

Kurdistan Regional Government

Presidency of the Council of Ministers

Office of the Coordinator for International Advocacy



The KRG Clarifications on the Findings of the “Amnesty International’s 2022 Report on the State of the Worlds Human Rights: Iraq”

March 2023

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Executive Summary

Amnesty International published the "2022 Report on the State of the World's Human Rights" on March 27, 2023. The Report details key developments and challenges in sustaining and improving human rights status in Iraq, including the Kurdistan Region. The report covers a range of topics such as women rights, arbitrary arrest, freedom of expression, and the border bombardments. In this report the KRG Office of Coordinator for International Advocacy provides fact-based information to clarify the KRG's amplification on the report. Firstly, on the issue of freedom of expression, the Parliament of the Kurdistan Region issued Access to Information Law No 11 (2013) to enable citizens to exercise their rights to obtain information from public and private institutions.

Amnesty's report inspects the role of KRG in providing protection for women's rights. However, the report fails to recognize the KRG's progress in this regard. The Regional Plan for Human Rights proposes to set up a workshop for women in rural areas, launch awareness campaigns, enact a law on sexual harassment, and conduct advocacy campaigns on social media. It also proposes to establish an accurate electronic and paper database, to enable annual evaluations. Kurdistan Region Prime Minister Masrour Barzani reiterated the government's commitment to protecting women's rights and combating gender-based violence during a speech marking International Women's Day on March 8, 2023.

The Kurdistan Regional Government placed a moratorium on shelters refusing or releasing victims until a consultation period with centers is concluded. The Kurdistan Regional Government has formed an advisory board to guide media and civil society organizations on best practices to protect victims of gender-based violence and mental health issues. It has also asked religious figures to help raise awareness and create social networks to support those in need. The National Strategy to Combat Violence against Women is developed for five years (2016-2027).

Another topic of Amnesty International's report is the border bombardment. Amnesty International's report highlighted border bombardments, air strikes and shelling by Turkey and the Iranian Revolutionary Guards.

In regards to arbitrary arrest, the law in the Kurdistan Region explicitly reserves the power to issue arrest warrants and remand orders to the judiciary alone. The maximum duration of pre-trial detention is limited to 24 hours. If detainees found innocent, they are entitled to compensation under Law No.15 (2010). The cases of detainees referenced in the report pertain specifically to matters of national security, as they were accused of supporting terrorist groups in the Region with the intention to harm foreign and civilian targets. Those accused persons were found guilty of gathering classified and sensitive information and passing it to the PKK.

Freedom of Expression

The Amnesty International published the “2022 Report on the State of the World’s Human Rights” on March 27, 2023. The report refers to key developments and challenges in protecting and promoting human rights in Iraq, including the Kurdistan Region. As far as Kurdistan Region is concerned, the report comments on women’s rights, arbitrary arrest, freedom of expression, border bombardments, uncertain jurisdiction in the disputed areas, women empowerment, and freedom of movement.

The report alleges that the Kurdistan Regional Government security forces have curtailed freedom of expression, all the while it fails to acknowledge the fact that there are 8,000 registered journalists in the Kurdistan Journalist Syndicate (KJS), and at least 1,000 individuals who practice journalism without being members of the syndicate. In the past 20-year, 1,259 digital and press media obtained licenses: 50 websites, 138 radio stations, 958 newspapers and magazines, 31 satellite channels, and 85 local broadcast stations. Taking this figure into consideration, we can infer that out of every 778 citizens of the Kurdistan Region, one of them is a journalist. Moreover, every group of 4,901 citizens is equivalent to one electronic or press media.

To enable the citizens of the Kurdistan Region to exercise their rights to access information from public and private institutions and to support transparency and participation to consolidate the democratic process, the Parliament of the Kurdistan Region issued Access to Information Law No 11 of (2013). Journalists and media outlets are invariably entitled to request and access data available to public scrutiny.

The judicial authorities are following up on allegations of torture against journalists, of which a number of lawsuits have been filed; 31 individuals were fined for using violence against journalists, and several cases were investigated for the use of violence. There were no incidents of censorship on internet access in 2022.

Women’s rights and Gender-based Violence (GBV)

Amnesty’s report highlights the role of KRG in providing protection for women's rights. The report underscores several areas in which KRG has put efforts to elevate the status of women and prevent GBV; for example, dedication of a 24/7 hotline by the MoI; operating shelters for women who escaped violence; redressing and rehabilitation of Yezidi women; and providing more robust legal protections.

