related to state institutions, broadcasting news, or publishing documents of government departments and institutions.² Articles 433 and 434 of the Iraqi Penal Code are also used to refer journalists / journalists to the judiciary for libel, slander and defamation.³

The Supreme Judicial Council, in April 2017, has abolished the Court of Information and Publishing. In response to the decision, the cases in the press and media turned into ordinary lawsuits, which resulted in the fingerprinting of journalists in addition to arresting those charged until they appear in court. Thereby, Sawtuha network emphasizes the seriousness of this matter, as it considers the arrest of a journalist in the case of an ordinary publication suit, a clear constitutional violation, and inconsistent with Article 38 of the Constitution, which ensured the work of press and media and freedom of expression by all available means, especially as the judiciary authority is still operating by the laws inherited from the former dictatorial regime, which is inconsistent with the essence of the Constitution.

The network has monitored that during the past four years, media women in Iraq have been exposed to 40 cases of killing, threats, physical attacks, and extortion, some of these cases:

¹ Article (38) of the Iraqi Institution

The State shall ensure, without prejudice to public order and morals

First: Freedom of expression by all means.

Second: - Freedom of the press, printing, advertising, media and publishing.

Third: Freedom of assembly and peaceful demonstration, organized by law.

² Articles (81-84) of the Iraqi Penal Code.

³ Articles 433 and 434 of the Iraqi Penal Code.



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- 1- The indicators recorded by the IWJF for violations against media women in Iraq for the period from May 3rd, 2016 to May 3rd, 2017 reflected the extent of the harassment and violence they suffered. As killing, wounding, threats and harassment of 11 media women have been recorded in one year only. Where the media woman, Nibras Al-Mamouri, the President of the Iraqi Women Journalists Forum, was exposed to the death threats a number of times, by anonymous phone calls, as well as defamation of character for defending the women journalists and activists and opening a legal clinic that recorded violations against those women and was the first media woman to file a lawsuit in the Court of Publishing against the phantom social media pages on March 3, 2016. And at the instigation of some parties, a malicious suit was filed against her where she was accused of terrorism, as an attempt to pressure her to drop the lawsuit she filed in the court of publishing, the court finally issued a report by the judicial expert confirming that Nibras Al-Mamouri was exposed to blackmail and defamation of character, and called for the prosecution of those who caused harm for her, and the decision of the court of publishing that was in her favor, was the reason for eventually waiving the malicious lawsuit that was falsely brought against her by some paid parties.⁴
- 2- The newspaper of Women that issued in the province of Basra, has been banned from the issuance and closed because of threats by some political blocs and the local government in Basra in 2015. This newspaper was issued by Dr. Asmaa al-Aussi, where some activists wrote about cases of violations against women.⁵
- 3- The media woman Alaa Al-Mahdawi has been subjected to harassment by the police security of the offices of Diyala governor and the governorate council for being a media woman and community activist that has the courage in conveying the truth and because she highlighted a number of violations against the rights of citizens (IDPs), as she was stripped of her license, and from January to August 2018, she stayed at home for lack of ability to work and fear of being pursued by police security of the offices of the governor and the provincial council.⁶
- 4- In the course of 2018, the Iraqi Women Journalists Forum has recorded 12 cases of murder, physical attacks, defamation of character, and institutional violations in Iraq against women journalists, in addition to cases that have been reported to the forum and stayed unannounced, in respect of the desire of the journalist seeking legal assistance, which reflects the extent of the harassment and violence that media women are subjected to as well as the threats they have received. They were also prevented by a number of institutions and journalists to perform their work, specifically while covering demonstrations in the provinces of Iraq and Kurdistan region. More than 20 cases of attacks and

⁴ Lawyer Rajaa Abd Ali, Director of Legal Clinic at the IWJF.

⁵ An interview with the media woman Asma al - Oussi by the activist Ferial al - Kaabi

⁶ An interview conducted by the journalist and civil activist Abdullah Omar al-Karawi.



