

**Kurdistan Regional Government**

**Presidency of the Council of Ministers**

Office of the Coordinator for International Advocacy



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**Clarification on the U.S. Department of State Annual Human Rights Report  
for 2019**

July 2020

The present response report contains findings of the *Office of the KRG Coordinator for International Advocacy* after careful follow-up with the relevant governmental entities on the concerns raised by the United States Department of State Annual Human Rights Report for 2019.

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## **Preliminary Comments**

On March 11, 2020, U.S. Department of State published its annual report, entitled “2019 Country Reports on Human Rights Practices: Iraq”. The report points to essential key developments in the country, including the Kurdistan Region. It recognizes, and, to a good extent, praises Kurdistan Regional Government (KRG) efforts in promoting and maintaining human rights practices, particularly in accommodating refugees and IDPs, not recruiting children among security and Peshmerga forces, managing good electoral system, compensating political prisoners, and political reforms, among others. The report also alluded to several alleged abuses of human rights in Kurdistan Region, including a provided impunity for Asayish officers for alleged torture of ISIL affiliates, juvenile and women ill-treatment in the reformatory centers, and political bias in granting opportunities of gradual studies.

The KRG Office of the Coordinator for International Advocacy carefully followed up with the relevant ministries and departments of KRG to verify the allegations that involved human rights violations. Most of the allegations were responded in the earlier reports to the U.S. Department of State and other international agencies. This report, however, sheds the lights on up-to-date data in this regard.

KRG praises U.S. Department of State for focusing on key developments of human rights in the Kurdistan Region. Nevertheless, the U.S. Department of State Report infers many suppositions about local authorities that require further evidences and details. Moreover, we believe that the Department of State’s valuations about the Federal Authorities stretched to include KRG. We therefore deem the allegations are unfair, considering the remarkable progress made in human rights field in the Kurdistan Region, particularly since the start of the combat against terrorism. Meanwhile, we request the foreign counterparts to further consult with the KRG departments in advance, before releasing such a report.

## **Peshmerga Forces Unification**

Decrees and instructions have been issued by the Regional Presidency, Parliament, and Council of Ministers in this regard. The process is now ongoing. So far, 14 Peshmerga divisions (Liwas) and 4 training spots have been unified and reorganized. Furthermore, the members of the Coalition against the Islamic State in Iraq and the Levant (ISIL), formally known as Combined Joint Task Force-Operation Inherent Resolve (CJTF-OIR), coordinating with the Ministry of Peshmerga on a reformation project. The draft of the reformation project is to be ratified by the Parliament. It covers the unification of both 70th and 80th units, in addition to academic trainings, centralization and institutionalization.

In terms of the coordination between 70th and 80th units, both units are parts of Ministry of Peshmerga's High Commission and their enlisted members are promoted through that ministry. In the fight against ISIL, the coordination between the two units was very efficient. Among the reform plans for the Ministry of Peshmerga is a special plan to reorganize and unify 70<sup>th</sup> and 80<sup>th</sup> military units in a way that budgets and salaries are centralized under the abovementioned ministry. Command, control, employment, logistics, trainings, and all other administrative work will fall under that ministry.

## **Jurisdiction border between the Federal Authorities and KRG**

There is not a clear split of jurisdictions between the Federal Authorities and KRG in the disputes areas subsequent to October 2017 events. The Federal Authorities militarily proceeded to seize further areas, following October 2017, causing security vacuums to arise in some spots in the disputed areas. This, by and large, allowed ISIL militants to operate actively and launch strikes on Peshmerga forces. Ministry of Peshmerga called for talks several times but security commanders from the Federal Authorities have not been cooperative. The Ministry of Peshmerga and the Iraqi Ministry of Defense formed two committees to discuss the reinstatement of a joint task force in the disputed areas.

These committees have met twice since their formation last year. KRG is committed to establish and maintain a coordinative connection with the Federal Authorities to render security and safety in those areas.

KRG has extradited a large number of ISIL prisoners detained in the Kurdistan Region to Baghdad upon requests from the Federal Authorities, and it will strive to further enhance the cooperative efforts. By the end of 2019, 1229 ISIL prisoners were extradited from Erbil Asayish, 920 of which were extradited to Baghdad as follows: 101 terrorists to the Federal Ministry of Interior, 810 terrorists to the Cassation Court of Baghdad, 6 terrorists to the Directorate of Combating Terrorism in the Iraqi Intelligence Department, and 3 terrorists to the Anti-Terrorism Directorate in Baghdad. Other extraditions took place to the investigation courts of the Iraqi governorates, including 76 terrorists to Nineva, 1 terrorist to Anbar, and 2 terrorists to the National Police Directorate of Kerkuk. Other 226 terrorists were extradited to Nineva Terrorism Investigation Court.

