**Iraq**

*The purpose of the Housing Rights and Human Rights Brief is to provide a succinct overview of housing rights and human settlements-related human rights within a specific country. It is designed for project designers to familiarize themselves with the human rights situation in the country that they are working in. The ‘Housing Rights and Human Rights Brief is not intended to be a comprehensive analysis of all human rights, yet to provide an overview of housing rights and other human settlements-related human rights within the national and the UN Delivering as One contexts. Further, this Brief is not intended to cover the entire legislative and regulatory framework of the country concerned.*

*The Brief outlines specific articles of the Constitution, national and local legislation, and other human settlements-related policies and acts. It further explains specific international legal commitments, with particular emphasis on the key conventions that the country has signed and/or ratified. UN reviews and recommendations, particularly the Universal Periodic Review process, are also outlined. The final section provides information on previous UN-Habitat projects in the country and links for further information and elaboration.*

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**Revision History**

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| *6* | *25/01/2016* |  *SG* |

**Summary**

Iraq is governed under its 2005 Constitution. Though the right to adequate housing is not expressly enshrined in the Constitution, there are provisions that guarantee Iraqi citizens basic requirements for free and decent living. The Constitution also guarantees all citizens, especially the sick, older adults, orphans, homeless, women and children, appropriate housing.

The Kurdistan Region is autonomous region in the northern part of Iraq and is governed by the Kurdistan Regional Government. The Draft Constitution of the Kurdish Regional Government also provides for the right to an adequate standard of living.

The Iraqi Government has a National Housing Policy. The Policy was developed with the aim of improving the state of housing and urbanization in Iraq. The relevant institution for the implementation of the right to adequate housing is the Ministry of Construction and Housing, whose major contribution was the formulation of the National Housing Policy.

Iraq has ratified the International Covenant on Economic, Social and Cultural Rights, which includes the right to adequate housing as a component of the right to an adequate standard of living. Iraq has also ratified most of the other major human rights conventions.

United Nations review mechanisms have generally given positive feedback on the continual pursuit of improved housing, although have noted the restricted access that certain minority groups have to adequate housing. UN-Habitat has worked on a number of projects in Iraq.

**Legal Framework**

***Constitution[[1]](#footnote-1)***

Iraq is governed under its 2005 Constitution which guarantees Iraqi citizens basic requirements for free and decent living.

‘Article 30:

First: The State shall guarantee to the individual and the family - especially children and women – social and health security, the basic requirements for living a free and decent life, and shall secure for them suitable income and appropriate housing.

Second: The State shall guarantee social and health security to Iraqis in cases of old age, sickness, employment disability, homelessness, orphanhood, or unemployment, shall work to protect them from ignorance, fear and poverty, and shall provide them housing and special programs of care and rehabilitation, and this shall be regulated by law.’

The Kurdistan Regional Government has a draft constitution which provides for the right to adequate standard of living.[[2]](#footnote-2)

‘Article 24:

First: Everyone shall have the right to a standard of living adequate for a dignified life, including food, clothing and housing.’

**Government**

***Political System***

Iraq is a federal parliamentary representative democratic republic. It has a multi-party system whereby the Prime Minister and the President exercise executive power. The Prime Minister is also the head of government. In Iraq, legislative power is exercised by the Federation Council and the Council of Representatives. The autonomous Kurdistan Region in the northern part of Iraq is officially governed by the Kurdistan Regional Government.

***Ministry of Construction and Housing[[3]](#footnote-3)***

The Ministry of Construction and Housing is responsible for the implementation of the right to adequate housing in Iraq. It is in charge of policy development and overseeing the implementation of urbanisation plans and strategies. The Ministry developed the National Housing Policy with the support of UN-Habitat.

***National Housing Policy (2010)[[4]](#footnote-4)***

The National Housing Policy set the broad parameters for the development of the housing sector in Iraq. It reflected the need to accelerate housing production to meet demand and enable economic growth. The Policy considered the fundamental role that housing must play in sustaining a productive and mobile population. It also considered the importance of the housing sector in responding to the needs of all Iraqis, consistent with the changing demographics of the country. It also considered the importance of public investment both for the growth .of the sector as a whole and for the provision of housing to groups in situations of vulnerability and low-income groups.

**Judiciary**

No legal decisions regarding land and housing could be sourced.

