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Republic of Iraq  
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## 1. Introduction

- 1.1 CIVICUS is a global alliance of civil society organisations (CSOs) and activists dedicated to strengthening citizen action and civil society around the world. Founded in 1993, CIVICUS has members in more than 190 countries throughout the world.
- 1.2 The Arab NGO Network on Development (ANND) is a regional network that works in 12 Arab countries, with a membership of nine national networks, which have an extended membership of 250 CSOs from different backgrounds, and 23 CSO members. ANND works towards strengthening the role of civil society and enhancing the values of democracy, respect for human rights and sustainable development in the region.
- 1.3 Iraqi Al-Amal Association, established in 1992, is a non-political and non-sectarian association of volunteers actively engaged in projects for the benefit and wellbeing of the Iraqi population. It conducts income-generating projects and provides psychosocial assistance and training to vulnerable groups to empower them to participate efficiently in public life. Al-Amal also works on law reform, engaging with the police and the judiciary.
- 1.4 Al-Namaa Center for Human Rights, established in 2013, is part of the Iraqi Al Amal Association. It works with 650 human rights defenders (HRDs) from across Iraq to build their capacity in human rights. Al-Namaa monitors the human rights situation in Iraq, working closely with HRDs in all of Iraq's Governorates.
- 1.5 In this document, CIVICUS, ANND, Iraqi Al-Amal Association and the Al-Namaa Center for Human Rights, hereafter referred to as the four partners, examine the Government of Iraq's compliance with its international human rights obligations to create and maintain a safe and enabling environment for civil society. We analyse Iraq's fulfilment of the rights to the freedoms of association, peaceful assembly and expression and unwarranted restrictions on HRDs since its previous UPR examination in November 2014. To this end, we assess Iraq's implementation of recommendations received during the 2<sup>nd</sup> UPR cycle relating to these issues and provide action-orientated follow-up recommendations.
- 1.6 During the 2<sup>nd</sup> UPR cycle, the Government of Iraq received eight recommendations relating to the space for civil society - civic space. Of these recommendations, seven were accepted and one was noted. However, an evaluation of a range of legal sources and human rights documentation addressed in subsequent sections of this submission demonstrates that the government has not implemented these recommendations relating to civil society space.
- 1.7 The four partners are deeply concerned by continuous and serious violations with impunity of the right to the freedom of expression, including through targeted attacks,

arbitrary detention, enforced disappearance and intimidation of journalists and HRDs, including women HRDs (WHRDs). Of further concern is the use of excessive force against mainly peaceful protesters on a number of occasions.

- 1.8** We are further alarmed by the proliferation of unaccountable armed groups affiliated with government institutions or political parties, which have endangered the environment for journalists, HRDs and protesters to express views freely and engage in peaceful assemblies.
- 1.9** As a result of these restrictions, civic space in Iraq is rated as ‘repressed’ by the CIVICUS Monitor, indicating the existence of major constraints on civil society’s fundamental freedoms.<sup>1</sup>
- 1.10** In Sections 2 to 5 of this submission, the partners examine Iraq’s implementation of UPR recommendations and compliance with international human rights standards concerning the freedoms of association, peaceful assembly and expression, and the protection of HRDs.
- 1.11** In Section 6, the authors provide recommendations to address the concerns raised.
- 1.12** An annex on the implementation of 2<sup>nd</sup> cycle UPR recommendations related to civic space can be found in Section 7.

## **2. Freedom of association**

- 2.1** During Iraq’s examination under the 2<sup>nd</sup> UPR cycle, the government committed to “Guarantee and create an enabling environment to the activities of journalists and human rights defenders and civil society,” “Bring national legislation in accordance with international standards to fully guarantee freedom of expression, association and assembly” and allocate “substantial funds for addressing the situation of the internally displaced persons and refugees to internal organizations and NGOs.”
- 2.2** Article 22 of the International Covenant on Civil and Political Rights (ICCPR), which Iraq ratified in 1971, guarantees the freedom of association. Article 39 of the Constitution of Iraq guarantees the right to the freedom of association and article 45 commits the state to “strengthen the role of civil society institutions, and to support, develop and preserve their independence in a way that is consistent with peaceful means to achieve their legitimate goals.”<sup>2</sup>

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<sup>1</sup> CIVICUS Monitor: Iraq, <https://monitor.civicus.org/country/iraq>.

<sup>2</sup> English translation of the Constitution of Iraq 2005, The Constitute Project, [https://www.constituteproject.org/constitution/Iraq\\_2005.pdf?lang=en](https://www.constituteproject.org/constitution/Iraq_2005.pdf?lang=en).

- 2.3** Despite these legal commitments, in practice, implementation by the state has been weak and at times the authorities have imposed arbitrary obstacles that violate the law, resulting in restrictions that undermine the full enjoyment of the freedom of association.<sup>3</sup>
- 2.4** The Law on Non-Governmental Organizations (Law 12 of 2010) and the Law on Non-Governmental Organizations in the Iraqi Kurdistan Region (Law 1 of 2011) provide the legal framework for civil society in the federal regions of Iraq and the Kurdistan Region.
- 2.5** The federal Law on Non-Governmental Organizations guarantees judicial oversight for the suspension of CSOs (article 23) or for freezing a CSO's bank account (article 16).<sup>4</sup> The Law on Non-Governmental Organizations in the Kurdistan Region also requires a court authorisation to dissolve an organisation (article 16).<sup>5</sup>
- 2.6** Although not a legal requirement, the Council of Minister's instructions to implement the Law on Non-Governmental Organizations require mandatory registration for CSOs operating in the federal regions.<sup>6</sup> In the Kurdistan Region, CSOs are not required to register, but must do so to receive funding.<sup>7</sup> Registration processes under the federal law can take up to four months and up to two months in the Kurdistan Region.<sup>8</sup>
- 2.7** Arbitrary registration requirements imposed by the authorities unnecessarily delay CSO operations and impose undue bureaucratic constraints. Double registration requirements are imposed on CSOs already registered in Kurdistan that seek to extend operations to other regions.<sup>9</sup> CSOs in the Kurdistan Region are requested to provide security forms by their employees containing photos and family information, raising security concerns. Further, in 2017, some CSOs in the Kurdistan Region were required to complete an annual re-registration, by Kurdistan's NGO Directorate, in order to continue their activities, despite the law's requirement that organisations register only once.<sup>10</sup> In Mosul, as part of their registration, CSOs were reportedly required to present letters of endorsement from the Mosul Security Agency and Mosul Governorate.

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<sup>3</sup> '2017 Civil Society Organization Sustainability Index for the Middle East and North Africa', USAID, 6th Edition, December 2018, pg. 16,

[https://www.usaid.gov/sites/default/files/documents/1866/CSOSI\\_MENA\\_Regional\\_Report\\_3.pdf](https://www.usaid.gov/sites/default/files/documents/1866/CSOSI_MENA_Regional_Report_3.pdf).

<sup>4</sup> English translation of the Law of Non-governmental organisations, Number 12, 2010, International Center for Not-for-Profit Law (ICNL), <http://www.icnl.org/research/library/files/Iraq/12-2010-En.pdf>.

<sup>5</sup> English transition of The Law of Non-Governmental Organizations in the Iraqi Kurdistan Region, 2011, ICNL, <http://www.icnl.org/research/library/files/Iraq/krngolaw-en.pdf>.

<sup>6</sup> English translation of the Directions on facilitating execution of NGO Law number (12) of 2010, ICNL, <http://www.icnl.org/research/library/files/Iraq/12-2010-reg-en.pdf>.

<sup>7</sup> '2017 Civil Society Organization Sustainability Index for the Middle East and North Africa', op. cit.