### **Forced Disappearance and Abduction amid the War against Terrorism**

The Ministry of Peshmerga rejects any allegations that implicate Peshmerga forces in the act of forced disappearance and abduction. Such accusations require a solid base of evidences, i.e. names and locations. It also asserts that these actions are against the principles and values by which KRG governs. The Kurdistan Region witnessed a horrifying war against terrorism, in which thousands of casualties, war victims, and devastated properties have been the price. Peshmerga and KRG security forces have selflessly strived to protect the citizens of the Region regardless of ethnicity and religion.

On March 17, 2016, the Presidency of the Kurdistan Region issued a decision for the Peshmerga forces amid the war against terrorism. The decision included the following: Preserving the citizens' properties; not to arrest any person without orders from the competent judge; anyone arrested for terrorism charges must resolve the case in accordance with the law; guaranteeing freedom of movement for citizens within the framework of the instructions of the security authorities, except for the areas that are

located in the lines of contact; not to forcibly displace any citizen from the liberated areas from ISIL from his residence to any other location without political or military reasons; and maintaining the basic principles of human rights and humanitarian laws in dealing with citizens.

## **Torture**

The Iraqi Code of Criminal Procedure No (23), 1971 (CCP) and Penal Code No. 111 of 1969 has been kept and became part of the criminal legislation applicable in the Kurdistan Region. Furthermore, it is worth noting that the Region has legal obligations under international human rights treaties, laws and customary laws, which include the International Covenant on Civil and Political Rights (ICCPR); this protects individual's basic rights including the right for protection against arbitrary arrest. According to Iraqi Penal Code, No. 111 (1969), after the order of arrest from the court, the accused will be detained by the court and all the legal actions will be taken according to the Iraqi Code of Criminal Procedures No. (23), 1971. Furthermore, the KRG Ministry of Interior does not have the authority to arrest anyone without a court order. According to Article (19), paragraph 12/1 of the Iraqi Constitution, internal arrest is forbidden and the power of arrest is preserved by the judiciary.

The Iraqi Constitution, Article 37(1), provides the following foundations on liberty: A) The liberty and dignity of man shall be protected; B) No person may be kept in custody or investigated except according to a judicial decision; C) All forms of psychological and physical torture and inhuman treatment are prohibited. Any confession made under force, threat or torture shall not be relied on and the victim shall have the right to seek compensation for material and moral damages incurred in accordance with the Law No. (20). In the Kurdistan Region, the Ministry of Labor and Social Affairs prohibits the use of torture by officers and is committed to investigating allegations of torture and abuse within all prisons in the Region. The Ministry of Labor and Social Affairs Law No. (7), Articles, I, 27 and 28, permits disciplinary punishment only to deter and reform detainees who do not abide by the rules and regulations of the prison.

Judicial investigator from the Ministry of Interior accompanied with members from the General Prosecutor's Office, are provided an office in the General Asayish building to observe and pursue cases involving torture of detainees. This practice is strictly prohibited, and no torture case has ever been recorded. Under Article 333 of the amended Iraqi Penal Code No. 111, 1969 and Article 9 (3) of the Iraqi Constitution, every detainee has the right to issue a complaint, after which the case ought to undergo investigation. However, no complaint has been issued.

The Ministry of Interior holds authority over the pre-trial detention and holding facilities, whilst the Ministry of Labor and Social Affairs is in charge of the prisons and rehabilitation centers and post-convictions. Under the custody of the Asayish, the detainee can be held for a duration of 24 hours or until the investigations are finalized and a hearing for the detainee in front of a judge is held in the Asayish's premises. However, in the event that further evidence is needed before the case goes on trial, the investigation period maybe extended on orders from the judge.

Accusations made against officers regarding torture and misconduct cannot be disclosed unless the accusation goes through a formal hearing first and a formal conviction is given (Iraqi Penal Code, Article 1/23, 1971). Should there be a witness to the accusation of torture and ill treatment, the court will take a formal statement from the witnesses and will investigate further and provide the report to the jury. Medical investigation reports on the alleged torture will also be taken into consideration during the investigation process. The detention facilities under the Asayish's management are principally used to hold detainees suspected of security and terror-related offenses, as well as of committing felonies. These facilities are only meant to hold suspects in pre-trial detention, pending the completion of criminal investigations and referral to a court. Following a conviction, the detainees will leave the custody of the Asayish and be transferred to the prison facilities, administered by the Ministry of Labor and Social Affairs, in order to serve their prison sentence.

