

**HUMAN RIGHTS PROTECTION IN IRAQ: THE SOCIOECONOMIC ROLE OF
THE UNITED NATIONS**

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Abstract

Iraq is a country of strategic importance by virtues of it's location and natural resources which is predominantly oil. The country with a population of over thirty six million people have five ethnic groups, Islam which account for about 97% of the population is the dominant religion and the two main groups of Islam, the Sunni and Shiites are well represented. Human right violation in Iraq is at a high level especially violations against women. The United Nations has made frantic effort to address human rights issues in Iraq in a number of ways some of which are: Increasing the economic and social goals that can lead to cooperation and integration of the country with international communities, promotion of international agreed development goals and the establishment of special commissions for Asia countries. This study attempt an in-depth exploration of this socioeconomic role of the United Nations in Iraq.

Key words: United Nations, Human Right, Iraq, Charter, Government.

INTRODUCTION

It's necessary to begin a discussion on human rights protection in Iraq with the geographical description of the country. Iraq is a country located in the Eastern Asia encompassing the Mesopotamian alluvial plain, the northwestern end of the Zagros mountain range, and the Eastern part of the Syrian Desert with the total estimated population of thirty six million, four thousand, five hundred and fifty two (36,004,552) people recorded in 2014. The capital city of Iraq is Baghdad and is in the center-east of the country. The country has a narrow section of coastline measuring 58 km (36 miles) on the northern Persian Gulf. Iraq shares a common border with six neighboring countries: Turkey to the north, Kuwait to the southeast, Iran to the east, Saudi Arabia to the south, Jordan to the southwest, and Syria to the west. The country has two major rivers, the Tigris and Euphrates, running through the center of the country flowing from the northwest to southwest. These provide Iraq with agriculturally arable which contrast with the steppe and desert landscape that covers most of the Western Asia countries.

The people of Iraq nation have been experiencing human rights violation for the past decade especially among women. Iraq is a Muslim-majority country with estimated population of 97% Islamic and 3% population are non-Muslim practicing other religion. Furthermore, the religion believes have impacted in their cultural and tradition way of living and behavior. And with all these prospective ideology, human rights protections became none effective compared to some other European and American countries. The Charter of the United Nations and the Universal Declaration of Human Rights have placed human rights in the framework of principles and obligations shaping relations within the international community and had brought the Office of the United Nations High Commissioner for Human Rights over the past year to initiate several special procedures and mechanisms to promote human rights protection in the region. And the Government of Iraq is also working positively to promote and protect human rights in the entire country.

United Nations & Human Rights Background

An assessment of United Nations Human Rights, has to consider the international Bill of Human Rights that consists of the three main core international documents that are used in the field of human right they are: The Universal Declaration of Human Rights that was proclaimed and adopted by the United Nations General Assembly Resolution of 217 A (III) on the 10th December, 1948; the international Covenant on Economic, Social and Cultural Rights that was adopted and opened for signature, ratification and accession by the General Assembly resolution 2200A (XXI) of 16th December, 1966. It entered into force on the 3rd January of 1976. Which apparently one hundred and sixty (160) members state are signatory to. the international Covenant on Civil and Political Rights that was adopted and opened for signature, ratification and accession by the General Assembly resolution 2200A (XXI) of 16th December, 1966 and entered into force on the 23rd of March 1976 which one hundred and sixty seven (167) are states member and its Optional Protocols.

The creation of International Labour Organization was a covenant league Nations expression created by Human rights led inter alia at the 1945 San Francisco Conference, held to draft the Charted of the United Nations, a proposal to embody a "Declaration on the Essential Rights of Man" which was put forward because, it requires consideration detailed at was that particular time. The purpose of the Charter was address "promoting and encouraging respect for human rights and for fundamental freedoms for all without any discrimination of race, sex, language or religion" (*Art. 1, para. 3*). The concept was for promulgating an "international bill of rights" which was basically considered in this Charter.

It was during the closing session of San Francisco Conference when the Preparatory Commission of the United Nations recommended that there is need for Economic and Social

Council should at first session be establish a commission for promotion of human rights in *Article 68* of the Charter. It was through the Council they established the Commission on Human Rights early in 1946.

The General Assembly firstly considered a draft Declaration on both Fundamental Human Rights and Freedoms which was transmitted to Economic and Social Council "for reference to the Commission on Human Rights for consideration in its preparation of an international bill of rights" (resolution 43 (I)) in 1946. At the initial time in 1947, the Commission guarantee his officers to systematically express it termed "a preliminary draft International Bill of Human Rights". After some time the formal drafting committee of eight member States of the Commission were selected according to their geographical distribution or political terrine.

