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Human rights situations that require the Council's attention

**Joint written statement\* submitted by the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), International-Lawyers.Org, Union of Arab Jurists, United Towns Agency for North-South Cooperation, non-governmental organizations in special consultative status, International Educational Development, Inc., World Peace Council, non-governmental organizations on the roster**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[03 June 2019]

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\* Issued as received, in the language(s) of submission only.

## Corruption in Iraq

The problem of corruption has become a global concern, occurring at small and large scales with a variety of impacts. With ever-increasing trade and the expanding global operations of trans-national corporations, the scourge of corruption is growing. The global community came together in 2003 in an attempt to address this problem with the UN Convention against Corruption (CAC). This Convention has become one of the most widely ratified multilateral conventions with 186 state parties as of June 2018. Unfortunately, corruption has become a well-known and widely-documented problem in the Republic of Iraq despite its accession to the CAC. The scale of corruption is massive and touches every aspect of society. This statement seeks to highlight the corruption problem in Iraq and call attention to its negative human rights impacts.

### Massive Scale of Corruption in Iraq

Although corruption is present in all countries, the corruption problem in Iraq increased dramatically after the illegal 2003 U.S. invasion. With the dismantling of state institutions by the occupying powers, any checks on the ability of state officials, political and sectarian groups, and militias to extract corrupt payments disappeared. Subsequent Iraqi governments have been unable, and often unwilling, to stem the expansion of corruption because of the benefit to so many influential people and groups.

The massive scale of corruption in Iraq has been widely documented in a variety of sources.<sup>1</sup> Governments warn their citizens and businesses about the risks of corruption when traveling and doing business in Iraq.<sup>2</sup> The global business community also identified Iraq as a high-risk country for doing business because of corruption.<sup>3</sup> Perhaps most shockingly, state officials themselves admit to receiving bribes and peddling in influence. One high profile example featured a member of the Iraqi parliament, who is also a member of the Iraqi Commission of Integrity, admitting during a televised interview to taking millions in bribes and stating that this is common practice among all politicians.<sup>4</sup>

Certain economic sectors have seen particularly extreme cases of corruption. The largest of these is the oil sector. Since 2003, the main oil fields and the ports for exporting oil have been dominated by certain political parties and the militias. These parties have been exporting oil illegally by means of Gulf ports or by tanker trucks across the border to Turkey. In 2005, it was estimated that illegal exports amounted to 1 billion US dollars per year and has increased since then. In 2018, about 500,000 barrels of oil per day were smuggled to Iran by militias from the oil fields around Kirkuk. The revenue of all these sales benefit only the party and militia leaders, not the state or Iraqi civilians.

Another major area of corruption is government contracting. With military contracts, the responsible government officials often take large illegal commissions and the equipment or arms received are of lower quality or value than what is written in the contract. This can result in billions of dollars in payments for a single contract. Similarly, the electricity sector has seen at least 60 billion dollars spent for infrastructure since 2003 but with no significant improvement in generating capacity or reliability. The health sector also suffers from this type of corruption. Contracts for construction of new hospitals, ambulances and medical equipment and supplies are common for the many war-torn areas of Iraq. However, it turns out that many of these facilities are never built or the equipment never arrives despite full payment of the contract. Instead, the contracts are concluded with sham companies for the enrichment of the government officials responsible for this sector.

One problem that is not sector-specific is fraudulent government staffing. Across many government agencies, officials make budget requests for more staff than are actually employed. An office might be funded for 40 employees, but only

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1 Transparency International's corruption perception index ranks Iraq 168th out of 180 countries, with #1 being the country with the least perceived corruption. *Iraq*, Transparency International, <https://www.transparency.org/country/IRQ>.

2 See US Dept. of State, *Iraq 2018 Human Rights Report*, <https://www.state.gov/documents/organization/289451.pdf>.

3 GAN Integrity, *Iraq Corruption Report*, <https://www.business-anti-corruption.com/country-profiles/iraq/> (last updated Jun. 2017).

4 Middle East Media Research Institute, *Iraqi MP Mish'an Al-Jabouri: I Took Millions of Dollars in Bribes, All Iraqi Politicians Do* (26 Jan. 2016), <https://www.memri.org/tv/iraqi-mp-mishan-al-jabouri-i-took-millions-dollars-bribes-all-iraqi-politicians-do/transcript>.

have four working staff with the head of the agency personally taking the remaining personnel budget. A particularly egregious example of this is the military: at least 50,000 names on the military personnel lists have been discovered in 2014 to be false. As a result, the government budget disappears with various commanders taking the money allocated for the false personnel.