## **Deterring Arab Sunni Population from Returning to Their Homes**

Kurds and Sunni Arabs are geographically close to each other in Iraq, and they share the same concerns with regard to the participation in the political system in Iraq. Since 2003, Sunnis and their tribes' leaders consider the Kurdistan Region a safe haven and a large number of them still live here. Some of the Sunni Arabs collaborated with ISIL, but KRG has never extrapolated these cases in order to incriminate the larger Sunni population. Sunni Arabs are provided with freedom of movement inside and outside the Kurdistan Region. A number of Sunni Arabs have fought alongside Peshmerga forces in the war against terrorism. Moreover, thousands of Sunni Arabs reside in Kurdistan for business and tourism. KRG denies the prevention of or hindering the Arab citizens' entry by Peshmerga and security forces in the checkpoints. The Federal Authorities has not yet provided an appropriate ground in the Sunni areas so that the Sunni Arabs return to their lands and properties. The accommodation of IDPs and the dwelling of the Sunni population in Kurdistan Region have created an immense economic pressure on KRG. Hence, accusing it of deterring them to return to their area is not plausible. The Ministry of Peshmerga stressed that these claims had not been discussed in the meetings between the Ministry of Peshmerga and representatives from the U.S. Department of State.

The displacements overwhelmingly took place due coalition forces' airstrikes, proximity to frontlines, lack of basic services, and ISIL explosives in the local houses. KRG emphasizes that Peshmerga forces are dedicated to preserve the life and properties of those people, and that there has been a peaceful coexistence between diverse groups in KRG. Individual charges have been investigated, however. The fact that approximately 660,000 Arabs were displaced amid a severe humanitarian crisis resulted by the war against terrorism, has put KRG in a volatile situation. Peshmerga has allowed them freedom of movement after providing them with dispensable security measure, though these measures had not been easily applied or maintained. The presence of villagers in their territories has obstructed coalition airstrikes and Peshmerga's advancement. The detention of the locals was in accordance with Anti-Terrorism Law No. (3), enacted by the Kurdistan Parliament 2006. The detainees were subjected to investigation and court



trials. The villages were filled with ISIL planted bombs, so the villagers' return would have endangered their lives.

### **Under-age ISIL affiliates**

They have been treated as victims rather than criminals, and the children are placed in shelters where decent care is provided. The juveniles and women, who are convicted of being ISIL affiliates, are held in the Reformatory Center. The center's administration has rendered opportunities for the teenagers and women to learn jobs in order to be self-sufficient following their release. Furthermore, KRG provides lawyers for those who are financially incapable to afford one. UNICEF assigned a lawyer to observe the cases of the detainees, and recently the lawyer was able to release six detainees. In addition to the lawyers that are provided for the detainees by the government, the Erbil Women and Juveniles Reformatory Center has worked with the civil society on multiple occasions to provide volunteer/non-volunteer lawyers for the terrorism child detainees.

According to the data we have received from Erbil Women and Juveniles Reformatory Center, the guards had not committed torture against any of the center's detainees. However, in some occasions, like policies in all the detention facilities around the world, disciplinary measures had been taken when detainees misbehave or violate the rules of the detention centers; however, these measures did not include torture and violent acts. The disciplinary measures include cutting access to telephone for a week or their visitors. Sometimes these disciplinary measures are considered as torture by the detainees. There are regular meetings with the guards to remind them on how they should treat the detainees and inform them about the measures that will be taken against them in any cases. The detainees are satisfied with their situation in the facilities to an extent that they do not want to be transferred to other provinces.

The General Directorate of the Reformatory Center works to provide the women and juveniles to have a productive stay and to learn different jobs so they can be self-

sufficient after they are released. It also works to expedite their legal case as they have equal rights alongside all other detainees, including the right to a lawyer.

With regards to the children who live with their mothers in detention, the directorate has worked to return the children to their own homes and families, and otherwise with social monitoring houses. The families are usually not interested in accommodating these babies. Daycares are provided to take care of the babies, but according to law, the babies are allowed to stay with their mothers until they turn three years old.