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

**2.8** Although Iraq accepted the UPR recommendation to allocate substantial funds to CSOs working with internally displaced persons and refugees, no such funds have been allocated. The draft Law on the National Fund to Support NGOs in Development Projects in Iraq,<sup>11</sup> proposed by the Council of Representatives in January 2013, is still pending consideration.<sup>12</sup> There have been allegations of government and political interference in CSOs, including privileged access to foreign funding for government-affiliated organisations. Local CSOs alleged that government coordination boards dispersing humanitarian aid prioritised for funding CSOs with political party or government affiliations.<sup>13</sup>

**2.9** Security in Iraq remains a major concern for civil society groups. The International NGO Safety Organisation (INSO) recorded 93 security incidents involving CSOs in 2018.<sup>14</sup> This figure covers both criminal and conflict-related incidents, including killings, abductions, threats and robbery as well as direct, indirect and accidental involvement of CSOs in incidents. According to INSO, in 2018, the main violations against CSOs were assault, arrest and detention (13 cases) and direct fire, as well as robbery and intimidation. Despite liberating in 2017 territories occupied by the Islamic State in Iraq and the Levant (ISIL), the armed conflict, now led by a spectrum of pro-government armed factions, continues to pose a threat to CSOs. INSO documented that official or semi-official forces constitute the greatest threat and challenge to humanitarian activity.<sup>15</sup>

**2.10** The authorities have obstructed the humanitarian operations of CSOs and aid workers by imposing forced dissolution on CSOs and levelling targeted defamation charges. On 2 January 2017, Kurdistan security officers shut down the Dohuk office of Yazda, a CSO providing humanitarian support to Yezidi women abused by ISIL and threatened its director with arrest.<sup>16</sup> Kurdish officials accused Yazda of violating its mandate by engaging in political activities. Yazda denied any political engagement. In February 2019, the authorities pressured organisations to halt services to families with perceived ISIL ties.

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<sup>11</sup> Proposed law on the National Fund to Support NGOs in Development Projects, ICNL, <http://www.icnl.org/research/library/files/Iraq/draft-fed-fund-10Jan2013-en.pdf>.

<sup>12</sup> 'Civic Freedom Monitor: Iraq', ICNL, 14 November 2018, <http://www.icnl.org/research/monitor/iraq.html>.

<sup>13</sup> '2017 Civil Society Organization Sustainability Index for the Middle East and North Africa', op. cit.

<sup>14</sup> 'Iraq: Context analysis', International NGO Safety Organisation, <https://www.ngosafety.org/country/iraq>.

<sup>15</sup> Ibid.

<sup>16</sup> 'Kurdish Officials Shut Down Group Aiding Yezidis', Human Rights Watch, 3 January 2017, <https://www.hrw.org/news/2017/01/03/kurdish-officials-shut-down-group-aiding-yezidis>; 'Closing of Yazda offices is harmful for KRG', Rûdaw, 6 January 2017, <http://www.rudaw.net/english/opinion/06012017?keyword=ISIS>.

**2.11** Terrorism accusations have been used to pressure aid workers in Mosul and other parts of Nineveh Governorate to include local powerholders in their lists of beneficiaries, and in at least two cases aid workers have been detained on charges of ISIL affiliation.<sup>17</sup> At least 22 incidents of state violations against aid workers in Nineveh Governorate have been reported to international watchdog groups, including intimidation, arrests, assault and live fire.<sup>18</sup>

### **3. Harassment, intimidation and attacks against human rights defenders, civil society activists and journalists**

- 3.1** Under Iraq's previous UPR examination, the government received two recommendations on the protection of HRDs, journalists and civil society representatives. The government supported both, committing to "adopt and implement, through an inclusive and a participatory process, national policies for the protection of women, including women human rights defenders, against any form of discrimination or violence, committed either in public or at the domestic level" and to "guarantee and create an enabling environment to the activities of the journalists and human rights defenders and civil society." However, as documented below, the government has failed to implement these recommendations.
- 3.2** Article 12 of the UN Declaration on Human Rights Defenders mandates states to take the necessary measures to ensure protection to HRDs. The ICCPR guarantees the freedoms of association, peaceful assembly and expression.
- 3.3** HRDs and activists have been subjected to deliberate attacks and targeted abuse in connection with their activities, including murder, enforced disappearance, arbitrary arrest and detention, intimidation, online harassment and smear campaigns.
- 3.4** Several HRDs working on enforced disappearances and submitting cases to the UN mechanisms have been targeted for reprisal by security forces, subjected to enforced disappearance and tortured.<sup>19</sup> The UN Secretary-General and UN Special Procedure mandate holders have raised concerns that the state is deliberately targeting activists who cooperate with UN mechanisms.<sup>20</sup> In 2015, security officers prevented Salam al-Hashemi, founder and director of Al Wissam Humanitarian Assembly, from

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<sup>17</sup> 'Iraq: Officials Arrest, Abuse, Harass Aid Workers', Human Rights Watch, 25 February 2019, <https://www.hrw.org/news/2019/02/25/iraq-officials-arrest-abuse-harass-aid-workers>.

<sup>18</sup> Ibid.

<sup>19</sup> 'Iraq: Human Rights Defenders Arrested and Tortured for Documenting Cases of Enforced Disappearances', Alkarama, <https://www.alkarama.org/en/articles/iraq-human-rights-defenders-arrested-and-tortured-documenting-cases-enforced>

<sup>20</sup> 'Cooperation with the United Nations, its representatives and mechanisms in the field of human rights. Report of the Secretary-General', Human Rights Council, 16 August 2016, A/HRC/33/19, [https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session33/Documents/A\\_HRC\\_33\\_19\\_en.d ocx](https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session33/Documents/A_HRC_33_19_en.d ocx).

participating in a videoconference with experts from the UN Committee on Enforced Disappearances, subsequently intimidated him and issued an arrest warrant against him accusing him of terrorism.<sup>21</sup> He fled Iraq fearing persecution. In 2017 the security forces arrested and allegedly subjected to enforced disappearance Saleh al-Mashhadani, who lived and worked at Al-Hashemi's farm, in what was believed to be an act of intimidation against Al-Hashemi.<sup>22</sup> Other members of Al Wissam have been subjected to intimidation and reprisal, including Al Tamimi and Al Roumy, who were targeted in armed attack in February and March 2018.<sup>23</sup>

**3.5** Similarly, activists engaged in protests have been subject to arbitrary detention, enforced disappearance and torture, by state and state affiliated armed groups.<sup>24</sup> On 19 August 2015, Waei al-Jabouri, an activist and local organiser of anti-corruption protests, was reportedly subjected to enforced disappearance following his arrest by pro-government armed group.<sup>25</sup> In 2016, activist Ali al-Zuhawi, who had participated in anti-corruption protests in Najaf, was detained and allegedly tortured.<sup>26</sup> In May 2017, seven university students who actively participated in anti-corruption protests in Baghdad were reportedly abducted and beaten by armed men, and threatened against participating in protests or posting criticism of militias on Facebook.<sup>27</sup>

**3.6** Activists perceived to be organisers of the protests that started in Basra in 2018, have been subjected to concerted abuse, including targeted assassinations, by perpetrators believed to be government-affiliated militias.<sup>28</sup> On 23 July 2018, human rights lawyer

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<sup>21</sup> 'Iraq: Human Rights Defenders Arrested and Tortured for Documenting Cases of Enforced Disappearances', op. cit.

<sup>22</sup> 'Iraq: Enforced Disappearance of Saleh al Mashhadani as Reprisal for Human Rights Work', Alkarama, <https://www.alkarama.org/en/articles/iraq-enforced-disappearance-saleh-al-mashhadani-reprisal-human-rights-work>.