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threats have been recorded, and institutions operating in the media have been closed. This is evident to the fact that the freedom of media and expression in Iraq has been clearly undermined by the responsible authorities. Which is why, Iraq has the most dangerous environment both concerning security and media, according to a report that has been issued by the IWJF.⁷

- 5- In 2018, the host of a program in Radio A-Diwaniyah (Asma Al-Aussi) was rebuked and fired by the Director of Radio Al-Diwaniyah, Hossam Hussain because of her courage and the fact that she disclosed corruption files. The media women demanded through an official memorandum to investigate her case and remedy her for the injustice she suffered because of because of her morning program that had the aim of social educating and awareness. She was later exposed to accusations, because of her coverage of a demonstration by lawyers against the Qadisiyah appeal court proceedings and she was referred to the court and a judicial decision was issued to sentence her to a suspended sentence of one year on charges of libel and slander directed at the judiciary authorities.⁸
- 6- The network has also recorded the continuous violation of the right to life for a large number of female journalists and media women due to the security chaos and terrorist operations carried out by the terrorist organizations. The International Federation of Journalists (IFJ) reports that Iraq is the most dangerous country for journalists in the world.⁹ On September 9th 2017, the house of the journalist Hiba Hussein was attacked by unidentified gunmen east of Baghdad. And the journalist Afrah Shawqi was abducted from her home in Baghdad, Saydia district by unknown individuals in 2016. In addition to the killing of the media woman (Shiva Kurdi) in a village in Mosul during the liberation of the areas controlled by the ISIS terrorist organization in 2017 and then the killing of the correspondent Rana al-Ajili¹⁰.

Second: The violations against women activists and human rights defenders:

The recommendations of the second comprehensive audit report that has been accepted by Iraq on this subject included three recommendations (165, 169, and 171)

It will be considered for the legislative authority that it is keen to allocate a full section in the Iraqi constitution for rights and freedoms, which is the second section, guaranteeing the equality of Iraqis and their political, civil, economic, social and cultural rights. And that the judiciary system is the guarantee of these rights against any violations that any citizen may be subjected to¹¹. Also, article (45

<https://tinyurl.com/y6xptu7g>⁷

⁸ An interview with the media woman Asma al - Oussi by the activist Ferial al - Kaabi

⁹ <https://www.hrw.org/ar/world-report/2017/country-chapters/298293>

<https://tinyurl.com/y29v7us6>¹⁰

¹¹ Part II of the Iraqi Constitution, Articles (14 - 46)



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- first) states the position and relationship of the State with civil society organizations.¹² In (paragraph 2) of this article, it stresses the prohibition of tribal norms that are incompatible with human rights, as well as its legislation of the NGO Law No. 12 of 2010. In addition to that, some articles of the Iraqi Penal Code in force No. 111 of 1969 and the amended Law of Criminal Procedure in force No. 23 of 1971 are considered as guaranteed for the rights and deterrents to all those who commit violations against them and constitute crimes under this law and abiding by the national plan of UN Security Council Resolution 1325 for years (2014-2018), thereby, Iraq becomes the first country in the middle east and north of Africa to release such a plan. In addition to the decision of the General Secretariat of the Ministers Council after the conference to discuss the mechanisms of cooperation between NGOs and local governments in supervising services in September 2018 which has granted it the right of civil society organizations to supervise and control services and public spendings and a formal decision issued by the General Secretariat of the Ministers Council, represented by the NGO Directorate.¹³

In spite of all these constitutional and legal guarantees, and since the administrative and judicial bodies comply with the system of masculine values prevailing in Iraqi society, in addition to the scarcity of an active female presence that believes in the cause of human rights in general, and the rights of women in particular, in these systems. Which is why, there is a negative image of the work of women defenders as volunteers representing others in many aspects of life, and therefore, their actions are carried out without being in a legal form. Thus, the cooperation between them and the administrative and judicial bodies is almost non-existent and if it exists, it will be under a negative view with the aim of violating and exploiting them. Also, women defenders are placed under close and severe monitoring, and these obstacles are established by the absence of an effective law to protect women activists and women human rights defenders.

Sawtuha network monitored the continued exposure of women activists and human rights defenders to numerous violations and restrictions on their freedoms. As targeting women's freedoms and their rights has significantly increased recently and more than any other time, and rates of violence against women in the country has begun to grow alarmingly.

The inability of the Iraqi government to protect women defenders, the weak implementation of the law and the impunity of perpetrators contributed to the fact that women defenders became easily targeted victims, the inability of the Iraqi Parliament to ratify a set of laws and procedures that regulate the work of male and female human rights defenders and protect their rights is the main reason for their exposure to all these violations (for example, the draft law against domestic violence, amending the Iraqi Penal Code and legal and administrative measures in civil and criminal law), the sufferings of

¹² Article 45 (I) of the Iraqi Constitution states that "The State shall ensure the strengthening of the role of civil society institutions, their support, development and independence in accordance with peaceful means to achieve their legitimate objectives.