Local and international organizations are allowed to visit the reformatory centers according to the rules and regulations, which allows the organizations to pay visits twice a week due to workshop schedules for the detainees. They should give prior notice before a visit so as to keep an organized schedule. The detainees are allowed to make phone calls to their families at any time except when they are under investigation. Furthermore, a special program is being designed by the Ministry of Education for the detainees who want to continue their education in Arabic language.

Regarding healthcare services, the detainees are sent to hospitals when necessary. Those with chronic diseases are allowed to make their own healthy food, and regular medical checkups are performed for the detainees.

### **The claims that KRG has Two Security Apparatus**

#### *KRI Security Council Law*

The Kurdistan Region Security Council (KRSC) was established based on Law No. 4 of 2011. The Law was discussed in parliament session No. 11 on May 2, 2011 and was approved. According to the law, the KRSC has the responsibility for laying out and arranging a unified security policy, and coordinating it with the relevant departments of the government. The purpose of the law is to design the principles of the security of the region and to define all the main security departments in the regional administration,

which consist of security agencies, the General Directorate of Military Intelligence, and Protection and Information Agency; therefore, the KRSC is a well-established governmental institute.

The formation of this council has been effective in planning the Region's strong security strategy to counter any potential threats against it. The KRSC's role is essential, and it is vital in order to strengthen safety and security of the region in a way that is compatible with the principles of democracy and human rights.

The responsibilities of Kurdistan security forces have been organized according to special parliamentary laws in 2004 and 2011. The forces are part of legitimate and official regional institutions, and their job is to protect the people of Kurdistan from any potential danger. Therefore, the KRSC has, legally and practically proven that it is a governmental body and it has the responsibility of protecting everyone living in the Region. Unfortunately, the civil unrest in the late 1990s affected the status of many institutions in the KR. However, the KRSC has remained in an institutional framework.

The KRSC had an essential role in the fight against ISIL, and it was in continuous coordination with the coalition forces in military operations. KRSC support also had the main role in Peshmerga forces' victories and liberating ISIL-held areas. KRSC and counter-terrorism force conducted many joint operations in the liberation of ISIL-held areas and the rescue of Yezidi women. Despite the label used by international reports, the KR forces cannot be considered as a militia, since it is an organized force that has operated bilaterally with international coalition forces.

### **Religious Pluralism in the Kurdistan Region**

The Kurdistan Region welcomed 135,000 Christians from Nienava plains, and half a million Yezidi population throughout and following the war against terrorism. Religious groups enjoy civic rights in the Region, including the formation of organizations, and perform national celebrations. KRG legally recognizes various religious and ethnic

populations in the Kurdistan Region as “groups” rather than “minorities” that share the rights and duties of citizens. The religious celebrations of these groups, i.e. Yezidis and Christians are national holidays in the Region. Moreover, KRG elaborated regulations and enforces them in order to prevent and punish the publishing of the newspapers, books, etc. that promote hatred and religious intolerance. As with regards to religious speech by the clerics, in 2019, 18 mullahs were warned to stop rude rhetoric and 1800 mullahs were awarded that promoted coexistence in this respect.

### **Refugees and Internally Displaced People (IDP)**

KRG, in coordination with local and international organizations, opened 30 camps for refugees and 9 camps for IDPs. An additional camp was opened in Bardarash district to accommodate the Syrian refugees who fled their country due to the Turkish offensives in late 2019. KRG has been fulfilling 75% of the nourishing, sanitary, rehabilitation, and other needs of the camps. By the end of 2019, KRG was home to 1,037,446 refugees and IDPs; in addition to other 277,000 Turkish, Iranians, Syrians and Palestinians migrants. KRG invariably has been providing health, security, and educational services to the camps’ inhabitants. For example, Arabic lessons have been provided to the children who study in Arabic. By the end of 2019, 58% of refugees and 91% of IDPs children benefited from these lessons. Furthermore, the refugees and IDPs are exempted from taxpaying.