<sup>23</sup> 'Human Rights Defenders Subjected to Reprisals by Iraqi Authorities for Speaking Out Against Enforced Disappearances', Alkarama, 2018, <https://www.alkarama.org/en/articles/human-rights-defenders-subjected-reprisals-iraqi-authorities-speaking-out-against-enforced>; Al-Tamimi was detained and tortured by security forces in 2016. See 'Iraq: Human Rights Defenders Arrested and Tortured for Documenting Cases of Enforced Disappearances', op. cit.; 'Cooperation with the United Nations, its representatives and mechanisms in the field of human rights. Report of the Secretary-General', op. cit.

<sup>24</sup> 'Civil society activists have been forcibly disappeared', Iraqi Observatory for Human Rights, 20 January 2019, <https://rights-iq.org/en/civil-society-activists-have-been-forcibly-disappeared>.

<sup>25</sup> 'Iraq: Human Rights Activist Disappeared for a Year by State Sponsored Militia', Alkarama, <https://www.alkarama.org/en/articles/iraq-human-rights-activist-disappeared-year-state-sponsored-militia>.

<sup>26</sup> 'Ali al-Zuhawi confirms from Najaf that he was kidnapped and tortured', Al-Hurra Iraq, video uploaded on YouTube, 7 September 2016, <https://www.youtube.com/watch?v=Y5WeSZC3AIs>.

<sup>27</sup> 'Civil Society Demands Accountability for the Kidnapping and Torture of 7 Students in Baghdad – International Solidarity Needed Now', Iraqi Civil Society Solidarity Initiative, 22 May 2017, <https://www.iraqicivilsociety.org/archives/7127>; 'Seven anti-corruption activists kidnapped in Baghdad', The Daily Star, 10 May 2017, <http://www.dailystar.com.lb/News/Middle-East/2017/May-10/405189-seven-anti-corruption-activists-kidnapped-in-baghdad.ashx>.

<sup>28</sup> 'Saboteurs': Non-state actors accused of killing and abusing Basra activists', Middle East Eye, 20 October 2018, <https://www.middleeasteye.net/news/saboteurs-non-state-actors-accused-killing-and-abusing-basra-activists>.

Jabbar Mohammed Al-Karm, who defended detained Basra protesters, was killed in Basra.<sup>29</sup> In November 2018, Wissam al-Ghrawi, a prominent cleric and protest leader, was killed outside his home in Basra.<sup>30</sup> In September 2018, activist Hajar Youssif was abducted, abused and beaten by armed men who warned her against participating in protests.<sup>31</sup> Such violent tactics, coupled with a lack of state protection, create a highly intimidating environment for civil society.<sup>32</sup>

**3.7** Activists and HRDs have also faced malicious lawsuits from authorities that undermine their legitimate work. In 2017, 100 lawsuits were filed in Dhi Qar, including 31 by security and intelligence agencies, against activists participating in protests;<sup>33</sup> malicious lawsuits against leaders of protests have been reported also in Diwaniyah.<sup>34</sup> In July 2017, the authorities issued arrest warrants on charges of ISIL affiliation for 15 private defence lawyers<sup>35</sup> representing ISIL suspects in courts.<sup>36</sup>

**3.8** With a lack of legal and social protection, WHRDs are exposed to additional targeted abuse because of their gender. WHRDs and those seen to encourage women's participation in public life continue to be murdered with impunity. A series of targeted assassinations of outspoken women took place in 2018, spreading fear among women activists.<sup>37</sup> Dr Su'ad Al-Ali, head of Al-Weed Al-Alaiami for Human Rights, who worked on women's and children's rights and was a prominent leader of the Basra protests, was assassinated on 25 September 2018 in Basra.<sup>38</sup> Outspoken model and social media star Tara Fares was assassinated on 27 September 2018 in Baghdad.<sup>39</sup>

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<sup>29</sup> 'Iraq: Protect the right to peaceful demonstration, release all detained demonstrators and reopen access to the Internet / Assassination of human rights lawyer Jabbar Mohammed Al-Karm in Basra', Gulf Centre for Human Rights (GCHR), 24 July 2018, <https://www.gc4hr.org/news/view/1912>.

<sup>30</sup> 'Gunmen Kill Iraqi Cleric Linked to Basra Protests', Radio Free Europe / Radio Liberty, 18 November 2018, <https://www.rferl.org/a/gunmen-kill-iraqi-cleric-linked-to-basra-protests/29606977.html>.

<sup>31</sup> 'Iran-backed militias accused of reign of fear in Iraqi Basra', Associated Press, 23 September 2019, <https://www.apnews.com/7a043d89870c4c2bac69f25c5b399060>.

<sup>32</sup> 'Saboteurs': Non-state actors accused of killing and abusing Basra activists', op. co.

<sup>33</sup> 'Malicious lawsuit a stumbling block for demonstrations and its demands', Sotal Iraq, 30 December 2017, <http://tinyurl.com/yxqffuyq>.

<sup>34</sup> 'The return of "malicious" lawsuits against the leaders of demonstrations and sit-ins in Diwaniyah', Almada Press, 29 June 2016, <http://tinyurl.com/y2lcx8kz>; 'Mass demonstration in Diwaniyah to demand the release of two activists arrested due to malicious claims', Iraq Press Agency, 6 April 2017, <http://tinyurl.com/y3wx46v5>.

<sup>35</sup> 'The arrest of staff at the Mosul court to plead guilty', Kitabat, 20 August 2017, <https://tinyurl.com/y5n3f8ut>.

<sup>36</sup> 'Iraq: Lawyers Arrested for Work in ISIS Courts', Human Rights Watch, 19 August 2017, <https://www.hrw.org/news/2017/08/10/iraq-lawyers-arrested-work-isis-courts>.

<sup>37</sup> 'In Iraq, Fears arise for Women's Safety', Fanack, 28 October 2018, <https://fanack.com/iraq/human-rights/womens-safety-in-iraq>; 'Murders like Tara Fares case become accepted in Iraq', Rûdaw, 28 September 2018, <http://www.rudaw.net/english/opinion/28092018>.

<sup>38</sup> 'Su'ad Al-Ali Killed', Front Line Defenders, 27 September 2018, <https://www.frontlinedefenders.org/en/case/suad-al-ali-killed>; 'Iraq: Woman human rights defender Dr. Su'ad Al-Ali assassinated in Basra', GCHR, 26 September 2018, <https://www.gc4hr.org/news/view/1955>.

<sup>39</sup> 'Tara Fares: Iraqi social media star who attacked those who 'chop off heads to prove there is a God'', The Independent, 1 November 2018, <https://www.independent.co.uk/news/obituaries/tara-fares-dead-iraq-instagram-shooting-baghdad-a8611031.html>.

- 3.9** In 2018, the Coalition of Women Human Rights Defenders was subjected to a slander campaign and harassment on social media for its advocacy on the prevention of domestic violence.<sup>40</sup> Online smear campaigns have been launched against women parliamentary candidates ahead of the May 2018 elections, including the spreading of falsified photos and videos intended to intimidate and discredit them.<sup>41</sup>
- 3.10** Activists and organisations supporting the human rights of LGBTIQ people work in a restricted environment where they are subjected to hatred and attacks.<sup>42</sup> HRD Laura Yousuf fled Basra in October 2018 after death threats made by militias for her social activities and LGBTIQ work.<sup>43</sup>

#### **4. Freedom of expression, independence of the media and access to information**

- 4.1** Under the 2nd UPR cycle, the government received seven recommendations relating to the freedom of expression, media freedom and access to information. All except one were supported by Iraq. The government committed to “bring national legislation in accordance with international standards,” “revise the existing legislation, in particular the Protection of Journalists Law number 21, with a view to remove all restrictions on the freedom of the press and to ensure full protection of journalists and other media-workers,” and to “investigate killings and violence against journalists and hold perpetrators accountable.” Contrary to these recommendations, the authorities exploited restrictive laws and undertook abusive actions to suppress the freedom of expression and threaten the safety of journalists.
- 4.2** Article 19 of the ICCPR guarantees the right to the freedoms of expression and opinion. Article 38 of the Constitution also guarantees the right to the freedom of expression and press freedom, but it limits expression that subverts “public order and

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<sup>40</sup> In a coordinated action, local civil society groups reported the threatening messages to Facebook and the intimidating and abusive pages and messages were removed. The Coalition of Women Human Rights Defenders delivered a statement demanding the adoption of the law against domestic violence in Iraq. See Al-Namaa Center for Human Rights, Facebook, <https://www.facebook.com/watch/?v=927792260716790>.

