

**Mid-term evaluation of the project
*Accountability for abduction, torture and
enforced disappearance in Iraq***

Evaluation Report

An external consultant has prepared this report. The views expressed herein are those of the Consultant and therefore do not necessarily reflect the official opinion of OHCHR.

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Table of Acronyms

APT	Association for the Prevention of Torture
ASG	Assistant Secretary General
C5	UN Budget and Programs Committee
C34	UN Special Committee on Peacekeeping
CAT	Convention against Torture
CED	Committee on Enforced Disappearances
CPD	Continuing Professional Development
CRSV	Conflict Related Sexual Violence
CSO	Civil Society Organization
CV	Curriculum Vitae
DEXREL	Donors and External Relations Section
DPO	UN Department of Peace Operations
DPPA	UN Department of Peacekeeping and Political Affairs
DRC	Democratic Republic of Congo
EU	European Union
EOSG	Executive Office of the Secretary General
ESCR	Economic, Social and Cultural Rights
FGD	Focus Group Discussion
FP	Field Presence
FOTCD	Field Operations and Technical Cooperation Division
GFP	Global Focal Point for Police, Justice and Corrections Areas in the Rule of Law in Post-Conflict and Other Crisis Situations
HJC	High Judicial Council
HQ	Headquarters
HRC	UN Human Rights Council
HRDs	Human Rights Defenders
HRDDP	Human Rights Due Diligence Policy
HRO	Human Rights Office
HRW	Human Rights Watch
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social & Cultural Rights
ICPPED	International Convention on Protection from Enforced Disappearance
IDP	Internally displaced person
IHCHR	Iraqi High Commission for Human Rights
ISF	Iraqi Security Forces
ISIL	Islamic State of Iraq and the Levant
KSF	Kurdistan Security Forces
LLM	Legal Masters
Log Frame	Logical Framework
MENA	Middle East and North Africa
MoD	Ministry of Defence
Mol	Ministry of Interior
MOLSA	Ministry of Labor and Social Affairs
MoU	Memorandum of Understanding
NGO	Non-Governmental Organization
NHRI	National Human Rights Institute
NPM	National Preventive Mechanism

OECD-DAC	Development Assistance Committee of the Organization for Economic Cooperation and Development
OHCHR	UN Office of the High Commissioner for Human Rights
OIOS	UN Office for Internal Oversight Services
OMP	OHCHR Management Plan
PBC	Peacebuilding Commission
PBRB	Programme Budget Review Board
PKK	Kurdish Workers Party
PM	Prime Minister
POC	Protection of Civilians
PMF	Popular Mobilisation Forces
PPMES	Policy, Planning, Monitoring and Evaluation Systems
RBM	Results based Management
RC	Resident Coordinator
SDG	Sustainable Development Goal
SEA	Sexual exploitation and abuse
SGBV	Sexual Gender-based Violence
SMT	Senior Management Team
SOPs	Standard Operating Procedures
SPM	Special Political Mission
SRSG	Special Representative of the Secretary-General
ToC	Theory of Change
ToT	Training of Trainers
UK	United Kingdom
UN AFPs	United Nations Agencies, Funds, and Programs
UNAMI	United Nations Assistance Mission in Iraq
UNDP	United Nations Development Programme
UNEG	United Nations Evaluation Group
UNOHCHR	United Nations High Commissioner for Human Rights
UNHRC	United Nations Human Rights Council
UNICEF	United Nations Children Fund
UNCAT	UN Convention against Torture
UNCTs	UN country teams
UNV	UN Volunteer
UPR	Universal Periodic Review
USAID	United States Agency for International Development
USDS	United States Department of State
WGEID	Working Group on Enforced or Involuntary Disappearances

Executive Summary

The project being evaluated, *Accountability for Abduction, Torture and enforced disappearance in Iraq* (Accountability project) seeks to enhance and develop the existing capacity of the UN Assistance Mission in Iraq's Human Rights Office (UNAMI HRO) to address human rights violations and abuses. This mid-term evaluation of the project was conducted from September to mid-December 2021. Its principal findings are summarized below. As this is a mid-term evaluation report, some of the findings are interim and more evidence on which conclusions can be based should be sought in the final report.

The Accountability project has been relevant to this situation. It has achieved concrete results during the period evaluated and has developed strategies that are adequate to the local context. The four UN Volunteers (UNVs) recruited for the project contributed significantly to the research for two recent reports produced by them and this capacity should be increased. As well as being native Arabic speakers, the UNVs are of the same generation as many of the protesters and clearly found it easy to relate to them at a cultural level. The UNVs also supported the outreach and advocacy surrounding the dissemination of the conclusions and recommendations of these reports. This strengthened UNAMI HRO's ability to base its public reporting and private engagement with the authorities on comprehensive and credible data. It was relevant and timely for UNAMI HRO to build up extra capacity on the issue of state responses to political protests in the run-up to the parliamentary elections of October 2021. Combating impunity and holding those responsible for violations to account is a central part of UNAMI's work and so the Accountability project is clearly relevant to the mission's UN Security Council mandate.