The *Convention on the Elimination of All Forms of Discrimination against Woman (CEDAW)* that was adopted by the United Nations General Assembly on the 18th December 1979, and it entered into force as an international treaty on the 3rd September 1981 after the twentieth country had ratified and by the twenty anniversary of the convention in 1989, almost one hundred nations have agreed to be bound by its provisions. Apparently one hundred and eighty seven are member states, the *CEDAW* Committee's has third engagement with the Republic of Iraq, which ratified the *CEDAW* Convention on the 13th of August 1986. And entered Reservation to the following Article 29(f), Article 2(f), Article 2(g), Article 9 (1) Article 9(2), and Article 16 without prejudice to the provisions of the Islamic Shari'ah. According to women rights is equivalent to the rights of their spouses so as to ensure a balance between them, noted in Article 29(1).

Iraq Reservations to *Article 9 (2)* have been effectively canceled by the Iraq Constitution of 2005 (*Article 18*), which stipulates that: 'Everyone who is born to an Iraqi father or an Iraqi mother is considered an Iraqi, and this is regulated by law. The legal system of Iraq is a mixture of Sunni and Shi'ite *fiqh*. They are both applied in the courts.

Historically, Iraq was using Ottoman rule in the seventeenth century and from 1850 the new civil, penal and codes were adopted by the Ottomans in accordance to French models later the Ottoman Law Family Rights (OLFR) of 1917 didn't implemented as a British Mandate was established in the region by the end of World War I. In 1921, a monarchy was established under King Faisal; in 1932, Iraq gained full independence from its Mandate status. In 1958, Iraq became a republic when a military coup brought an end to the monarchy. According to the 2005 constitution of Iraq, *Article 2* noted that Islam is the state religion and a basic source of legislation, and that no law may contradict the established provisions of Islam. However, *Article 1* of the Civil Code also identifies Islamic law as a formal source of law.

The purpose of United Nations Human Rights Background in this paper is to determine some of the human rights challenges in Iraq and the extreme poverty people are experiencing in Iraq. This paper will also speak about the summaries submission by the state, relevant to United Nations Agencies, intergovernmental organizations, United Nations Treaty Bodies, the independent expert on the question of human rights and extreme poverty, national human rights institutions, non-governmental organizations, especially those in which people in situations of extreme poverty express their views, and other relevant stakeholders collected during the two rounds of consultation from 2007-2008. Human Rights Violations is one of the world biggest challenges individuals are facing every day simply because, as the world is into development likewise human rights are been violated. The United Nations Human Rights Office (OHCHR) has positively worked to protect people from such violations and promote the integration of human rights into society.

The United Nations Assistance Mission in Iraq (UNAMI) was a political mission established by the United Nation Security Council Resolution 1500 at the demand of the Government of Iraq in 2003 with its role greatly expanded in 2007 with the passage of Resolution 1770.

There was a bomb attack in the United Nations headquarters in Canal Hotel in Baghdad capital city of Iraq on 19th August 2003 that ceased lives of 22 people, including the life of the High Commissioner for Human Rights, Sergio Vieira de Mello. The bomb was said to target the United Nations Assistance Mission in Iraq (UNAMI). This ugly situation shows the level of human rights protection in Iraq and it is very bad for a group of people to involve themselves in killing people. The duty of the United Nations Assistance Mission in Iraq (UNAMI) was mandated to assist and to advise the people and Government of Iraq on a number of fronts. This includes advancing inclusive, political dialogue and national reconciliation by assisting the Government in planning their electoral process for national census in other to facilitate regional dialogue between Iraq and neighbors to promote the protection of human rights and judicial and legal reform in the region.

One of the main ideas of creating UNAMI's Human Rights Office is to works with the Government of Iraq alongside with the civil society to increase the promotion, respect and protection of human rights in Iraq to free them from undue bias or preconceived opinions. The Office, which also act as disposal under the United Nations High commissioner for Human Rights in Iraq, works hand to hand with the United Nation Funds, Agencies and programs to ensure that the basic rights of all Iraqis are fundamentally recognized and systematically rehabilitated in their activities.

In addition, to collaborate with the Government and civil society of Iraq Human Rights Office to focuses on the main sure areas, especially the rule of law, the protection of civilians

from the negative effects of any armed conflict and violence and in order to protect those who are being detained or being tried before the jurisdiction of the court. The Office also promotes and protects the rights of women, children, minorities, indigenous people, disable people and people with special needs. The protection of rights of freedom of expression, as well as economic, social and cultural rights and civil and political rights were also very important.