<sup>41</sup> ‘Tough road for Iraq’s female candidates in May 12 elections’, Associated Press, 3 May 2018, <https://www.apnews.com/a5a8de8d7a9e4c4ea2ff5062b61d38f8>; ‘Iraq’s women candidates face smear campaigns’, The National, 19 April 2018, <https://www.thenational.ae/world/mena/iraq-s-women-candidates-face-smear-campaigns-1.723263>; ‘The impact of online violence on women human rights defenders and women’s organisations’, Statement by UN High Commissioner for Human Rights Zeid Ra’ad Al Hussein, Office of the High Commissioner for Human Rights (OHCHR), 21 June 2018, <https://www.ohchr.org/SP/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=23238&LangID=S>.

<sup>42</sup> Concern over the protection needs of the LGBTIQ community and threats to activists has been also raised by the Special Rapporteur on extrajudicial, summary or arbitrary executions following her mission to Iraq in 2017. See ‘Iraq: Full justice for all sides is key to lasting peace, says UN expert after official visit’, OHCHR, 27 November 2017, <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22454&LangID=E>.

<sup>43</sup> ‘Iraqi militias use threats, violence to keep Basra press in line’, Committee to Protect Journalists (CPJ), 19 February 2019, <https://cpj.org/blog/2019/02/iraq-militias-basra-press-violence-threats.php>.

morality.”<sup>44</sup> The Constitution’s legal protections are undermined by restrictions provided in other laws.

- 4.3** The 1969 Penal Code criminalises defamation (article 433) and insult, including insult of public institutions or authorities, the armed forces (article 226), officials or official bodies (article 229), religious values (article 372), or insult of a person in a way deemed “dishonorable or disrespectful” (article 434).<sup>45</sup> The 1968 Publications Law enables imprisonment for insulting the government.
- 4.4** This restrictive framework exposes journalists to judicial pressure, arrest and excessive fines, as evidenced by the high number of lawsuits against media. Restrictive laws have been used by the authorities to prevent journalists from reporting on issues of public interest, such as corruption.<sup>46</sup>
- 4.5** The partners welcome the postponement of the parliamentary vote in May 2017 on the Draft Law of Freedom of Expression, Assembly and Peaceful Protest that introduces several limitations on the freedom of expression and contradicts international human rights standards.<sup>47</sup> The Protection of Journalists Law number 21 remains a concern.<sup>48</sup>
- 4.6** The Communications and Media Commission, responsible for regulating broadcast media, has imposed arbitrary restrictions on media coverage, including through the 2014 “war on terror” media guidelines aimed at restricting criticism of the state’s

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<sup>44</sup> English translation of the Constitution of Iraq 2005, op. cit.

<sup>45</sup> Iraqi Penal Code No. 111 of 1969, English translation, [https://www.unodc.org/res/cld/document/irq/1969/penal\\_code\\_html/Iraq\\_The\\_Penal\\_Code\\_1969ENG.pdf](https://www.unodc.org/res/cld/document/irq/1969/penal_code_html/Iraq_The_Penal_Code_1969ENG.pdf).

<sup>46</sup> ‘Covering corruption exposes journalists to arrest in Iraq’, IFEX, 13 June 2018, <https://www.ifex.org/iraq/2018/06/13/covering-corruption-journalists>.

<sup>47</sup> ‘Activists Convince Parliament to Withdraw a Law on Freedom of Expression, But Iraqis’ Rights are Still Threatened!’, Iraq Civil Society Solidarity Initiative, 23 May 2017, <https://www.iraqicivilsociety.org/archives/7142>; ‘Iraq: Parliament postpones vote on draft law on freedom of expression and peaceful demonstration after popular protests’, GCHR, 17 May 2017, <https://www.gc4hr.org/news/view/1596>; ‘Report on Human Rights in Iraq July to December 2017’, United Nations Assistance Mission for Iraq / OHCHR, 1 March 2018, [http://www.uniraq.org/index.php?option=com\\_k2&view=itemlist&layout=category&task=category&id=164&Itemid=650&lang=en&limitstart=0](http://www.uniraq.org/index.php?option=com_k2&view=itemlist&layout=category&task=category&id=164&Itemid=650&lang=en&limitstart=0).

<sup>48</sup> Concerns that the Protection of Journalists Law does not meet freedom of expression standards have previously been raised by international media rights organisations. See ‘Iraq’s journalist protection law doesn’t protect them’, CPJ, 24 January 2012, <https://cpj.org/2012/01/iraqs-journalist-protection-law-doesnt-protect-the.php>; ‘Draft law on protection of journalists must meet freedom of expression standards, ARTICLE 19 says’, IFEX, 9 May 2011, <https://www.ifex.org/iraq/2011/05/09/draft-law>.

anti-terrorism operations.<sup>49</sup> On 27 April 2016 the authorities suspended Al Jazeera's licence, reportedly using the “war on terror” guidelines.<sup>50</sup>

- 4.7** With the lack of national legislation guaranteeing access to information, the authorities have routinely prevented and obstructed the dissemination of information, including through the unwarranted dissolution of media outlets and censorship. In 2018, Press Freedom Advocacy Association in Iraq recorded 237 instances of authorities closing down media outlets.<sup>51</sup> The Kurdistan Region authorities prevented media coverage in 70 cases.<sup>52</sup>
- 4.8** The draft Information Technology Crimes Law further threatens HRDs and online activists by imposing disproportionate punishments, of up to life imprisonment, and high fines for offenders.<sup>53</sup>
- 4.9** Journalist safety remains an ongoing concern. Journalists face attacks by both state and non-state actors, including state-affiliated militia. Ongoing armed conflict and political power struggles impair journalists’ safety and ability to perform their duties independently and freely. Lack of protection and continuous impunity for violations against journalists fosters widespread self-censorship.
- 4.10** Iraq remains one of the deadliest countries for the media. According to the Committee to Protect Journalists, between 2015 and 2017, 27 journalists and media workers were killed in Iraq.<sup>54</sup> The Association for the Defence of Press Freedom in Iraq further

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<sup>49</sup> ‘The Communication and Media Commission Guidelines for the Management of Iraqi Mass Media During the War on Terror’, Human Rights Watch, 2 July 2014, <https://www.hrw.org/news/2014/07/02/communication-and-media-commission-guidelines-management-iraqi-mass-media-during-war>.

<sup>50</sup> ‘Iraq bans Al Jazeera’, International Federation of Journalists, 28 April 2016, <https://www.ifj.org/es/centro-de-medios/noticias/detalle/category/press-releases/article/iraq-bans-al-jazeera.html>.

<sup>51</sup> ‘The Year of Press Blockade and Compulsory Valediction’, Press Freedom Advocacy Association in Iraq, 31 December 2018, <https://pfaa-iq.com/?p=2535>.