The Regional Plan for Human Rights furnishes the ground for more improvements in terms of women rights. To ensure the implementation of the National Strategy to Combat Violence against Women, the Regional Plan proposes to organize a workshop for women in rural areas on agricultural production; launch awareness campaigns for women by the High Council for Women and Development (HCWD) to combat violence, especially sexual exploitation and slavery; enact a law on sexual harassment in the workplace and public places, and allocate a chapter on sexual exploitation and sexual slavery, conduct advocacy campaigns in social media such as Facebook, Instagram and Twitter to achieve the recommendation to encourage women to report these cases, establish an accurate electronic and paper database showing the activities of the parties that carry out such criminal acts against women in order to develop evidence-based policies and conduct annual evaluations by the MoI to show the impact of the measures taken against this phenomenon and to identify the factors affecting the increase of this phenomenon and the challenges and to suggest solutions; and prepare a draft amendment law to abolish Article 398 of the Iraqi Penal Code, which encourages violence, aiming to toughen the punishment for the perpetrators of these crimes.

Kurdistan Region Prime Minister Masrour Barzani reiterated government's commitment to protect women's rights and combat gender-based violence during a speech marking International Women's Day on March 8, 2023. He pointed out that women are participating more in various fields, especially in government and other top institutions. The Prime Minister also noted that the number of women in leadership positions dramatically increased in his cabinet. Addressing the issues of violence and discrimination against women, Barzani said solving this problem requires collective efforts from all segments of society, not just the government. "We shall also work to eliminate all forms of gender discrimination by creating a stable and suitable environment for all the society's individuals," he said; adding that "women shall have their dignified positions to play their roles in accordance with their abilities."

Moreover, the amnesty report asserts that, a limited number of shelters overseen by the KRG's Ministry of Labour and Social Affairs operated in KR-I cities. The report overlooks that as a short-term solution, the Kurdistan Regional Government placed a moratorium on shelters refusing or releasing victims until a consultation with centers to provide legal support, financial resources, and adequate housing is concluded.

The Kurdistan Regional Government tasked the High Council for Women and Development with putting together a comprehensive strategy to tackle the issue of violence against women, and conduct roundtable consultations with ministries and relevant stakeholders to provide recommendations to the government. An advisory board will be formed to guide media and civil society organizations on best practices when dealing with cases of gender-based violence and mental health issues to protect victims.

The Kurdistan Regional Government also asked religious figures to play a role in supporting the fight to end violence against women and address stigmas attached to mental health and gender equality. It highlighted the importance of listening to experts in the fields of psychology and sociology, as well as human rights activists, to help raise awareness in the community and create social networks to support those in need.

The Kurdistan Regional Government will continue to work to provide more resources, protection, and support to victims and their loved ones, and encourage an honest debate around the issue of mental health and violence against women. Also, the Kurdistan Regional Government, through the HCWD and the United Nations agencies, established the National Strategy to Combat Violence against Women in the Region; this was approved in accordance with the decision No (8) Of the Council of Ministers of the region on (19/9/2012) and lasted for five years (2012-2016). The strategy was updated in 2017 so that it works in accordance with its objectives, principles and plans for a period of 10 years (2017 - 2027) and consists of four areas and general objectives as follows:

- First: the legal field (general purpose): Eliminate all types of legal discrimination against women and provide legal protection for women.
- Second: the field of prevention (general purpose): Raising community awareness of the causes and effects of violence against women on the family and society.
- Third: The field of protection (general purpose): To support and advocate victims of violence and to protect women from all forms of violence.
- Fourth: the field of care (general objective): To improve services provided to women survivors of violence.

Here are some Laws and Legislations to Consolidate Women Rights in the Kurdistan Region

- The Parliament of the Kurdistan Region has enacted the Anti-Domestic Violence Law No (8) for the year 2011 that guarantees women's rights in all respects, along with many other laws and amendments that serve women in general. Work is currently underway to amend the aforementioned law in the Parliament in line with the requirements of the current stage.
- Law No 7 (2001) (excluding the wife from the provisions of paragraph (1) of Art 41 of the Iraqi Penal Code amended (111) for the year 1969).
- Law No 8 (2001) (unjust divorce): If a man divorces his wife and it is proven to the court that this divorce is unfair and the wife is harmed, then the court shall rule against the husband, in a manner appropriate to his financial condition and the degree of injustice

and assess all the damages, to pay all the expenses (alimony) for a minimum of two years and maximum of three years.