¹³ <http://www.ngoao.gov.iq/ArticleShow.aspx?ID=758>



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women human rights defender is greater and more dangerous than the ones their fellow male defenders face, especially in an oriental environment dominated by customs, traditions and tribal concepts that led to a lack of understanding and respect for what the defender and activist are doing, defamation campaigns and a feeling of a lack of protection for women activists and defenders have led to a retreat from the participation in protests and demonstrations in different cities of Iraq, as there were campaigns of defamation of some of the women demonstrators through the pages of social media, manipulation of their images and accusing them of immoral issues and work to external parties some of those cases are:

1. At the end of 2014, 10 women were killed in Mosul, including three female doctors (Enas Khattab, Suad al-Ta'i and Ban Abdul-Aziz) by the terrorist organization (ISIS) as a result of their refusal to work with the organization, this same organization executed 11 women, one of them was (Ibthah Younis al-Hayali), the deputy prosecutor of the Ninawa Court of Appeal, in July 2015, the organization, in Tall Afar killed the head of the Human Rights Organization and the university professor Hanaa Fakhri al-Baghdadi because of her civil work and community activities in raising awareness and educating against terrorist policy.¹⁴
2. In September 2014, the lawyer and activist Samira al-Nuaimi was arrested in Mosul by ISIS members because of her criticism on her Facebook page of the barbaric bombardment carried out by this organization and the destruction of mosques and shrines in Mosul, she was executed by firing squad, and her husband and family were prevented from holding a funeral. In July 2014, the Iraqi politician Sanaa al-Jubouri was killed and the female activist, Khawla al-Jubouri, who was accompanying her was wounded, in two separate attacks by Islamist extremists. In June 2014, political activist Umaya Naji Jabara, the women's affairs chancellor of Salah Al-Dean mayor, was killed during renewed clashes with ISIS gunmen while she was resisting them with other citizens. Also, kidnappings and killings of 14 women from Diyala in 2015 were witnessed, including the lawyer Suad, and one of the victims was the young woman (Hudhayfah), an employee in Abi Saida, north of Diyala, and her naked corpse was thrown on the street.¹⁵
3. Human rights defender Maha al-Nasser from Diwaniyah province was subjected to multiple threats during the peaceful demonstrations in her city demanding reforms; where five convictions were filed against, and she was charged with participating in an attempt to kill a policeman in demonstrations. And this is a difficult issue for women in a conservative society dominated by clan customs and traditions, which pressured her to stop participating in the demonstrations. In one of the interview, she

¹⁴ <https://tinyurl.com/y5vfqn76>

¹⁵ <https://tinyurl.com/y5vfqn76>



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confirmed that she had almost been run over by an unidentified car and similar attempts were repeated several times in different areas.¹⁶

4. The civil activist and candidate for Diyala province for the 2018 Iraqi parliament elections Ibtisam al-Karoui was subjected to a campaign of defamation and squandering by political rivals from the same city where she lives, and is currently suffering from severe psychological problems as a result of this targeting.¹⁷
5. In 2016, authorities of the Kurdistan Regional Government (KRG), and without any clear charge, arrested the civilian activist and member of the Kurdish Red Crescent Society Perivan Al-Zein, and in October 2016, activist Tara Hussain was arrested by security forces in the Kurdistan region after participating in a press conference in which she criticized Erdogan's policy towards Iraq.¹⁸
6. On September 25th, 2018, the distinguished activist Suad al-Ali was killed in the city of Basra, she was the president of the Al-Woed Al-Alami for Human Rights in Basra, this happened after her participation in the recent demonstrations in Basra and her demanding that international organizations and the United Nations protect demonstrators against violations against them.¹⁹
7. During Basra demonstrations in 2018; armed groups accused activists involved in the demonstrations to be connected with suspicious relations with the US Consulate in Basra, and spread, through social media and multiple areas of Basra pictures of those activists with the Consul of the United States of America.²⁰
8. Dr. Intidhar Ahmed Jassim, the candidate for the parliamentary elections from Al-Nasr political alliance, a university professor and feminist activist, was subjected to a scandal and libel campaigns. As a result to the publication and circulation of a video that showed her in an immoral state on social media sites. Within a few days, she was dismissed from the alliance, and withdrew from the elections, moreover, she was fired from the teaching staff of the Faculty of Management and Economics, of Al-Mustansiriya University.²¹ Which forced her to file a lawsuit through an Emirati court outside Iraq to check the bad film. After sending it to an expert consultant in the court, it turned out that the video was fabricated and incorrect. This led to the issuance of the Ras Al Khaimah Court and after reviewing the