<sup>52</sup> ‘Journalists barred from events biggest press problem in 2018: local watchdog’, Rûdaw, 13 January 2019, <http://www.rudaw.net/english/kurdistan/130120191>.

<sup>53</sup> ‘Iraq: Freedom of opinion and expression at risk under new Cybercrime Law which imposes penalties of life imprisonment’, GCHR, 15 January 2019, <https://www.gc4hr.org/news/view/2039>; ‘Call to withdraw the draft Cybercrime Law which would severely undermine fundamental right to freedom of expression’, Open letter signed by Amnesty International, Human Rights Watch and other international and national CSOs, 1 March 2019, <https://www.amnesty.org/en/documents/mde14/9944/2019/en>.

<sup>54</sup> ‘27 Journalists and Media Workers Killed in Iraq’, CPJ, 2018, <https://tinyurl.com/y57cnqeq>. The Association for the Defence of Press Freedom in Iraq recorded a higher number, with 40 journalists killed and 76 injured between 2015 and 2017. The majority of casualties were related to the 2017 military operation to liberate Mosul, occupied by ISIL since 2014. See ‘Report: 40 journalists killed in Iraq between 2015 and 2017’, Middle East Monitor, 11 December 2018, <https://www.middleeastmonitor.com/20181211-report-40-journalists-killed-in-iraq-between-2015-and-2017>.

documented 430 violations against media between 2015 and 2017, mostly attributed to government and security personnel.<sup>55</sup>

**4.11** In 2018, The Iraqi Center for Supporting Freedom of Speech recorded 220 violations against journalists; and the Association for the Defence of Press Freedom in Iraq documented 13 cases of armed violence, 13 cases of detention by security forces - primarily in Basra and the Kurdistan Region - and 29 cases of assaults, verbal threats and prevention of coverage by security forces and security guards.<sup>56</sup>

**4.12** Media freedom in the Kurdistan Region also declined. The Metro Center for Journalists Rights and Advocacy documented 394 violations against 264 journalists in 2018, including physical attacks, intimidation, detention without court order, impediment of media work and prevention of media coverage.<sup>57</sup>

**4.13** During its occupation of Mosul from June 2014 to December 2017, ISIL launched a violent campaign against media workers, including abduction, killing and executions, while all media stations were seized or destroyed.<sup>58</sup> Additionally, over 100 media workers were reportedly killed and injured when covering the military operations against ISIL, some in deliberate ISIL sniper attacks.<sup>59</sup>

**4.14** While ISIL threats are subsiding, journalists operating in conflict-affected regions suffer abuses attributed to the security forces and government-affiliated militias.<sup>60</sup> Media rights groups have reported that journalists in areas regained from ISIL exercise self-censorship for fear of abuse of militia and of being accused of terrorism.<sup>61</sup> In January 2019, local media organisations reported that the governor

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<sup>55</sup> 'Report: 40 journalists killed in Iraq between 2015 and 2017', op. cit.

<sup>56</sup> 'The Year of Press Blockade and Compulsory Valediction', op. cit.

<sup>57</sup> 'The Report of Free Press Situation in Kurdistan Region 2018', Metro Center for Journalists Rights and Advocacy, 17 January 2019, <http://metroo.org/english/dreja.aspx?=hewal&jmare=201&lor=1>.

<sup>58</sup> The Journalistic Freedoms Observatory and Reporters Without Borders revealed that in just over its first year of occupation alone, between 10 June 2014 and October 2015, ISIL kidnapped 48 journalists, media assistants and students in journalism, brutally executing 13 after accusing them of "treason and espionage." Sixty fled and those who were unable to receive support had to return and faced executions by ISIS Shariah courts. See 'Documented Biographies of 48 Abducted Journalists and 13 Journalists Executed by Daash', Iraqi Civil Society Solidarity Initiative, 28 October 2015, <https://www.iraqicivilsociety.org/archives/4776>; 'Mosul Journalists are Dying Amid Resounding Silence', Reporters Without Borders, 2015, [https://www.iraqicivilsociety.org/wp-content/uploads/2015/10/iraq\\_mosul\\_report\\_-2.pdf](https://www.iraqicivilsociety.org/wp-content/uploads/2015/10/iraq_mosul_report_-2.pdf); 'In Iraq, Islamic State exacts heavy toll on journalists and their families', CPJ, 13 April 2015, <https://cpj.org/blog/2015/04/in-iraq-islamic-state-exacts-heavy-toll-on-journal.php>.

<sup>59</sup> 'Over 100 Iraqi journalists killed, injured while covering Mosul battle: FAJ', Press TV, 14 July 2017, <https://www.presstv.com/Detail/2017/07/14/528449/Iraqi-journalists-killed-injured-Mosul-operations-Daesh-Takfiri-militants-children-separated-families-UNICEF>.

<sup>60</sup> Victory over ISIL was declared in December 2017. See 'Iraqi PM Abadi declares 'end of war against' ISIL', Al Jazeera, 9 December 2017, <https://www.aljazeera.com/news/2017/12/iraqi-general-war-isil-171209120757374.html>.

<sup>61</sup> 'Islamic State recedes but threats to journalists in Iraq and Syria remain', CPJ, 21 December 2017, <https://cpj.org/blog/2017/12/islamic-state-recedes-but-threats-to-journalists-i.php>.

had imposed restrictions on media in Mosul. On 22 January 2019, a crew from Al-Mawsleya TV was arrested for reporting from Mosul.<sup>62</sup> In October 2018, government affiliated militia allegedly detained, tortured and expelled the Kurdistan 24 correspondent and cameraman in Shingal, Nineveh province, for reporting on militia activities.<sup>63</sup>

**4.15** In the Kurdistan Region, the freedom of expression has sharply deteriorated due to tensions between the Kurdish authorities and the federal government following the 2017 Kurdish independence referendum. Media outlets and journalists faced severe attacks before, during and after the referendum.<sup>64</sup> Media perceived to be critical of or opposed to Kurdish independence have been deliberately subjected to threats, intimidation and attack by Kurdistan security forces and unidentified armed men. Incidences of blockage of signals, office raids and expulsion remain routine.<sup>65</sup> On 28 August 2017, local Kurdish authorities blocked the broadcasting signal of NRT channel in Erbil for a week for promoting a campaign opposing the referendum.<sup>66</sup> On 31 August 2017, pro-referendum armed men raided NRT's offices in Dohuk, threatening to burn it.<sup>67</sup>

**4.16** Pro-Kurdistan media also faced attacks. On 30 October 2017, photojournalist Arkan Sharif of Kurdistan TV, affiliated with the Kurdistan Democratic Party (KDP), was killed by unidentified people at his house in Haftaghar village, near Kirkuk city.<sup>68</sup> On 23 October 2017, the Iraqi Communications and Media Commission ordered the suspension of two Kurdish TV channels, Rudaw TV and Kurdistan 24, claiming that they did not have licences and that their reporting incited violence and hatred.<sup>69</sup>

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<sup>62</sup> 'The National Syndicate bears the responsibility of arresting the staff of the Mosuliya channel', Almaalomah, 22 January 2019, <https://www.almaalomah.com/2019/01/22/384821>; 'Four Iraqi journalists detained in Mosul and Erbil', CPJ, 25 January 2019, <https://cpj.org/2019/01/four-iraqi-journalists-detained-in-mosul-and-erbil.php>.

<sup>63</sup> 'Iraqi Shia militias detain, beat, and threaten Kurdistan 24 team in Shingal', Kurdistan 24, 21 October 2018, <http://www.kurdistan24.net/en/news/f5e28f55-628e-46c4-a8b8-285df331755f>.