### **INGOs Access to Detention Centers**

NGOs and INGOs have had access on the basis of relevant rules and regulations. For instance, they are allowed up to two visits a week to conduct workshops. Family phone calls have always been provided for the detainees, in addition to health care and a Ministry of Education-sponsored program in Arabic language. KRG’s Ministry of Interior has had a reciprocal coordination with the UN agencies and other international organizations in respect of providing protection and services to the refugees and IDPs in Kurdistan Region. The Joint Crisis Coordination Center (JCC), under the auspices of the Ministry of Interior, gives permission letters on a daily basis to UN agencies and other

INGOs that submitted requests to visit the detainees. The requests have included visits to the local camps in the KR-I and other liberated areas in Nineva and other Iraqi provinces. No requests have been declined so far by the Ministry of Interior. Nevertheless there are currently no ISIL family members inside the camps in the KR-I to be visited. JCC, in coordination with the KRSC, is constantly receiving such requests and provides facilitation for the international organizations and agencies to visit ISIL-affiliated people in the detention centers.

### **Professorship Opportunities**

KRG's Ministry of Higher Education and Scientific Research relies solely on Law No. (10) 2008 for educational promotions and enrolling candidates for gradual studies. Additionally, the content of laws and regulations of the aforementioned Department is 98% identical to its counterpart in the Federal Government; while the rest 2% merely concerns evaluations of the researches.

### **Women Status in the Kurdistan Region**

To further leverage the convention on the elimination of all forms of discrimination against women, there have been laws amended by the Kurdistan Parliament on that basis. For example, a law was implemented regarding the rights of women in labour. Law No. (23) for the year (2003), stipulates that the salaries and allowances are given in full, for women taking maternity leave. Another law implemented is on the cases of unjust divorces. Law No. (8) of the year 2001 (unjust divorce): If the man divorced his wife and it was proven to the court that this divorce was unfair and the wife had been hurt, then the court shall rule on the husband a provision appropriate to his material conditions and the degree of injustice and assess all the damages, all the expenses should be covered by the husband for a minimum of two years and not exceeding three years.

Shelters for women exposed to violence have been established in the cities of Erbil, Sulaymaniyah, Dohuk, and Kalar district. The General Directorate for Combating Violence against Women and the Family was established and it received thousands of

complaints of domestic violence are recorded annually. Subsequently, great importance is given to women officers and commissioners in all directorates. The mechanism of work in the General Directorate for Combating Violence against Women and family includes meetings between victims and social, psychological and legal workers to provide them assistance based on the victim's needs. Also, within the framework of the joint work between the General Directorate, UN agencies and civil society organizations through roaming teams, a number of workshops and courses are carried out in the camps to raise awareness more than 12,000 people have benefitted from this.

There are over 150 civil society organizations that strive for women empowerment in the KR-I. A national strategy was established in 2012 to combat violence against women, and in 2017 it has been extended to 2027. Moreover, there are 20 medical units and 7 major hospitals in the Kurdistan Region that are exclusive to maternity and women health. There are 16 centers to conduct pre-marriage tests and providing marital guidance, in addition to 3 breast cancer hospitals, and 12 medical centers for the women exposed to violence.

As far as journalism is concerned, 1500 women registered as members in the Kurdistan Journalism Syndicate. There are 17 female editors-in-chief, and two female chairs of Kurdistan Journalism Syndicate in Xanaqin and Duhok. Furthermore, there are 2506 female officers and clerics in the Ministry of Interior, and thousands female soldiers in the Ministry of Peshmerga. In the Ministry of Higher Education, there are 1 university president, 10 deans, 83 chair departments, 2972 professors, 68099 students, and 7714 employees who are females. Concerning education, there are 922,648 female students and 73,769 female teachers, equal to 51.72% and 57.70% respectively.

There is not an official data about female genital mutilation (FGM), but, according to the unofficial sources, i.e. organizations and preliminary data, this phenomenon has remarkably decreased. FGM is punished by the Law of Domestic Violence. There are 11 medical units to record FGM instances and provide awareness. No legal cases have been submitted in this regard.

## **Political Participation of Women in the Kurdistan Region**

There has been a surge in the number of institutions specialized in women affairs, since the establishment of the parliament and the Regional Government. The KRG encourages women for political participation and representation. The constitution of the KR-I states within the second paragraph of Article 41 that over (30%) of the seats should represent women in the parliament. With regards to the current 9th government cabinet, women have received three ministerial positions, which are: Labour and Social Affairs, Agriculture and Water Resources and the Ministry of the Region. The parliament issued its new regulations on (17/7/2018), which stipulated in its articles that the presidential body of the parliament should include among its three members (the president and the two deputies) at least one woman. The parliament on 18/2/2019 elected its first female speaker. Another female parliamentarian from the Turkmen component was elected for the post of the second deputy speaker.

