

**Mandates of the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on violence against women, its causes and consequences**

REFERENCE:  
AL IRQ 1/2018

13 April 2018

Excellency,

We have the honour to address you in our capacities as the Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders and Special Rapporteur on violence against women, its causes and consequences, pursuant to Human Rights Council resolutions 32/32, 34/5 and 32/19.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **forced entry and search of the Organization of Women's Freedom in Iraq (OWFI) shelter in Al Saadoon, the abduction of a male staff member of OWFI and the removal of a [REDACTED] victim of domestic violence who was receiving psychological support from OWFI, by approximately 50 armed persons, including police officers.**

According to the information received:

On 28 October 2017, an armed group of 50 persons, allegedly from the National Security and Interior Intelligence, consisting of uniformed Police officers and persons in plain clothing, forcibly entered, searched the OWFI premises without warrant or court order and forcibly took the identification papers of the staff. A male staff member was also kept for one hour in a police car. In exchange for his release, the armed men demanded that a [REDACTED] woman, who was taking shelter in the premises for 10 days, as a victim of domestic violence [REDACTED] be handed to them. The armed group claimed that if the [REDACTED] woman was not returned to [REDACTED], the male staff member of the OWFI would be charged under several accusations. The male staff member was eventually released to OWFI after one hour, in exchange for the aforementioned [REDACTED] woman. The armed men were accompanied by the [REDACTED] woman [REDACTED] throughout the incident. Reportedly, the head of the National Security team who conducted the search had not informed his institution before visiting the shelter.

Since the incident, no information about the whereabouts of the [REDACTED] woman has been received. We also received information that after the incident, the OWFI shelter staff in Al Saadoon received intimidating phone calls from the day of the incident until January 2018.

While we do not wish to prejudge the accuracy of these allegations, we would like to express our concerns regarding the safety of victims of domestic abuse, in addition to

the safety of human rights defenders who provide shelters and human rights support to victims of domestic violence.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter, which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide detailed information concerning the legal grounds for the entry and search of the OWFI shelter in Al Saadoon and whether this was done with or without a warrant or the requisite court order.
3. Please provide detailed information concerning the legal grounds for the temporary detention of the male staff member of OWFI, which occurred during the incident and explain how these measures are compatible with international human rights norms and standards.
4. Please indicate what measures have been taken to ensure the safety of the staff of OWFI.
5. Please provide detailed information concerning the whereabouts of the [REDACTED] woman [REDACTED], and if so, please indicate what measures have been taken to ensure the safety of the [REDACTED] woman.
6. Please provide detailed information about any investigation into the allegations of domestic violence against the [REDACTED] woman, including prosecution of the alleged perpetrator.
6. Please provide detailed information on the official policy of the Government on the provision of shelter and services for victims of gender based violence.
7. Please indicate what measures have been taken to ensure that human rights defenders in Iraq are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort.

We would appreciate receiving a response within 60 days. Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please accept, Excellency, the assurances of our highest consideration.

Clement Nyaletsossi Voule  
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Michel Forst  
Special Rapporteur on the situation of human rights defenders

Dubravka Šimonovic  
Special Rapporteur on violence against women, its causes and consequences

**Annex**  
**Reference to international human rights law**

We would like to draw your attention to the following human rights norms and standards, in connection with the above alleged facts and concerns:

We refer to your Excellency's Government obligation under article 9 of the International Covenant on Civil and Political Rights, ratified by your Excellency's Government in 1971.

In this connection, we would also like to refer to the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), ratified by your Excellency's Government in 1986, particularly articles 1 and 2, which define and condemn discrimination against women respectively. Pursuant to article 2 of CEDAW, States are directly responsible for violence perpetrated by their agents and they must ensure that public authorities and institutions comply with this obligation.

We refer your Excellency's Government to the General Recommendation No. 12 paragraph 1, of the Committee on the Elimination of All forms of Discrimination Against Women, on the need for legislation protecting girls and women against abuse in the family.

We further refer you to Committee on the Elimination of All forms of Discrimination Against Women, General Recommendation No. 35, which defines gender-based violence against women as violence which targets women because they are women or violence that affects women disproportionately. The Committee cites family violence as one of the most insidious forms of violence against women, where women are subjected to violence of all kinds of violence including physical, mental and sexual violence. The Committee notes that this violence may be perpetuated by traditional attitudes that discriminate against women. These forms of violence endanger the health of female victims and negatively impact their capacity to be equal participants in their family and public lives. It also emphasizes the need for adequate legislation in this area and the international responsibility of the State to protect women from abuse by State and non-State actors (CEDAW/C/GC/35).

We would furthermore like to draw your Excellency's Government's attention to the report of the Special Rapporteur on violence against women, its causes and consequences, on a human rights-based approach to integrated services and protection measures on violence against women, with a focus on shelters and protection orders, where she states that "...safe women's shelters and efficient and immediate protection orders should be seen as human rights obligations that uphold a woman's right to live free from violence". Moreover, she highlighted that effective measures need to be taken to protect and assist women complainants of gender-based violence before, during and after legal proceedings. This can be done by providing protective support measures to aid women in places that provide care, asylum or places of deprivation of liberty. With regard to returning victims to their alleged abusers, the Special Rapporteur also warned

against the negative effects of negotiation and mediation, since the persons hosting the negotiation may not be familiar with the methods of psychological threat and control used by perpetrators, in addition to physical or other violence (A/HRC/35/30).

In this connection, we would also like to draw your attention to the conclusions of the Special Rapporteur where she referred to the obligations of States under international and regional human rights frameworks to ensure safety and human rights of women by protecting them against gender-based violence in the context of domestic violence, by ensuring their access to shelters/ refuges and access to protection orders. Also, the Special Rapporteur recommended that the shelters be adequately and securely funded, potentially by the central government and regional or provincial budgets. She also recommended that there be greater coordination between the different branches of the legal system, so as to ensure women's safety. The Special Rapporteur recommended that appropriate multi-sectoral referral mechanisms be established to ensure effective access of women survivors of violence to services, in collaboration with non-governmental women's organizations (A/HRC/35/30).

In addition, we refer your Excellency's Government to the report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, which underlines the threats to these rights for groups most at risk, such as women. In this report, he reminded Member States that the Convention on the Elimination of All Forms of Discrimination against Women guarantees the equality of men and women in the enjoyment of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field (art. 1) and requires States to take all appropriate measures to ensure that women are able to participate in the political and public life of the country on equal terms with men. That includes the right to participate in non-governmental organizations (NGOs) and associations concerned with the public and political life of the country (art. 7). While noting that "patriarchal attitudes and stereotypes in societies that promote a narrow understanding of the role of women as being confined to the private sphere militate against the ability of women to organize and participate in activities in the public sphere", the Special Rapporteur also underlined that "cultural notions, family obligations and perceived vulnerability should never be used as grounds on which to deny or limit the right of women to assembly" (A/HRC/26/29).

In this context, we would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.