<sup>64</sup> 'Free and Open Public Discourse in Iraqi Kurdistan is Under Threat', Journalistic Freedoms Observatory, August 2017, <http://www.jfoiraq.org/free-and-open-public-discourse-in-iraqi-kurdistan-is-under-threat>.

<sup>65</sup> 'Media targeted in Kurdistan referendum tension', Reporters Without Borders, 28 September 2017, <https://rsf.org/en/news/media-targeted-kurdistan-referendum-tension>; 'NRT office in Iraqi Kurdistan attacked', CPJ, 31 August 2017, <https://cpj.org/2017/08/nrt-office-in-iraqi-kurdistan-attacked.php>.

<sup>66</sup> 'Kurdish authorities temporarily block regional broadcaster', CPJ, 30 August 2017, <https://cpj.org/2017/08/kurdish-authorities-temporarily-block-regional-bro.php>.

<sup>67</sup> 'Opposition TV channel in Iraqi Kurdistan stormed by gunmen', Middle East Eye, 1 September 2017; <https://www.middleeasteye.net/fr/news/nrt-offices-stormed-276308165>; 'NRT office in Iraqi Kurdistan attacked', op. cit.

<sup>68</sup> 'Alarming violence against journalists in northern Iraq', Reporters Without Borders, 31 October 2017, <https://rsf.org/en/news/alarming-violence-against-journalists-northern-iraq>; 'JFO Call On the Iraqi Authorities to Investigate the Killing of "Arkan Sharif"', Journalistic Freedoms Observatory, 30 October 2017, <http://www.jfoiraq.org/jfo-call-upon-the-iraqi-authorities-to-investigate-the-killing-of-arkan-sharif>.

<sup>69</sup> 'Alarming violence against journalists in northern Iraq', op. cit.

- 4.17** Security forces have been implicated in several incidents of seriously intimidating and physically abusing journalists and media workers while covering protests in Basra and the Kurdistan Region. In the Kurdistan Region, security forces assaulted, beat and arbitrarily detained dozens of journalists while covering protests in December 2017 and March 2018.<sup>70</sup> In March 2018, media professionals covering anti-austerity protests in the Kurdistan Region were deliberately targeted by security forces with prolonged arbitrary and incommunicado detention, and ill-treated during detention.<sup>71</sup> Media institutions were harassed and shut down to prevent coverage of protests.<sup>72</sup>
- 4.18** In Basra, during protests over poor services and corruption that started in July 2018, security forces and pro-government militias were alleged to have deliberately targeted media workers. The Journalistic Freedoms Observatory documented the abuse and detention of over 15 journalists while covering violent protests.<sup>73</sup> Journalists have been intimidated to stop covering the protests, beaten, arrested and held in unofficial places of detention.<sup>74</sup> A female reporter for Al-Janoob News Agency was arrested and beaten by security forces on 4 September 2018 for filming the protests and made to sign a pledge that she would not participate in protests.<sup>75</sup>
- 4.19** Media professionals have been subjected to malicious lawsuits to silence criticism and public scrutiny. In 2018, more than 4,000 lawsuits were filed against media

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<sup>70</sup> 'Kurdistan Region of Iraq: Protesters, Journalists Detained, Human Rights Watch, 28 February 2018, <https://www.hrw.org/news/2018/02/28/kurdistan-region-iraq-protesters-journalists-detained>.

<sup>71</sup> 'Iraq: Iraqi Kurdistan: Unprecedented attacks on journalists and media outlets during coverage of popular protests', GCHR, 31 March 2018, <https://www.gc4hr.org/news/view/1819>; 'TV crews assaulted, detained covering protests in Kurdish-controlled northern Iraq', CPJ, 26 March 2018, <https://cpj.org/2018/03/tv-crews-assaulted-detained-covering-protests-in-k.php>

<sup>72</sup> In December 2017, various NRT offices in Sulaimaniya were raided by members of Kurdistan's internal security forces and staff members were arrested. The Kurdistan Region Ministry of Culture ordered the suspension of NRT's Kurdish and Arabic channels, on accusations of inciting violence. See unofficial English translation of the Ministerial order No. 5002, 12/19/2017, signed by the Minister of Culture and Youth, Human Rights Watch, [https://www.hrw.org/sites/default/files/supporting\\_resources/nrt\\_order\\_sorani\\_and\\_english.pdf](https://www.hrw.org/sites/default/files/supporting_resources/nrt_order_sorani_and_english.pdf) <http://metro.org/arabic/dreja.aspx?hewal&jmare=679&jor=1>; 'Iraq: Iraqi Kurdistan: Security forces storm offices of NRT and close them by force', GCHR, 20 December 2017, <https://www.gc4hr.org/news/view/1753>.

<sup>73</sup> 'Al-Basrah Protests...Enraged Protesters Burn Media Institutions Whereas the Security Services Prepare To Chase Reporters, Journalists Freedoms Observatory, 18 September 2018, <http://www.jfoiraq.org/al-basrah-protestsenraged-protestersburn-mediainstitutions-whereasthe-security-servicesprepare-to-chasereporters>; 'Iraqi authorities shut down internet, detain and assault journalists amid protests', CPJ, 14 September 2018, <https://cpj.org/2018/09/iraqi-authorities-shut-down-internet-detain-and-as.php>; 'Journalists targeted in Basrah Protests', Press Freedom Advocacy Association in Iraq, 1 September 2018, <https://pfaa-iq.com/?p=2452>.

<sup>74</sup> 'Fact-Finding team report on the Humanitarian Situation in Basra', Iraqi Civil Society Solidarity Initiative, 7 November 2018, <https://www.iraqicivilsociety.org/archives/9348>.

<sup>75</sup> 'Iraqi militias use threats, violence to keep Basra press in line', op. cit.

workers.<sup>76</sup> Many have also been arrested for their critical reporting, a trend that continues into 2019. In January 2019, Kurdish authorities arrested two journalists, outspoken critics of KDP, on charges respectively of "illegal use of a communication tool"<sup>77</sup> and for committing acts against the state.<sup>78</sup>

**4.20** Impunity for abuse and killings of media workers prevails. Although the government compiled a report on the killing of journalists and initiated a judicial follow-up,<sup>79</sup> none of the cases of murdered journalists have been resolved during this period.<sup>80</sup>

## 5. Freedom of peaceful assembly

- 5.1** During Iraq's examination under the 2<sup>nd</sup> UPR cycle, the government supported the recommendation to "bring national legislation in accordance with international standards to fully guarantee freedom of expression, association and assembly." However, this recommendation has not been implemented, and restrictive laws and state violations continue to threaten the freedom of peaceful assembly.
- 5.2** Article 21 of the ICCPR guarantees the freedom of peaceful assembly. Article 38 of the Constitution guarantees protection of the right to the freedom of assembly and peaceful demonstration that does not violate "public order and morality."
- 5.3** The 2003 Provisional Order 19, adopted by the Coalition Provisional Authority (CPA), continues to regulate the freedom of peaceful assembly. The Order prohibits protests unless written notice is provided to an approving authority specifying the location, route, time, duration, maximum number of participants and names and addresses of the protest organisers at least 24 hours in advance (Article 4). Article 7 of the Order provides for arrest, detention and criminal sanction of up to one year's imprisonment for violators of the Order.
- 5.4** In Kurdistan, advance permission by the Ministry of Interior, or in some cases by other local authorities is required for demonstrations, according to article 3 of the Law no. 11/2010 For the Organization of Demonstrations in the Kurdistan Region of Iraq.

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<sup>76</sup> 'The Year of Press Blockade and Compulsory Valediction', op cit. 'Rights Center records 220 violations against journalists and bloggers and lay off 150 others from their jobs in 2018', Iraqi Center for Supporting Freedom of Speech, 2 February 2019, <http://icsfs.org/en/article?id=293&cid=8>.