The KRG also tends to concentrate on women's role in judicial authority. Within the framework of increasing the role of women in the judicial authority and in accordance with the principle of equality, an increase has been achieved in the percentage of women in the judicial and the public prosecution service. As a result, the number of women judges in the region is increasing and there is now a large number of female judges and prosecutors working in the courts of the region. Since the establishment of the parliament and the regional government, there has been a surge in the number of Institutions specialized in women's affairs. There are 56 prosecutors, 30 penal judges, 94 judicial investigators, and 289 assistant judges in the Kurdistan Region who are women.

## **Premature Marriages and Polygamy**

Marriage for the under-age citizens, refugees, and IDPs is prohibited in the KR-I. Articles 1 and 2 from the Domestic Violence Law No (8) 2011 set the legal punishments for this practice. Furthermore, KRG assigned police officers and the offices of combating domestic violence in the camps to deter parents from forcing their children into

marriages. Other teams from the Ministry of Interior and civil society organizations are constantly conducting awareness campaigns in the camps concerning under-age marriages and sexual violence.

There are exceptions, however, to arrange the necessary legal documents for people of 16 years old under special circumstances. These exceptions are enshrined in the amended Law No. (188) of 1959, which stipulates that “Iraqis are free in their commitment to their personal status according to their religions, sects, beliefs or choices, and this shall be regulated by law.” And it is further explained in Article 5 of the Law No. (15) of 2008 of the Kurdistan Parliament: “if a 16-year old person asks to be married, the judge can authorize the marriage if the eligibility of the person in question has been established and approval received from the guardian. If the guardian abstains from responding, the judge calls upon them to state their agreement during a determined period. If the guardian does not object or if s/he submits an objection that is unworthy of consideration, the judge shall allow the marriage.” Moreover, Article 2 of the law on Domestic Violence No. (8), 2011 defines child marriage as an act of domestic violence. Article (6) of the law imposes a penalty on whoever marries an underage or forces one into marriage: an imprisonment for a period of between 2 to 5 years if s/he is a first degree relative, but if the offender is not of those, the imprisonment period will stretch from three to ten years.

The Ministry of Interior, through the JCC, continues to repel the humanitarian crisis in the Kurdistan Region by enforcing the relevant laws and conducting awareness campaigns in this regard. These actions primarily target women issues, especially: combating physical and sexual violence through establishing a national agenda to further enforce United Nations Security Council Resolution No. 1325, opening offices to combat domestic violence in all the refugee and IDP camps in the Region, creating 14 teams to assist the victims of sexual violence, establishing a committee to collect the evidences of ISIL crimes, striving to liberate the women abducted by ISIL and supporting the international organizations and agencies that are collaborative in this respect.



*Polygamy Data (First 9 months of 2019)*

<b>City</b>	<b>Allowing Wife Marriage</b>	<b>Second-</b>
<b>Erbil</b>	21	
<b>Sulaimani</b>	33	
<b>Duhok</b>	5	
<b>Kerkuk/Germyan</b>	0	
<b>Total</b>	59	

**Yezidi Women**

KRG is a member of the Iraqi National Coordination Committee for Cooperation with United Nation’s Investigative Team to Promote Accountability for Crimes Committed by Da’sh (UNITAD) KRG has played an essential role in providing information to UNITAD, and assisting them in documenting and proving ISIL crimes against Yezidi Kurds and other ethnicities in the region. The KRG has formed its own committees to collect documents and evidence on ISIL crimes, which UNITAD can benefit from. There is an ongoing cooperation between the Iraqi National Committee for Cooperation with UNITAD focused on digitizing and archiving of evidence related to ISIL crimes.

The Genocide Centre was established in Dohuk governorate, and the implementation of the protocols relating to the investigation and documentation of rape crimes during conflicts is part of the duties of the Centre. Opening (50) awareness centres to provide health and psychological services within the camps. The Ministry of the Interior has set up field mobile teams in all camps to report crimes of sexual violence or harassment if committed against women and girls. A committee has been formed in order to document the crimes committed against members of the Yezidi community by ISIL terrorists, and it

has made great steps to register those crimes, specifically against women. On November 25, 2014, the Special Office of the Prime Minister of the Kurdistan Region formed a special committee to collect information, follow up on the rescuing the Yezidi abductees file and allocate a budget to free them. After their return, the government will make all preparations to house them and bring them back to society.

