



# General Assembly

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## Human Rights Council

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Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

**Joint written statement submitted by International  
Organization for the Elimination of All Forms of Racial  
Discrimination, Association Ma'onah for Human Rights and  
Immigration, International-Lawyers.Org, Meezaan Center  
for Human Rights, 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.

[11 August 2025]

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



## **Truth and Justice for the People of Iraq**

This report aims to outline human rights concerns in Iraq, particularly in relation to truth, justice, reparations, and guarantees of non-recurrence. Despite numerous recommendations from different UN human rights bodies, the Iraqi authorities have failed to fulfil their international commitments.

Serious violations persist, including arbitrary detentions, torture, enforced disappearances and the absence of effective remedies for victims. Iraq has not undertaken credible steps to establish the truth about past or ongoing violations, reflected in the systematic denial of information to families of the disappeared regarding the fate of their loved ones.

At the centre of Iraq's human rights violations lies a justice system vulnerable to corruption. Although a judicial framework is in place, Iraq's courts lack effectiveness, independence, transparency, and consistent respect of human rights standards. This structure prevents the achievement of justice for victims, the provision of reparations, and the implementation of measures to guarantee non-repetition.

### **Conditions in Penal Institutions**

#### **Torture in Penal Institutions**

Responsibility for prisons in Iraq is fragmented among ministries and security forces, including the Popular Mobilisation Forces and Intelligence Services, with no coordination or unified database. Legal guarantees against torture, enforced disappearance, and other violations are absent.

Torture remains systematic, especially in police stations and prisons, often leading to deaths. No official has been tried, and investigations are limited to ineffective administrative reviews.

Detainee records are often delayed for months. Arrests without warrants are common, with detainees uninformed about the authority or location and denied family contact, thereby undermining justice for the victims and their families.

Corruption exposes families of the detainees to extortion or sexual exploitation. Human rights defenders and NGOs exposing abuses face harassment. These violations reflect Iraq's corrupt penal system.

While Iraq has ratified Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), in practice, there is no comprehensive national reparations programme addressing victims of torture, nor effective mechanisms to implement Article 14.

Despite ratifying the CAT in 2011, Iraq's weak institutions and lack of political consensus for structural reforms restrain the non-recurrence of violations.

#### **Violations against Children in Penal Institutions**

Concerns in Iraq about violations against juvenile detainees have escalated, including arbitrary detention, mistreatment, and sexual exploitation, in violation of legal safeguards and institutional safety standards. Reports reveal that children, especially after transfer to detention centres that disregard their age or the nature of their offences, face violent abuse, including rape, in blatant violation of international and domestic child protection laws. Investigations must be established to highlight the truth about the constant abuse of human right in penal institutions.

The articles 37 and 39 of the Convention on the Rights of the Child (CRC), ratified by Iraq in 1994, obligates states to protect children from torture, abuse, and arbitrary detention. Ratifying a convention entails fully understanding, accepting and respecting its provisions in their entirety.

By the end of 2023, juvenile prisons held over 9,500 children under 18, mostly on charges related to drug abuse and theft. This reflects the government's failure to provide essential psychological, medical, and social rehabilitation, leaving children more vulnerable to

extremism, delinquency, and exploitation in prison. The absence of reparations mechanisms for children perpetuates their marginalization and suffering.

Additionally, most juveniles are transferred to adult prisons at 17 years and six months, complicating their legal status and delaying case resolution. These practices contradict national laws and violate international child rights standards, which prohibit placing children in environments unsuitable for their age and psychological and social development. The fragility of Iraq's justice and social systems contributes to the vulnerability of children to illegal activities, perpetuating a harmful cycle that undermines guarantees of non-recurrence.

### **The Death Penalty**

Iraq continues to impose the death penalty at high rates, comparable to China and the Islamic Republic of Iran, despite repeated calls for abolition from UPR cycles and UN experts. Executions often occur without fair trials, with detainees lacking legal defense and facing torture, reflecting the weakness of the justice system. Many have been held over 15 years without trial.

Executions are carried out in large batches, with at least 100 in 2024 from the Sunni community. The withholding of information from families impedes their ability to seek truth and reparations for the violations committed.