### **Human Rights Impacts of Corruption**

Not only does the widespread corruption have grave long-term economic and political consequences, it results in the violation of the human rights of the Iraqi people. Crumbling infrastructure, diversion of public resources and influence peddling by corrupt officials combine to produce dire living conditions for a majority of the population.

The right to an adequate standard of living is continuously violated by officials who allow critical infrastructure to crumble in spite of millions of US dollars allocated to repair infrastructure destroyed during the invasion and the subsequent fighting by various armed groups. Basra, the largest city in southern Iraq, lacks clean water and sanitation because the water and sewer systems are in complete disrepair. Water-related diseases and deaths are on the rise, local fish supplies have been killed by the poor water quality, and some streams have essentially become open sewers. Multiple protests have occurred demanding action from the government. Similarly, electricity infrastructure across the country has not been repaired and electricity outages are common despite tens of billions of US dollars spent by the government since 2003.

Diversion of public resources from critical services have meant that children go without education and most of the population is without adequate health care. Children's right to education is violated by corruption which prevents needed repairs to schools resulting in poor learning environments for students. Worse yet, the lack of funds reaching schools means that, in many areas, there are simply not enough trained teachers to provide children with an adequate education. Health care suffers from the same deficiencies. Damage to hospitals and clinics is not repaired, and insufficient funding means that doctors and nurses are not available to provide care, or a lack of medicines and supplies results in care that is sub-standard.

The institutionalization of influence peddling has had particularly severe impacts due to its corruption of law enforcement and the justice system. Petty corruption among law enforcement personnel touches much of the population, especially in areas with security issues where police checkpoints are frequent and self-serving militia groups handle basic policing functions. Bribes to avoid arrest for minor or fabricated offenses are common as are those to obtain information about detained family members, to get better treatment while in detention, or to be released from detention. For courts, judges are often subjected to political pressure to avoid or minimize cases against prominent people, especially for cases involving corruption. The judicial system as a whole also involves the use of bribes to speed up or delay cases, to bypass procedural requirements, or even to obtain more favourable rulings in particular cases. All of these violate people's right to be treated equally before the law and to be accorded due process in criminal proceedings.

Another common aspect of corruption is that it empowers and hides discriminatory behaviour. Very often, corrupt activity results in the targeting of certain communities or minority groups. For example, corrupt government prosecutions consistently seek the death penalty for people from certain families, corrupt government procurement prevents repairs to infrastructure in communities where people protest government actions, and corrupt security forces result in arbitrary arrests and detention to extort money and services from disfavoured religious and ethnic groups.

### **Conclusion**

Numerous organizations, including business groups, civil society and governments, have documented the unbelievably widespread and systemic corruption that occurs throughout Iraq. This level of corruption has a severely detrimental impact on the human rights of Iraqis, and it seems clear that Iraq is unable to fulfil its obligations to protect and promote the human rights of its residents as a result.

Urgent action is needed – and the people of Iraq agree. After years of corruption, parliamentary elections have seen declining interest and participation by the Iraqi electorate in large part because the populace is disillusioned. They see the endemic corruption as protecting those who steal the country's wealth and believe there is little prospect of change from the electoral process. Iraqis and their government need assistance to help break the stranglehold of the system of corruption and provide an opportunity for Iraq to rebuild itself from within.

### **Recommendations**

We recommend that:

- Iraq government pursue its stated efforts to prosecute high-profile corrupt practices and begin reducing the overall culture of corruption
- The international community and trans-national corporations operating in Iraq reject corrupt practices and work toward greater transparency in their activities within Iraq
- The Human Rights Council appoint a special rapporteur for Iraq to, among other functions, investigate and monitor corruption and its impact on the human rights of Iraqis

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Geneva International Centre for Justice (GICJ), The Arab Lawyers Association-UK, Human Rights Defenders (HRD), The Brussels Tribunal, The Iraqi Commission for Human Rights (ICHR), Association of Humanitarian Lawyers (AHL), Association of Human Rights Defenders in Iraq (AHRD), General Federation of Iraqi Women (GFIW), Organisation for Justice & Democracy in Iraq (OJDI), The Iraqi Centre for Human Rights, NGO(s) without consultative status, also share the views expressed in this statement.