**International Conventions[[5]](#footnote-5)**

Iraq has ratified most of the major human rights conventions, including the Covenant on Economic, Social and Cultural Rights, which includes the right to adequate housing as a component of the right to an adequate standard of living.

|  |  |  |  |
| --- | --- | --- | --- |
| Treaty Description | Treaty Name | Signature Date | Ratification Date, Accession(a), Succession(d) Date |
| Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment | CAT |   | 2 July 2011 (a) |
| International Covenant on Civil and Political Rights | CCPR | 18 Feb 1969  |  25 Jan 1971 |
| Convention on the Elimination of All Forms of Discrimination against Women | CEDAW |  |  13 Aug 1986 (a) |
| International Convention on the Elimination of All Forms of Racial Discrimination | CERD | 18 Feb 1969 | 13 Feb 1970 |
| International Covenant on Economic, Social and Cultural Rights | CESCR | 18 Feb 1969 | 25 Jan 1971 |
| International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families | CMW |   |  |
| Convention on the Rights of the Child | CRC |   | 15 Jun 1994 (a) |
| Convention on the Rights of Persons with Disabilities | CRPD |  | 20 Mar 2013 (a) |
| Convention Relating to the Status of Refugees | Refugee Convention  |  | 03 Jan 1980 (a) |
| Protocol Relating to the Status of Refugees  | Protocol Relating to the Status of Refugees |  | 03 Jan 1980 (a) |

 Iraq has not ratified:

* International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

**UN Agencies**

UN review mechanisms have generally given positive feedback on the continual pursuit of improved housing, although have noted the restricted access that certain minority groups have to housing.

***Universal Periodic Review (2010 and 2014)***

*The Universal Periodic Review (UPR) is a unique process which involves a periodic review of the human rights records of all 193 UN Member States. The UPR is a significant innovation of the Human Rights Council which is based on equal treatment for all countries. It provides an opportunity for all States to declare what actions they have taken to improve the human rights situations in their countries and to overcome challenges to the enjoyment of human rights. The UPR also includes a sharing of best human rights practices around the globe. Currently, no other mechanism of this kind exists.*

First UPR[[6]](#footnote-6)

The Report noted that in January, the Government launched a national strategy for the alleviation of poverty, in cooperation with the World Bank. The objectives of the strategy were incorporated into the five-year development plan and are aimed at reducing poverty by 30 per cent by ensuring better incomes for the poor and improving their situation in terms of health care, education, housing and social protection, and by reducing the disparities between men and women.

‘Recommendation 44: Further enhance measures, in cooperation with the international community, to protect and promote the rights of the child, including through strengthening the educational system and the provision of adequate food, housing and health services to the most vulnerable families and groups in society.’

 Second UPR[[7]](#footnote-7)

‘Recommendation 127.53: Further enhance measures, in cooperation with the international community, to protect and promote the rights of the child, including through strengthening the educational system and the provision of adequate food, housing and health services.’

‘Recommendation 127.54 Continue to adopt programmes that provide basic services to children, including health care, housing and education.’

***Report of the United Nations High Commissioner for Human Rights (2010 and 2014)[[8]](#footnote-8)***

*The Report provides a comprehensive review of the Human Rights situation in a given country and is presented to the Human Rights Council.*

The 2010 report found that the 2008-2010 United Nations Iraq Assistance Strategy mentioned that the housing sector had seen major delivery, subsidy, policy and institutional shortfalls. It also found that a 2008 United Nations Statistics Division source indicated that the total proportion of urban population living in slums in 2005 was 52.8 per cent. It was also noted that in November 2008, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living sent a communication concerning the danger of collapse of the Mosul Dam on the Tigris River.

In the 2014 Report concern was expressed about the economic situation, which continued to affect large numbers of Iraqis, especially those who faced difficulties in accessing basic services including electricity, clean drinking water, education, health care and housing, particularly in rural areas.

***Committee on Economic, Social and Cultural Rights (1997)[[9]](#footnote-9)***

*The Committee specifically reviews states that have ratified the ICESCR on their compliance with the rights enshrined in it, including the right to adequate housing.*

With respect to the right to adequate housing under article 11 of the Covenant, the Committee expressed its concern about reports of discrimination in the enjoyment of this right, especially in relation to forced evictions of members of certain minorities (Kurds, Turkomans and Shi’a Muslims) and the situation of “squatters” in urban areas.