There are updated statistics, published by the Rescue Office of the Yezidi Abductees, indicating the number of the Yezidi women rescued from the grip of ISIL. According to the statistics, by the end of 2019 the numbers were as follows: 3524 rescued persons, of whom 1197 are women and 1038 female children. These women have been subjected to many forms of abusive behaviours, such as buying and selling, torture, physical and psychological abuse, and sexual assault. Also, The Kurdistan Regional Council of Ministers issued Resolution No. (5170) on 21/8/2014, which established a high committee to shed light on the Yezidis' sufferings from ISIL and to define them as a crime of genocide.

Moreover, 2600 cases of sexual assault on Yezidi women have been documented, and roughly 3000 cases are under investigation. Additionally, more than 50 rehabilitation and psychological centers have been opened to provide mental care for the female survivors. In this respect, by the end of 2019, 2000 Yezidi women accomplished the treatments, 1000 of whom were above 18 years of age.

### **Freedom of Expression and Media**

According to Law No. (35) 2007, a journalist can be held in custody only by a court order in parallel with conformity from the Kurdistan Journalists Syndicate. In cases of defamation, spreading violence, distortion of properties, Iraqi Penal Code law No (111) of 1969 will be implemented. Overall, the incidents decreased in 2019 comparing to the previous years, according to the Kurdistan Journalists Syndicate.

An instance that involves libel often will be subjected to the Law of Misuse of Telecommunication Devices. These exceptions should not be perceived as erratic, because journalists will face these laws when they violate one or more of them while they

are not in their journalistic duty, or if the violations involve legal procedures prescribed by other laws. Out of these instances, Kurdistan Parliament enacted a Press Law.

In 2019, three journalists have been prosecuted on the basis of the Law of Bad Use of Electronic Devices: Azad Osman Muhamad, the Director of Deng Radio, was jailed by the Garmanyar court as he published a report in 2015. After a few hours in jail, he was released on bail. A week later, a trial was held as he was prosecuted according to the abovementioned law. He was sentenced but was released after a short while; Ahmad Mustafa, NRT correspondent, made a report about a patient's death in one of the hospitals of Erbil. Following the Doctors Syndicate's complaint against him in the court, he was arrested. He was convicted by the abovementioned law, then, he was released on bail for 3 million IQD; cases of: Mohammed Rauf, Fazil Hams Rafaat, Namiq Rasul, Nyaz Abdullah, Hemn Mamand, Rzgar Kochar from Draw Media: after publishing a reportage in about the killing of a Turkish diplomat in Erbil, there was a complaint against them in an Erbil court. They were arrested under the abovementioned law, and then released on bail for 5 million IQD.

### **Fighting Corruption in the Kurdistan Region**

The project of the Strategy of Anti-Corruption in Kurdistan Region is the key element in tackling corruption in the KR-I. The project is supported by international counterparts under the light of the United Nations Convention against Corruption (UNCAC). It is initiated by the KRG Commission of Integrity in the Kurdistan Region, to oversee the legal, executive, and judicial authorities. The project is implemented in the cooperation from civil society organizations and the support of the Westminster Foundation for Democracy (WFD) and the Reform Institute for development (RID).

The strategy of the project was accepted by the KRG Council of Ministries through the decree No (108) of 2017, and was published in the official Waqqai Kurdistan newspaper on 31/5/2017. This strategy is an attempt for formulating national agenda to repel corruption in the Region and to bring the relevant parties in this respect together to

combat corruption. In accordance with this strategy, the mechanism of fighting corruption is formulated on four main levels: preventative measures, implementing law, awareness and training, in addition to cooperation and negotiation between the related sides, media cooperation and organizations of civil society. It is imperative that the strategy should focus on local challenges, of course, in addition to taking benefits from experiences and standards of international counterparts.

Following the approval of the draft of the strategy of the prevention of corruption in KRI in May 2, 2017, which had been drafted by the Commission of Integrity and with the participation of other departments and support from the WFD, the Head of the Commission of Integrity and the Council of Minister's Secretary proposed the formation of a high committee, which went into effect in December 17, 2017. The process of formulating the strategy contained many shapes and stages, which are: meetings with related parties; preparing a research as a basis for a general strategy, establishing a committee of a strategy preparation; questionnaires' distribution to focus groups; and negotiating with civil society organizations.

The Commission's task is divided into three stages: Obtaining information and presumed facts, observing their authenticity and veracity, and drafting a preliminary report by the investigator, to be submitted to a judge.