¹⁶ <http://www.nrttv.com/AR/News.aspx?id=5213&MapID=2>

¹⁷ An interview conducted by Abdulla Omar in Dyala

¹⁸ <https://tinyurl.com/y5vfqn76>

¹⁹ <https://yaqein.net/reports/142406>

²⁰ <https://tinyurl.com/y6xby9ly>

²¹ <https://tinyurl.com/y485ffq8>



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report of the consultant, it was decided that the video that appeared at the time of the previous parliamentary elections is fabricated and incorrect.²²

Recommendations:

1. The Iraqi parliament needs to amend the Penal Code No. 111 of 1969 to abolish the penalties for male and female journalists' opinions and the ways they express their views as long as they do not conflict with human rights. Also, amending and enforcing the Protection of Journalists Law No. 21 of 2011 to ensure adequate protection for male and female journalists to perform their duties.
2. The Iraqi government should ensure and promote equal opportunities for media women in the decision-making positions they deserve in accordance with their qualifications without discrimination, by taking measures on the implementation of the law of the Iraqi media network in order to ensure the fulfillment of the quota stipulated by the third and enacting other laws to ensure that,²³ as, so far there has not been a woman in the position of the president of a state media organization.
3. The Iraqi government shall organize the institutional work of the Media and Communications Commission through the creation of legal legislation guaranteeing the independence of the Commission and the freedom of opinion and expression guaranteed by the Constitution and including in its law the representation of women in its Board of Trustees by at least one third.
4. To request the Council of Representatives to legislate the law of Freedom of Demonstration and Peaceful Assembly as stipulated in Article (38-c) of the institution, as well as to legislate the law that regulates the right to information.
5. Demanding the Council of Representatives to legislate the law of cybercrime for the purpose of reducing the electronic extortion suffered by women journalists and human rights defenders.
6. Urging the government to take measures and actions to protect women human rights defenders from campaigns of defamation, blackmail and fabricated accusations by some political, partisan and armed groups.
7. Demanding the Iraqi Council of Representatives to legislate the law on the reduction of domestic violence.

²² <https://tinyurl.com/y4tcax2o>

²³ Article 8 of the Iraqi Media Network Act, which has been in effect since 2015, states:

First: the Board of Trustees consists of nine members, all non-executives, at least one third of whom are women, and they have the expertise and know-how in media, cultural, administrative, financial and legal matters.



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8. Urging the judiciary authority to limit the exploitation of criminal, civil and administrative laws to target, harass and blackmail women human rights defenders and to take legal action concerning perpetrators of crimes against female journalists and defenders, and enforcement of the law.
9. Requesting the judiciary to re-establish the publishing and media court.
10. Demanding the Iraqi government not to use the means of disconnecting the Internet in the period of peaceful demonstrations to end them and restrict the freedom of expression.
11. Urging the Iraqi government through the Information and Communication Authority (the official media institution) to take strict measures against party channels that incite against women activists and human rights defenders who are engaged in carrying out various community activities with some international organizations.
12. The Independent Electoral Commission in cooperation with the Iraqi Council of Representatives need to add a punitive text to the chapter on electoral crimes in the election laws of the Parliament elections and the election of provincial councils, concerning the criminalization and punishment of anyone who defames or abuses female candidates or their reputation in order to encourage women activists and independent human rights defenders to safely participate in the elections.
13. Pressure on the Iraqi parliament to adopt a bill to protect women activists and human rights defenders in accordance with constitutional and international mechanisms.
14. Urging the government to provide a space for local organizations and associations to protect women human rights defenders and to include repression and violence against them in local and international reports and to consider them as serious violations that require immediate and rapid intervention.
15. The Iraqi government needs to adopt a media campaign to educate about the rights of women journalists and human rights defenders and about the importance of respecting their work by governmental and non-governmental organizations.

The team of preparing the UPR that includes organizations affiliated with “Sawtuha” Network for Women Human Rights Defenders:

- Dr. Nibras Al-Mamouri (Iraqi Women Journalists Forum)
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- Batool Al-Dagher (Women Rights Center in Al-Samawa)
- Feryal Al-Kaabi (Awan Organization for Awareness and Capacity Development)
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