<sup>77</sup> 'Four Iraqi journalists detained in Mosul and Erbil', op. cit.; 'Head of NRT's Erbil Office Released on Bail', NRT, 16 January 2019, <http://www.nrttv.com/En/News.aspx?id=9477&MapID=1>. See also 'In Iraqi Kurdistan, journalists are victim of political tension', CPJ, 21 March 2019, <https://cpj.org/blog/2019/03/iraq-kurdistan-journalist-arrested-harassed-politics.php>.

<sup>78</sup> 'Journalist detained for weeks in Iraqi Kurdistan, accused of anti-state acts', CPJ, 21 February 2019, <https://cpj.org/2019/02/journalist-detained-for-weeks-in-iraqi-kurdistan-a.php>; 'In Iraqi Kurdistan, journalists are victim of political tension', Ibid.

<sup>79</sup> 'UNESCO welcomes Iraq's first public report on the killing of journalists and judicial follow-up', UN Iraq, 30 May 2017, [http://www.uniraq.org/index.php?option=com\\_k2&view=item&id=7396:unesco-welcomes-iraq-s-first-public-report-on-the-killing-of-journalists-and-judicial-follow-up&Itemid=605&lang=en](http://www.uniraq.org/index.php?option=com_k2&view=item&id=7396:unesco-welcomes-iraq-s-first-public-report-on-the-killing-of-journalists-and-judicial-follow-up&Itemid=605&lang=en).

<sup>80</sup> '2018 DG Report on the Safety of Journalists and the Danger of Impunity', UNESCO, CI-18/COUNCIL-31/6/REV 2, 2018, <http://tinyurl.com/y6cdr9ht>.

- 5.5 The Draft Law of Freedom of Expression, Assembly and Peaceful Protest, on which voting was stalled in 2017, provides for limitations on assemblies. Article 7 requires that official permission be obtained before a public assembly.<sup>81</sup>
- 5.6 In response to continuous protests for reforms and better services across Iraq, the state has conducted a series of violations and imposed severe restrictions.
- 5.1 In addition to violations and targeted attacks against peaceful protest activists and journalists covering protests, outlined in sections 3 and 4 of this submission, security forces used disproportionate and excessive lethal force when responding to public gatherings to suppress mostly peaceful protests. This includes arbitrary arrest, beating protesters at protest sites or in detention, and unnecessary firing of live ammunition at protesters. As a result, protesters, including children, suffered injuries during protests in Basra,<sup>82</sup> al-Diwaniyah,<sup>83</sup> and Dhi Qar;<sup>84</sup> hundreds of protesters were detained in 2018, including 96 in Basra<sup>85</sup> and over 500 in other southern provinces.<sup>86</sup> Pro-government militia forces have also been implicated of detaining, torturing and using force against protesters in southern Iraq.<sup>87</sup> In 2017, five protesters were killed by security force gunfire and around 80 were injured in protests in the Kurdistan Region.<sup>88</sup>

## 6. Recommendations to the Government of Iraq

<sup>81</sup> 'Reviewing the Draft Law on Freedom of Expression in Iraq', Iraqi Civil Society Solidarity Initiative, 11 October 2017, <https://www.iraqicivilsociety.org/archives/7946>.

<sup>82</sup> 'Iraq: Security Forces Fire on Protesters', Human Rights Watch, 24 July 2018, <https://www.hrw.org/news/2018/07/24/iraq-security-forces-fire-protesters>.

<sup>83</sup> '10 protesters wounded by security forces in Al Diwaniyah', The Baghdad Post, 15 July 2018, <https://www.thebaghdadpost.com/en/Story/29500/10-protesters-wounded-by-security-forces-in-Al-Diwaniyah>.

<sup>84</sup> 'Security force fire live rounds at protesters in Dhi Qar, wound 5', The Baghdad Post, 15 July 2018, <https://www.thebaghdadpost.com/en/Story/29499/Security-force-fire-live-rounds-at-protesters-in-Dhi-Qar-wound-5>.

<sup>85</sup> 'Human Rights Commission: The number of detainees from the demonstrators in Basra reached 96 people', Al Rafidain News, 2 February 2019, <https://tinyurl.com/y5ep8b3f>.

<sup>86</sup> 'Iraq releases 336 activists arrested during protests in the south', MEMO-Middle East Monitor, 20 July 2018, <https://www.middleeastmonitor.com/20180720-iraq-releases-336-activists-arrested-during-protests-in-the-south/>, 'Iraq releases 176 activists arrested during protests', MEMO, 26 July 2018, <https://www.middleeastmonitor.com/20180726-iraq-releases-176-activists-arrested-during-protests/>

<sup>87</sup> 'Iraqi protester killed at Badr paramilitary branch', Reuters, 20 July 2018, <https://www.reuters.com/article/us-iraq-protests/iraqi-protesters-call-for-downfall-of-politicians-idUSKBN1KA2DR>; 'Pro-Iran militias wreaking havoc in Basra', Gulf News, 23 September 2018, <https://gulfnews.com/world/mena/pro-iran-militias-wreaking-havoc-in-basra-1.2281526>; 'Iraq: Security Forces Fire on Protesters', op. cit.

<sup>88</sup> '5 Killed and 80 Wounded in Protests in the Kurdish areas of Iraq', Medi1TV, 20 December 2017, <https://tinyurl.com/y6y1p49f>.

The authors call on the government of Iraq and the authorities of the Kurdistan Region to create and maintain, in law and in practice, an enabling environment for civil society, in accordance with the rights enshrined in the ICCPR, the UN Declaration on Human Rights Defenders and Human Rights Council resolutions 22/6, 27/5 and 27/31.

At a minimum, the following conditions should be guaranteed: the freedoms of association, peaceful assembly and expression, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding and the state's duty to protect. In the light of this, the following specific recommendations are made:

### **6.1 Regarding the freedom of association**

- Undertake thorough and independent investigations into all attacks against CSO staff and aid workers, including by state and state-affiliated forces, and bring those responsible to account.
- Respect the humanitarian work and status of CSOs, including when defending ISIL affiliates who suffer human rights abuses, and remove all criminal charges brought against aid workers connected to their human rights work.
- Take measures to foster a safe and enabling environment for civil society, including by removing legal and policy measures that unwarrantedly limit the right to association.
- Remove additional and extra-legal registration requirements, including re-registration in the Kurdistan Region, and refrain from requesting CSOs to provide staff personal information for registration.
- Ensure transparency and accountability of international and domestic funding, guaranteeing equal access to funding for smaller and independent CSOs.
- Immediately reinstate all CSOs that have been arbitrarily and unduly sanctioned or deregistered.
- Refrain from acts leading to the closure of CSOs or the suspension of their peaceful activities. Promote a meaningful political dialogue inclusive of civil society.

### **6.2 Regarding the protection of human rights defenders**

- Provide civil society members, journalists and HRDs with a safe and secure environment to carry out their work.
- Conduct prompt, impartial and effective investigations into all cases implicating state and state-affiliated forces of attacks, enforced disappearances, targeted killings, harassment and intimidation against HRDs and bring the perpetrators to justice, including those who ordered attacks, without recourse to the death penalty. Provide victims with reparations.
- Unconditionally and immediately release all HRDs, including journalists and activists, who have been detained for the freedoms of association, peaceful assembly and expression, and review their cases to prevent further harassment.
- Recognise the specific situation of WHRDs and LGBTQI activists in Iraq and introduce protection measures that consider the specific gender-based violence, threats and intimidation against them. Address stigmatisation against WHRDs and LGBTQI activists and publicly condemn attacks and bring perpetrators justice.
- Systematically apply legal provisions that promote and protect human rights, including the rights of terrorist suspects, and ensure HRDs are not criminalised for their human rights activities.
- Establish mechanisms that protect human rights activists by adopting a specific law on the protection of human rights activists in accordance with Resolution 27.31 of the Human Rights Council, and ensure that they can work free of retribution.