Article 1 (7) of the Law of the Commission of Integrity in Kurdistan Region-Iraq No. (7) of 2014, stipulates that "Corruption crime: contains each crime in those crimes, which are mentioned in the Articles 233, 234, 271, 272, 275, 276, 290, 293 and 296 of Iraqi Penal Code No. (111) of 1969: disobedience, punishment for the duties of their public works, which contains bribes, embezzlement of funds and excess of the number of employees within their span of responsibility, unjustified spending credits and lodging (achieving wealth as the result of crimes or corruption crimes), any crime which is considered as a mentioned fixed circumstance in the paragraphs of (fifth, sixth and seventh) in Article 135". Furthermore, Article 5 (8) of the aforementioned law states that "Publishing the visible instruction of financial burden of obeying the authorized agents within general

service mentioned in this law, so as to reveal their financial interest and the interest of their wives and underage children. Disclosure of financial interests consists of the following personnel: Region's President and his deputy; the Speaker of the Parliament, her/his deputy, secretary and members; the Prime Minister and her/his deputy; ministers, those who have a ministerial degree and undersecretaries of ministers; the Head of the Commission of Integrity, her/his deputy and all general directors of commission and investigators; general directors and their assistants; judges, members of general prosecutors, justice supervisors and investigators; officers of the Region, guards and local security in lieutenant degree and higher; those officers and commissars who implement investigation works; governors, the heads of administration units, chairmen, members of governorate councils, districts and the heads of municipalities and the members of municipal councils; and each clerk who holds a civil or military post that is not mentioned above, that the commission considers necessary that the report of financial disclosure should be included, according to an instruction issued for this purpose. The commission has the right to ask for a financial disclosure those who are accused in one of the crimes which came in the 7th paragraph of the first article of this law.

**Anti-Corruption Related Data**

**[Update: June 1, 2020; source: KRG Commission of Integrity in the Kurdistan  
Region]**

*The Remaining Cases in the Criminal and Misdemeanor Courts in the Kurdistan*

*Region*

<b>Governorate</b>	<b>2016-2017 Cases</b>	<b>2019 Cases</b>	<b>Total</b>
<b>Erbil</b>	36	23	59
<b>Sulaimani</b>	17	26	43
<b>Duhok</b>	2	26	28
<b>Total</b>	55	75	130

*The Sum of Corruption Cases in 2019 in the Kurdistan Region*

<b>Governmental Position</b>	<b>The Persons Sentenced</b>	<b>The Persons Released</b>	<b>The Cases Appealed</b>
<b>Ministers</b>	0	0	0
<b>Deputy Ministers</b>	0	1	0
<b>General Directors</b>	0	0	0
<b>Managers</b>	1	6	0
<b>Previous Managers</b>	1	0	0
<b>Club Presidents</b>	1	0	0
<b>Previous Presidents of Private Universities</b>	1	0	0
<b>Company Managers and CEOs</b>	1	1	0
<b>Doctors</b>	1	0	0
<b>Military Generals</b>	0	0	5
<b>Military Officers</b>	1	0	0
<b>Police Officers</b>	4	4	1
<b>Guards</b>	2	1	0
<b>Clerics</b>	22	11	6
<b>Bank Clerics</b>	4	4	2
<b>On-Pension Clerics</b>	0	1	2
<b>Asaysh Officers</b>	1	0	0
<b>Committee Members in Ministries</b>	0	1	0
<b>Committee Heads in Ministries</b>	0	2	0
<b>Party Secretaries</b>	0	1	0
<b>Teachers</b>	1	0	0
<b>Head of Municipalities</b>	1	0	0
<b>Small-Business Owners</b>	0	0	1
<b>Total</b>	<b>42</b>	<b>33</b>	<b>17</b>

## **Conclusion**

KRG remains dedicated to the protection and promotion of human rights in the Region. It has strived to establish a safe haven for IDPs and refugees during and after the war against terrorism, despite the severe economic crisis and the imminent threat of ISIL to proceed into KRG territories. Moreover, KRG endorses and exemplifies the democratic principles of good governance, transparency, freedom of speech, gender equality—and humanitarianism, in Iraq and in the Middle East.

Moreover, KRG perceives itself as an integral part of the international community. It is therefore part of the well-connected system through which the essential values of democracy are enhanced and reciprocated. The significant presence of diplomats and international agencies in the Region remarkably contributed to the enhancement of these values. KRG has recognized these values to be crucial for good governance. Nonetheless, the international counterparts often make accusative comments on the performance of KRG in respect of human rights, while there is a widespread awareness of the progresses made so far in this respect.