- Law No 14 (2002): The commission of the crime against women under the pretext of honor motives is not considered a mitigating circumstances or a legal defense for the purposes of applying the provisions of Articles (128,130,131) of the Iraqi Penal Code No (111) of (1969) as amended.
- Law No 7 (2009): Law of the Judicial Institute in the Kurdistan Region - Iraq: The issuance of this decision allows women to be a judge, and accordingly there are a great number of women holding the position of judges and magistrates. The Parliament issued a law (No 2 of 2009) on the elections of the Parliament of the Region, where the percentage of women representation was set at least (30%) of the total number of seats in the Parliament.
- Law No 4 of (2009) on the elections of the provincial councils in the region was established. Determining the percentage of women representation by no less than (30%) of the total number of members of the council of each province of the region.
- Law No 23 (2003): (payment of the full salaries and allowances, for women enjoying maternity leave during the period of their vacation).
- Law No 3 (2015): Law amending the application of the Iraqi Penal Code No (111) for the year 1969 amended in the region.
- Law No 7 (2001): (exemption of the wife from the provisions of paragraph (1) of Article (41) of the Iraqi Penal Code amended (111) for the year 1969).
- Law on the prevention of misuse of telecommunications equipment No 6 (2008) in the Kurdistan Region of Iraq. Personal Status Law No 188 (2011) as amended.
- Personal Status Law No 15 (2008): Law implementing the amendment of the Iraqi Personal Status Law, which includes (25) articles in the interest of women.

Border Bombardments

Amnesty International's report highlights additional concerns, including border bombardments. The report acknowledges that Turkey has persistently conducted air strikes and shelling as part of its ongoing military operation to target members of the Kurdistan Workers Party (PKK) based in the northern areas of the Kurdistan Region of Iraq (KR-I). In addition, the Iranian Revolutionary Guards claimed responsibility for attacks on locations of Kurdish Iranian opposition parties in Erbil governorate, resulting in casualties and displacement. The recent data in this regard is that from January 1 2022 to September 31 of the same year, neighboring countries conducted 320 airstrikes and shillings.

Arrest Procedures

On the issue of arbitrary arrest, the Amnesty International's report is misleading when it claims that KRG security forces arbitrarily arrested, prosecuted and imprisoned journalists, activists and

perceived critics. The law in the Kurdistan Region explicitly reserves the power to issue arrest warrants and order detentions to the judiciary alone, effectively limiting the authority of administrative or security agencies. Also, the maximum duration of pre-trial detention is strictly limited to 24 hours, though certain cases may require the preparation of additional documentation before being presented to a judge. There also may be instances where defendants cannot be released on bail, such as those accused of premeditated murder, drug trafficking, or terrorism.

It is significant to note that the cases of detainees referenced in the Amnesty report pertain specifically to matters of national security, as the individuals involved were accused of supporting terrorist groups in the region with the intention of harming foreign and civilian targets. The individuals tried in February 2021 were convicted and sentenced under Article 1 of Law 21 (2003) and the ruling of the Erbil Criminal Court was upheld in two appeal stages. The sentence was six years each. But, on February 21, 2022, their sentences were reduced by 60% following a presidential decree from the Presidency of the Kurdistan Region, which is also mentioned by Amnesty.

The case against them had nothing to do with their stated occupations. Those defendants were not convicted for activity related to journalism or activism. They were found guilty of gathering classified and sensitive information and passing it covertly to an outlawed militant group – namely the PKK. As you may recall, the PKK has been responsible for the assassination of a foreign diplomat and senior security officials in Kurdistan in the last two years. The information those perpetrators passed to the PKK directly put at risk the lives of senior KRG and foreign officials in Kurdistan. In the face of the overwhelming evidence against them, they confessed. What they otherwise did for living is irrelevant.

KRG emphasizes that there is a clear separation of power between the judiciary and of the government. KRG respects the independence of the judiciary, committed to a coherent check-and-balance system, and restrains from interference in the judicial process. The KRG continues to work with UNAMI, OHCHR, some consular offices and NGOs on media freedom, both in terms of wider policy and legislative changes as well as specific situations.