The Committee recommended that all appropriate measures be taken by the authorities to implement, without discrimination, the right to adequate housing under article 11 of the Covenant, and called the attention of the State party to its General Comment Nos. 4 and 7.

***United Nations Country Team (UNCT)[[10]](#footnote-10)***

*The UNCT ensures inter-agency coordination and decision-making at the country level. The main purpose of the Country Team is for individual agencies to plan and work together, as part of the Resident Coordinator system, to ensure the delivery of tangible results in support of the development agenda of the Government*

No relevant information on the right to adequate housing could be sourced.

***United Nations Development Assistance Framework (UNDAF)[[11]](#footnote-11)***

*The UNDAF is the strategic programme framework that describes the collective response of the UN system to national development priorities. The UNDAF forms the overall framework for the UNCT’s work between 2015 and 2019.*

Iraq’s UNDAF found that many people in Iraq lack understanding of their rights to basic services, or how to obtain them. These services include water and sanitation, health, food distribution and housing.

**UN-Habitat[[12]](#footnote-12)**

UN-Habitat has worked on a number of projects in Iraq.

* Total value of UN-Habitat investments (2008-2013): US$ 22,866,139
* Total number of UN-Habitat projects (2008-2013): 12 projects
* Main donors: United Nations Development Group – Iraq Trust Fund (UNDG-ITF) and the United States Department of State
* Implementing partners: UN agencies, especially UNDP, as well as local government, ministries and other local authorities

UN-Habitat Projects in Iraq include:

Initiating Durable Shelter Solutions for Iraqi IDPs and Returnees

The overall goal of the project was to demonstrate how the Government of Iraq and Baghdad Authorities can implement Long Term Shelter Solutions for IDPs and returnees that are currently living in unplanned settlements. The project would enable the Government of Iraq to take concrete steps to implement the Shelter Strategy that was developed in conjunction with UN-HABITAT, both by developing institutional capacity and testing this capacity in various pilot efforts. The total approved budget was US $ 3 Million funded bilaterally by the US Department of State.

Improving Quality and Relevance of Technical and Vocational Education (2007-2009)

This programme aimed at developing an effective, relevant, and quality Technical and Vocational Education and Training (TVET) system in Iraq. The TVET stakeholders would be capacitated to deliver flexible and demand-driven training programmes that meet the needs of the industry and the labour market. It would also support the rehabilitation and modernisation of the training by re-orienting and improving the system so that it prepares young people effectively for wage and self-employment in the industrial, construction and service sectors of the economy.

UN HABITAT concluded two consultations with the Foundation of Technical Education and Ministry of Education on the detailed scope of the capacity building for curriculum development in the construction sector.

Local Government Association and Urban Development Capacity Building (2008-2009)

Following the Urban Sector Project, the Ministry of Municipalities and Public Works (MoMPW) and other stakeholders expressed the opinion that Iraq’s 251 municipalities would benefit from the establishment of a municipal association and that the 250 planning staff in the Physical Planning and Municipalities Directorates were in urgent need of more detailed technical training so they could carry out urban planning, reconstruction and development control more effectively.

Rehabilitation of Schools (Phase I and II) (2004-2006)

Schools, like other public buildings, were the target of destruction, burning, looting and neglect during recent and past conflicts in Iraq and during the economic sanctions regime. The objective of the emergency school rehabilitation programme was to contribute to the reconstruction efforts in Iraq through the rehabilitation of schools in order to provide a more suitable learning environment for students.

This activity was part of a longer-term plan to make school buildings in Iraq functionally efficient. The project aimed to achieve full rehabilitation of 85 schools, basic rehabilitation of 55 schools, and furniture rehabilitation of a further 60 schools in Baghdad, Basra and Samawah.

Strengthening the Capacity of the Housing Sector (Phase I and II) (2004-2009)

The first phase of the project started in late 2004 and was to be completed in mid-2006. The second phase was to be completed in 2009. The project not only achieved to put the housing sector at the centre of Iraq's National Development Agenda, but also undertook a massive and successful programme of training, capacity building, and policy dialogue.

The project assisted the Ministry with the much-needed formulation of a housing finance strategy. The project was also instrumental in catalysing Iraqi efforts to achieve MDG 7, Target 11 by supporting the development of a Slum Upgrading Strategy and having the government allocate a sizeable financial allocation from its budget for 2005 and 2006 to slum upgrading. In addition, the project started a comprehensive collection of critical baseline data to inform the housing and housing finance sectors (the Housing Market Study).