### **6.3 Regarding the freedom of expression, independence of the media and access to information**

- Respect the rights of journalists, cease detaining and intimidating journalists for their reporting, including for covering assemblies, and protect them from attacks, including by state-affiliated armed groups. Investigate all state violations against journalists during public events and ensure these do not reoccur.
- End impunity and investigate all cases of attacks on and killings of media professionals, prosecute perpetrators regardless of their status or functions and provide reparations to victims.

- Investigate and prosecute state-affiliated armed groups for all reported attacks, arbitrary detention, torture and targeted killings against media professionals.
- All parties to the armed conflict must respect the civilian status of journalists and the freedom of expression; and must be held responsible for crimes against media professionals.
- Conduct training and issue guidelines to security forces and state-sponsored militias on the protection of the freedom of expression and media professionals.
- Review all existing laws, including the drafts - Law on Freedom of Expression, Assembly and Peaceful Protest and the Information Technology Crimes Law - ensuring they protect the right to the freedom of expression in line with international standards and best practice.
- Reform defamation and criminalisation of insult legislation in conformity with ICCPR article 19.
- Respect and protect media independence, stop the practice of suspending or closing critical media outlets and reinstate all media outlets unwarrantedly closed.
- Protect the freedom of expression in electronic media, including by ceasing the practice of disabling internet access during protests.
- Implement legislative measures regarding access to information and establish mechanisms to facilitate public access in line with best practice.
- Organise inclusive consultations with media professionals on protection measures and resolve disputes concerning restrictive laws and policies.
- Refrain from censoring or adopting any laws providing for censorship or undue control over the content of the media, including social media.

#### **6.4 Regarding the freedom of peaceful assembly**

- Adopt best practices on the freedom of peaceful assembly, as provided in the 2012 report of the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, calling for procedures in which there is simple notification of assemblies, rather than explicit permission being needed to assemble.

- Amend regulations or legislation restricting the freedom of peaceful assembly, such as the Provisional Order 19, adopted by the CPA, and Law no. 11/2010 for the Organization of Demonstrations in the Kurdistan Region, in conformity with ICCPR Article 21.
- Bring the draft Law on Freedom of Expression, Assembly and Peaceful Protest in compliance with international legal standards guaranteeing the right to peaceful assembly.
- Unconditionally and immediately release all protesters detained for exercising their right to the freedom of peaceful assembly and review their cases to prevent further harassment.
- Immediately and impartially investigate all instances of extrajudicial killings and excessive force committed by security forces during protests and make findings public. Prosecute perpetrators, including the responsible commanders.
- Investigate all reports of armed groups affiliated with state institutions or political parties committing human rights abuses against protesters.
- Review and update existing human rights training for police and security forces with the assistance of independent CSOs to ensure compliance with international human rights standards, including the UN Basic Principles on the Use of Force and Firearms when handling protests.
- Bring all state-affiliated militia under the command and control of the government or otherwise disarm and disband them. Conduct human rights training of state-sponsored armed groups, including on the freedoms of peaceful assembly and expression.
- Publicly condemn at the highest level the use of excessive force by security forces in the dispersal of protests.
- Provide effective remedy, including compensation, to victims of unlawful use of force and unlawful denial of the freedom of peaceful assembly by state authorities.

## **6.5 Regarding access to UN Special Procedures mandate holders**

- Extend a standing invitation for visits by the: 1) Special Rapporteur on the

situation of human rights defenders; 2) Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; 3) Special Rapporteur on the rights to freedom of peaceful assembly and of association; 4) Special Rapporteur on the Independence of Judges and Lawyers; 5) a follow-up visit by Special Rapporteur on extrajudicial, summary or arbitrary executions; 6) Working Group on Arbitrary Detention; and 7) Working Group on Enforced or Involuntary Disappearances.

## **6.6 Regarding state engagement with civil society**

- Implement transparent and inclusive mechanisms of public consultations with CSOs on all issues mentioned above and enable effective involvement of civil society in the preparation of law and policy.
- Include CSOs in the UPR process before finalising and submitting the national report.
- Systematically consult with civil society on the implementation of the UPR including by holding periodical comprehensive consultations with a diverse range of civil society.
- Incorporate the results of this UPR into action plans, considering the proposals of civil society and present a midterm evaluation report to the Human Rights Council on the implementation of the recommendations of this session.

## **Annex: Assessment of implementation of civic space recommendations under the 2<sup>nd</sup> cycle**

<b>Recommendation</b>	<b>Position</b>	<b>Themes</b>	<b>Assessment/Comments on level of implementation</b>
<p><b>127.165</b> Bring national legislation in accordance with international standards to fully guarantee freedom of expression, association and assembly (Estonia);</p> <p><b>Source of position:</b> A/HRC/28/14 – Para. 127</p>	Supported	<p>Freedom of association and peaceful assembly</p> <p>Freedom of opinion and expression</p>	<p>Status: Not implemented</p> <p>Source: paragraphs 2.6-2.7; 4.3-4.8; 5.2-5.5.</p>
<p><b>127.166</b> Guarantee respect of freedom of opinion and expression, by safeguarding the security of journalists and the independence of the media (France);</p> <p><b>Source of position:</b> A/HRC/28/14 – Para. 127</p>	Supported	<p>Freedom of opinion and expression</p> <p>Freedom of the press</p>	<p>Status: Not implemented</p> <p>Source: paragraphs 4.6; 4.9-4.19.</p>
<p><b>127.167</b> Continue to adopt legislation that guarantees freedom of media (Lebanon);</p> <p><b>Source of position:</b> A/HRC/28/14 – Para. 127</p>	Supported	Freedom of the press	<p>Status: Not implemented</p> <p>Source: paragraphs 4.3-4.8.</p>
<p><b>127.168</b> Revise the existing legislation, in particular the “Protection of Journalists Law number 21” with a view to remove all restrictions on the freedom of the press and to ensure full protection of journalists and other media-workers (Denmark);</p> <p><b>Source of position:</b> A/HRC/28/14 – Para. 127</p>	Supported	Freedom of the press	<p>Status: Not implemented</p> <p>Source: paragraphs 4.3-4.5.</p>
<p><b>127.170</b> Investigate killings and violence against journalists and hold perpetrators accountable (Austria);</p> <p><b>Source of position:</b> A/HRC/28/14 – Para. 127</p>	Supported	Freedom of the press	<p>Status: Not implemented</p> <p>Source: paragraph 4.20</p>
<p><b>127.171</b> Guarantee and create an enabling environment to the activities of the journalists and human rights defenders and civil society (Tunisia);</p>	Supported	<p>Civil society</p> <p>Freedom of the press</p> <p>Human</p>	<p>Status: Not implemented</p> <p>Source: paragraphs 2.10-2.11; 3.3-3.10.</p>

<p><b>Source of position:</b> A/HRC/28/14 - Para. 127</p>		<p>rights defenders</p>	
<p><b>127.95</b> Adopt and implement, through an inclusive and a participatory process, national policies for the protection of women, including women human rights defenders, against any form of discrimination or violence, committed either in public or at the domestic level (Brazil);</p>	<p>Supported</p>	<p>Women human rights defenders</p>	<p>Status: Not implemented</p> <p>Source: paragraphs 3.8-3.10.</p>
<p><b>Source of position:</b> A/HRC/28/14 - Para. 127</p>			