The United Nations Country Team works have strengthen their hands in both community, governorate, national level and all the eighteen (18) governorates of Iraq to make sure the national and international organization member staff are deployed in every part of the country to enable them create cooperation with domestic (local), provincial and national counterparts. And also, the United Nations Country Team has been codifying the humanitarian, reconstruction and development agenda in both constructive manner and national priorities. According to the education literacy statistic of Iraqis, it was 81.9% , the national average differs across both gender and district. But in 2011, the primary school enrolment increase from 90.1% in 2006 to 91.4%, which indicate that it is higher than the national average of 90.4% of the remaining target of 100% compared to the females enrolment rate is just only 89% to 93.9% of the male's enrolment. In the secondary education net enrolment of 2011, it decreased from 45% in 2006 to 43.6% that is more all less low than the national average of 48.6%.

The Anti-Discrimination Unit (ADU) at OHCHR is working to facilitate the implementation of the Durban Declaration and Program of Action at the global level. The Unit services the World Conference follow-up expert mechanisms addressing the situation of victim groups, and engages with the broader community forging partnerships, raising awareness and mobilizing support for anti-discrimination measures, such as legislation, policies and program. All these were established by General Assembly and Commission on Human Rights resolutions, prepares reports to the General Assembly, the Economic and Social Council (ECOSOC) and the Commission on Human Rights, develops a database as requested in the Durban Program of Action which promotes ratification of the International Convention on the Elimination of All Forms of Racial Discrimination and the work of its Committee, and prepares various publications. At the regional level, the Unit organized four expert seminars on implementation of the Program of Action and various meetings on more specific themes. It also carries out technical cooperation projects at the national level.

The Economic and Council (ECOSOC) strengthened power and created the Economic Commission for Asia and the Far East (ECAFE) in 1947. It ideas was to assist the economic restructure after the war. The Commission became anew as the Economic and Social Commission for Asia and the Pacific (ESCAP) in 1974. The notion of establishment of a development bank at the regional level in 1954 was considered as big advantage just as the

World Bank was doing at the global level. The ESCAP came to conclusion and passed a resolution on the establishment of the Asian Development Bank (ADB) in 1966.

OHCHR is the lead agency responsible for integrating the Durban Program of Action into the mandates, program and projects of the United Nations and it has engaged in joint activities with UNESCO, ILO and WHO. The ADU also works with NGOs and youth organizations in an effort to encourage civil society to fight against racism. Over the past decade, OHCHR has endeavored to strengthen the analytical, communications, information and logistical assistance that it is mandated to provide to special procedures, though, in particular, an effort to increase the number of staff servicing special procedures, and the creation of a Quick Response Desk to improve the efficiency with which mandate holders respond to communications addressed to them. However, resources under the regular budget still do not adequately cover the requirements of the special procedures and OHCHR has often resorted to recruiting staff from extra-budgetary resources.

According to the United Nations Charter, in Charter VIII, made us to understand and know the importance need for regional level action, actually it emphasis on maintaining peace and security. This brought in the links between peace and security, development and human rights are widely interconnected in terms of global development. The Creation of the United Nations Regional Commissions initially, its open the life of the United Nations widely to ensuring importance of regional economic development which Iraq is not abandoned. Today, Regionalism has shown a great impact on human rights. To be more specific, it's provided a basis for collective action on issues and formulates modality for global policy. Regionalism, it sometime acts as a catalyst for global policy frameworks. This form of regionalism sometimes acts as a catalyst for global policy frameworks. For instance, the regional framework on decent work and social protection which was developed by the EU in collaboration with the ILO. This has created issues that are considered to be part of global frameworks including the MDGs.

Figure 1 illustrates the five ethnics and religious groups in Iraq with their percentage population.

Figure 1: Ethnoreligious Groups in Iraq



Data Source: IHSES (2007)

Basemap: HIC Iraq 2003

NB: The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

The United Nations Charter on the prosperity of Protection and Promotion of Human Rights have defined the idea of creating sound and cordial relationship among all states based on respect for principle of equal rights. This is to ensure and provides equal opportunity to secure higher standard of living, self-determination in Article 51, Charter of the United Nations, and employment through economic growth and social development (ICESCR). The creation of the five regional commissions by United Nations, is to help to increase the economic and social goals that will both promote cooperation and integration between countries in each of the world regional level, to promote the regional implementation of international agreed development goals, including the Millennium Development Goals (MDGs) and support regional sustainable development by contributing to bridging economic, social and environmental gaps among their member states and sub-regions. The five Regional Commission serve as a mechanisms to promote multilateral dialogue, knowledge sharing and networking at the regional, and work together to promote intra-regional and inter-regional cooperation, both among themselves and through collaboration with other regional organizations.