Private Sector Development Project for Iraq (Phase I and II) (2010-2013)

The Private Sector Development Programme for Iraq (PSDP-I) sought to create and enable an effective framework for private sector development across Iraq. The programme addressed national and local needs, with activities in three priority governorates, Basrah, Anbar and Erbil.

 Improving the Housing Delivery System in Erbil

This was a UN-HABITAT and UNDP project which established slum-upgrading master plans in two pilot slum-like neighbourhoods in Erbil Governorate. The project was proposed as an attempt to assist the cities of Najaf and Hilla in implementing their housing strategies, with an emphasis on improving living conditions for the poor and vulnerable in slum settlements. In addition, the project proposed to extend work to Southern Iraq with the preparation of a housing strategy for the city of Basrah.

Improving the Housing Delivery System in Erbil (Phase II)

This was extension of the Improving the Housing Delivery System in Erbil project. The new project plans to leave a visual product of a successfully upgraded urban settlement by continuing the execution of activities to demonstrate key actions in formalizing informal settlements upgrading.

Pro-poor Housing: Launch of the Erbil Housing Strategy:

In line with the National Housing Policy, the Erbil Housing Strategy was launched in June 2011 with the Kurdistan Regional Government. The strategy is a practical document that addresses local bottlenecks in the supply of adequate housing for all. These include access to land, access to housing finance, the poor capacity of the construction sector and growing practices of informal housing. Implementation of the strategy requires legislative and institutional action at KRG level, therefore an inter-ministerial working group was formed to review and amend the strategy, so that it could be submitted for the endorsement of the Kurdish Regional Government Council of Ministers.

**Further Information**

* Constitution of Iraq: <http://www.iraqinationality.gov.iq/attach/iraqi_constitution.pdf>
* 2009 Draft Constitution of Kurdistan Regional Government: <http://content.lib.utah.edu/utils/getfile/collection/qip/id/276/filename/277.pdf>
* National Housing Policy: http://www.unhabitat.org.jo/en/inp/Upload/634247\_INHP\_English%20Version.pdf
* Ministry of Construction and Housing: <http://www.imariskan.gov.iq/en>
* OHCHR Convention Ratification Status: <http://indicators.ohchr.org/>
* Universal Periodic Review: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/IQSession20.aspx>
* Report of the United Nations High Commissioner for Human Rights: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G14/140/16/PDF/G1414016.pdf?OpenElement>
* UNCT: <http://iq.one.un.org/>
* UNDAF: <http://planipolis.iiep.unesco.org/upload/Iraq/Iraq_UNDAF_2015-2019.pdf>
* UN-Habitat Iraq Summary: <http://unhabitat.org/iraq/>
* OHCHR: <http://www.ohchr.org/EN/Pages/WelcomePage.aspx>
* UN-Habitat: <http://unhabitat.org/>
* Universal Periodic Review: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>
* Special Rapporteur on the Right to Adequate Housing: <http://www.ohchr.org/EN/Issues/Housing/Pages/HousingIndex.aspx>

1. http://www.iraqinationality.gov.iq/attach/iraqi\_constitution.pdf [↑](#footnote-ref-1)
2. http://content.lib.utah.edu/utils/getfile/collection/qip/id/276/filename/277.pdf [↑](#footnote-ref-2)
3. http://www.imariskan.gov.iq/en [↑](#footnote-ref-3)
4. http://www.unhabitat.org.jo/en/inp/Upload/634247\_INHP\_English%20Version.pdf [↑](#footnote-ref-4)
5. http://indicators.ohchr.org/ [↑](#footnote-ref-5)
6. http://www.ohchr.org/EN/HRBodies/UPR/PAGES/IQSession7.aspx [↑](#footnote-ref-6)
7. http://www.ohchr.org/EN/HRBodies/UPR/Pages/IQSession20.aspx [↑](#footnote-ref-7)
8. http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G14/140/16/PDF/G1414016.pdf?OpenElement [↑](#footnote-ref-8)
9. Concluding observations E/C.12/1/Add.17 [↑](#footnote-ref-9)
10. http://iq.one.un.org/ [↑](#footnote-ref-10)
11. http://planipolis.iiep.unesco.org/upload/Iraq/Iraq\_UNDAF\_2015-2019.pdf [↑](#footnote-ref-11)
12. http://unhabitat.org/iraq/ [↑](#footnote-ref-12)