The Regional Plan for Human Rights identifies several challenges in this regard and aims to address them. The challenges identified by the Regional Plan are as follows: trust deficit between media activists and the government; legislative gaps in setting legitimate and credible boundaries to freedom of expression; insufficient press professionalism practiced by journalists; lack of legal awareness with regards to the right to freedom of expression; inciting violence, spreading hate, and causing defamation under the guise of having the right to freely express opinions; classifying journalists and media activists as political affiliates when they tackle controversial topics; and

augmenting or digressing a specific case by journalists, often to appeal to the sentiments of public opinion

In the meantime the Amnesty's report does not recognize that the Kurdistan Regional Government (KRG) has taken significant steps towards social inclusion and peaceful policies, which have enabled different ethnic groups in the Kurdistan Region to coexist in peace. The KRG has recognized the diversity of its population and has made efforts to ensure that all groups are included in the political, social, and economic life of the region.

One of the KRG's most significant achievements in promoting social inclusion and peaceful policies has been the establishment of a civic, democratic system of governance. The KRG has a parliament that is elected by the people of the region, including representatives from different ethnic and religious groups. This ensures that all groups have a voice in the decision-making process.

The KRG has also made efforts to promote cultural diversity and preserve the heritage of different ethnic groups in the region. The KRG has recognized the importance of preserving the Kurdish language and culture, but it has also made efforts to promote and preserve the culture and language of other ethnic groups in the region. The KRG has established cultural centers and schools that teach the languages and cultures of different ethnic groups in the region. According to a 2017 report by Human Rights Watch, the KRG has implemented policies to promote cultural diversity and provide education in minority languages. The report notes that the KRG has made efforts to promote education in minority languages, including Turkmen and Assyrian, and has established cultural centers to promote awareness of cultural diversity.

Furthermore, to promoting cultural diversity, the KRG has also made efforts to promote economic inclusion. The KRG has implemented policies that aim to reduce poverty and promote economic growth in the region. The KRG has invested in infrastructure projects, such as roads and bridges, that connect different parts of the region and make it easier for people to access education, healthcare, and job opportunities.

Freedom of Assembly

Amnesty's report states that the KRG security forces utilized tear gas and rubber bullets to quell peaceful protests, yet, the Kurdistan Journalist Syndicate announced that no media outlets had their stations shut down in the Kurdistan Region throughout 2022. Twenty-two alleged violations have been recorded by the Kurdistan Journalists' Syndicate in the first six months of 2022. These violations include confiscation of equipment, intimidation, and prevention of media coverage, among others. However, as the Syndicate's report indicate that KRG security forces prevented a number of media outlets from covering a rocket attack near Kawrgosk refinery on May 1, 2022. This happened due to security condition. Most of the other alleged violations occurred outside

KRG jurisdiction and/or by PKK-affiliated groups; as happened in Sulaimani on May 15, when a K24 team faced harassment by PKK supporters. The KRG did not censor or interfere with internet connection. Journalists and media outlets have equal access to covering an event, regardless of its nature.

Finally, Amnesty International's report commends the KRG's significant role in extending the range of facilities and services of the refugee camps. The report underscores that around 15% were housed in 14 camps that remained open in the KR-I and parts of Ninewa governorate controlled by the KRG. The Kurdistan Regional Government (KRG) has taken various steps to provide aid and assistance to internally displaced persons (IDPs) and refugees who have fled violence and conflict in other parts of Iraq and neighboring countries.

Some of the steps taken by the KRG include:

- Establishing camps: The KRG has set up several camps for IDPs and refugees, providing shelter, food, water, and other basic necessities. These camps are managed by the KRG's Joint Crisis Coordination Center (JCC) in coordination with UN agencies and other international organizations.
- Providing healthcare: The KRG has also established healthcare facilities in the camps, staffed with medical personnel and equipped with essential medicines and equipment to provide basic healthcare services to the IDPs and refugees.
- Education: The KRG has worked with international organizations to provide education and vocational training to IDPs and refugees in the camps. The KRG has also worked with local schools to enroll children from the camps in regular classes.
- Job opportunities: The KRG has also created job opportunities for IDPs and refugees in various sectors, including construction, agriculture, and the service industry. This has helped provide income for these individuals and reduce their reliance on aid.
- Legal assistance: The KRG has provided legal assistance to IDPs and refugees, helping them obtain necessary documents, resolve legal issues, and access justice.