The commissions that were created among other commissions, which are purposely established for the Asia includes:

- i. The Economic and Social Commission for Western Asia (ESCWA) in 1973 and
- ii. The Economic and Social Commission for Asia and the Pacific (ESCAP) in 1947.

The Economic Commission for West Asia (ECWA) was created on 9th August 1973 to pursuant the Economic and Social Council's under the resolution 1818 (LV). The main objective of creating this commission was to improve the economic activities among states member; enhance cooperation among themselves; To support economic and social development in the countries of the region; to promote cooperation between the countries of the region; to encourage interaction between member countries and promote the exchange of experience, best practice and lessons learned; to achieve regional integration between member countries, and to ensure interaction between Western Asia and other regions of the world; to familiarize the outside world with the circumstances and needs of the countries in the region and not only that but also to meet the demand and need of Western Asia countries for the activism of a regional economic commission to promote development progress in the regional level.

There are seventeen (17) Western Arab member countries which are: Bahrain, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Palestine, Qatar, Saudi Arabia, The Sudan, The Syrian Arab Republic, Tunisia, The United Arab Emirates and Yemen. With the social mechanism works, the Commission was entrusted with modern responsibilities in the social area through the Economic and Social Council resolution 69/ 1985 of July 1985. In this regard, the name of Economic and Social Commission for Western Asia (ESCWA) came into existence. May while, the Headquarter has been located within member states. Currently, its permanent headquarters is situated in Beirut since the year 1997.

For the past years ESCWA have provides a framework for both formulation and harmonization of sectorial policies for member countries. This has given the members state the atmosphere for dialogs and coordination for a room of knowledge distributor to exchange ideas of expertise and information observatory. The ESCWA activities have severally impact on the coordination of the divisional offices of the Headquarters of the United Nations, professional agencies, international organizations, regional organizations, League of Arab States but for also Gulf cooperation Council and its subsidiary bodies. Considering this, the ESCWA countries are seriously committed to the implementation of the Madrid International Plan of Action on Ageing. However, these countries are facing the following challenges which include:

1. **High unemployment rate**, this affect the young people (youth) especially, in most countries they make it difficult to provide employment for elderly people;

2. **Budgetary problems in many countries**, this excluding the Gulf States involving with the availability of funds for public expenditure on ageing to cover required services of different types but not restricted to the area of health.
3. **Cultural level**, this means the traditional role of the family providing care for older persons is becoming threatened as the factors of social are changing. The cultural practice of the extended family as nuclear family takes over, has becomes one of the major issue that created difficulties in elderly care. Notwithstanding, the continue increase mobility of the young people (youth) in searching for better opportunities especially outside the countries of their origin, has left the older persons behind.
4. **Shortage of qualified personnel**, who can take care of the elderly people, it becomes the major obstacle on ground.
5. **The situation of armed conflict**, it increase the problems for elderly persons since in these situations, ageing does not occupy a position of priority. For example, such as previous cases of countries like Palestine, Lebanon and Iraq.
6. **High incidence of poverty** in many ESCWA countries aggravate the situation of older persons, since they constitute a high proportion of the poor.
7. **Shortage of data** on ageing is a major setback in understanding the situation of older persons, assessing it, and more importantly, in both planning and implementing policies for mainstreaming relevant issues.
8. **The social assistance for the poor person**, this include the elderly people which are generally inadequate and short of serving the target population.

Considering the above mentioned challenges, the ESCWA countries are attempting to amend and introduce legislation related to the human rights of elderly persons. Although, they have been confronted with several setbacks base on financial condition as respect to this but some countries have succeeded in some attempts.

CONCLUSION

The stated legal parameters of the United Nations and as well as the international human rights instruments have provide the Iraq National Human Right Commissions the need for promotion and protection of human rights. Despite the United Nations Human Rights mechanisms and regional instruments for gesture of human dignity, it doesn't finally or totally remove the argue situation of violation of human rights. However, the issue of violation of human rights, it becomes global challenges. As the world upgrade likewise people begin to know their various rights which make the situation of human rights violation more populous and complex than ever been.

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