The death penalty is also applied extrajudicially, exploiting Article 4 of the Anti-Terrorism Law N°13 of 2005 to target political dissent and peaceful protests. This practice risks arbitrary due to limited access to legal representation and contributes to the cycle of violations by undermining guarantees of non-recurrence. Human rights defenders face prosecution for criticizing these abuses. Sunni communities are disproportionately affected, indicating systematic persecution.

### **Mass Graves & the Absence of Robust National Forensic Capacity**

Families of victims are left without evidence, without identification of their loved ones, and without access to justice. The right to the truth for families of the disappeared is undermined.

There is a serious lack of reparative measures to acknowledge their suffering. Reparation is not only a form of redress, but also an official recognition of the harm inflicted. By recognizing these violations, the government assumes a duty to ensure non-repetition. However, the ongoing pattern of systematic impunity reflects the endemic corruption within the justice system.

Despite the existence of the Mass Graves Law No. (5) of 2006, amended in 2015, its implementation faces several issues related to the procedural policies of the government, including extensive bureaucratic complications, financial limitations, a lack of human resources, and the failure to promote sufficient awareness around the issue.

### **The End to the Mandates of United Nations Assistance Mission for Iraq (UNAMI) and United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/Islamic State in Iraq and the Levant (UNITAD)**

UNITAD was created under Security Council Resolution 2379 to support Iraq's efforts in holding Da'esh accountable for war crimes, crimes against humanity and genocide.

Amid a worsening human rights crisis, the government has chosen to end UNAMI's mandate by December 2025 and prematurely ending UNITAD in September 2024. Though framed as progress, this coincides with declining rights and rising armed group influence, limiting UNAMI's capacity.

The drawdown of international mechanisms such as UNITAD and UNAMI, could leave Iraq without international support, representing risks for Iraq's capacity to prevent recurrence of human rights violations.

## **Threats to Freedom of Expression**

The Iraqi government suppresses human rights abuses by punishing critics and restricting Civil Society Organisations. Academics are banned from criticizing laws in media, indicated in Instruction No. 5544, dated 11 September 2024 of the Iraqi Ministry of Higher Education. The Bar Association forbids lawyers from public comments on government actions, issued on the 6th of August 2024, enforcing a government-approved lawyer list for media by Guideline No. 17291, dated 17 September 2024. These measures serve to undermine the truth and compromise the integrity of the judicial system. The ICCPR, ratified by Iraq, guarantees the right to freedom of expression, provided by article 19.

## **The Iraqi High Commission for Human Rights**

Established in 2008 under the Paris Principles, the Iraqi High Commission for Human Rights (IHCHR) has seen its effectiveness and transparency decline significantly. Government pressure and threats from armed groups have led many, including those behind this report, to call for its restructuring. After the IHCHR's 2021 term ended, no new commissioners were appointed for 2021–2025. The continued government interference weakens the IHCHR leading to a weakening of Iraq's capacity to ensure truth, justice, and reparation for victims of human rights violations and to establish the institutional safeguards necessary to guarantee non-recurrence.

## **Recommendations:**

- The Government of Iraq should be encouraged to ratify the Rome Statute of the International Criminal Court (ICC), as a necessary step toward ensuring accountability and ending impunity for serious violations of international law.
- Improve detention conditions nationwide by addressing overcrowding, ensuring humane treatment, and ending abuse.
- Ensure women and children detainees are treated with dignity and protected from all forms of abuse.
- Guarantee access to independent legal counsel and fair trials; review all death penalty cases for fair trial compliance.
- Introduce a moratorium on executions as a step toward abolition
- Establish a national reparations programme that is victim-centred, with full recognition of the rights of victims of torture, enforced disappearance, mass executions and conflict related sexual violence.
- Guarantee access to reparations for all victims, regardless of ethnic, religious or regional identity.
- Build permanent national forensic capacity through training and equipping international experts to locate and document mass graves.
- The government must ensure the IHCHR's independence, providing adequate resources and support for effective functioning.
- The State Party must expedite appointing a new panel of Commissioners who can operate independently and without political interference, in line with the Paris Principles.
- Facilitate impartial UN or expert investigations to monitor violations.

- The government must stop blacklisting and persecuting lawyers, academics, journalists, and activists.
- All laws aiming at restricting freedom of expression should be repealed or amended.

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