UNAMI HRO is a part of a Special Political Mission (SPM) and so has multiple entry-points across the UN system. It can engage with the UN Security Council, Executive Office of the Secretary General (EOSG), Assistant Secretary Generals (ASGs) and the Department of Peacebuilding and Political Affairs (DPPA) in New York. It can also directly work with the UN Special Procedures and Treaty Body Mechanisms, as well as the Universal Periodic Review Process (UPR) in Geneva. The project was efficient and achieved a considerable amount with comparatively few resources. There is likely to be an underspend on the project, due to some delays to the deployment of the UNVs. The results achieved not only justify the resources invested in them but would justify a greater investment. The biggest single obstacle to the Accountability project's achievement of planned results was the suspension of so many of UNAMI HRO activities due to COVID 19-related restrictions, but the project adapted well to these challenges. The process of applying to an external donor for additional funds to strengthen staff capacity is, however, time consuming and OHCHR needs to consider how to handle small-scale but extremely time-sensitive deployments such as those undertaken by this project to strengthen its monitoring and advocacy capacity in the field.

The Accountability project has resulted in positive changes to the human rights situation in Iraq in that it has strengthened UNAMI HRO's general capacity to carry out research, monitoring, outreach and advocacy work. There is evidence that the project has contributed to making a difference to almost all of the Outcomes in the initial project proposal. This can be most clearly shown in UNAMI HRO's 'preventative strategy' on torture as well as its work raising awareness in civil society about how to use

international human rights mechanisms. The latter is particularly important given the youth and relative inexperience of the new generation of political activists in Iraq that led the 2019 protests.

The Accountability project is being implemented as part of an overall strategy formulated by the UN Office of the High Commissioner for Human Rights (OHCHR) to support the promotion and protection of human rights in Iraq. This envisages a partnership with the Government of Iraq, and other stakeholders, based on clear indicators and milestones, which will eventually result the handing over UNAMI HROs responsibilities to national partners. Based on the available evidence it is difficult to conclude that the Iraqi High Commission for Human Rights (IHCHR) is fully willing, able and committed to continue working on the human rights issues addressed by the Accountability project. While UNAMI HROs support for Iraqi civil society has been impressive, this is still nascent and fragmented. Many Iraqi Civil Society Organisations (CSOs) are still overwhelmingly occupied with the delivery of humanitarian assistance and lack experience and confidence in carrying out human rights monitoring, reporting and advocacy using international mechanisms. The Accountability project has directly contributed to gender equality and advanced women's rights, by highlighting the gender-specific violations suffered during the recent political protests. There are encouraging signs of greater activism around advocacy for gender equality and women's rights and the Accountability project has helped to facilitate this work.

Conclusions

The Accountability project was relevant to the human rights situation in Iraq, UNAMI's Security Council mandate and OHCHR's global strategy, goals and priorities. Although the political protests which shook Iraq in the final months of 2019 have since declined in size and number, most of those responsible for the violence and abuses against the protesters have still not been held to account. The conditions which led to the protests remain the same and they could be repeated. The ongoing lack of accountability for serious human rights violations, including those committed by armed groups commonly referred to as militia, has reinforced a lack of trust in the government and reduced public willingness to participate in democratic processes, with worrying implications for democracy and peace in Iraq. The Accountability project has enhanced UNAMI HRO's ability to base its public reporting and private engagement with the authorities on comprehensive and credible data. The strength of UNAMI HRO's evidence-based reporting, which has been heavily dependent on UNV outreach, then enabled Senior Mission Leadership and the Special Representative of the Secretary General (SRSG) to stand strongly behind the HRO's messaging and to reinforce the call for accountability by the Iraqi government at the highest level, including in Briefings to the Security Council. The Accountability project was implemented effectively, despite the delays to the field deployments and UNAMI HRO adapted its working methods to take into account the COVID-related restrictions.

Recommendations

1. UNAMI HRO should increase its high-level engagement within the UN system to enhance advocacy on accountability with the Iraqi authorities. This should include, for example, providing briefings to the ASG to inform ASG engagement with the EOSG and DPPA in order to promote more coordinated and effective

action by UN senior leadership to promote accountability by the Iraqi government.

2. UNAMI HRO should continue to engage with multiple entry-points across the UN system. This includes working with UN Special Procedures and Treaty Body Mechanisms dealing with accountability issues as well as making more structured use of the UPR process in order to strengthen advocacy and engagement on these issues.
3. UNAMI HRO should continue its assessment of the impact and effectiveness of its work on the prevention of torture in Iraq in the second half of the programme's implementation.
4. UNAMI HRO should increase the total number of UNVs recruited under the project from four to six. This would enable UNVs to be deployed to more field office locations, enabling greater geographical coverage and allowing more consistent and sustained engagement on accountability at the grass-roots level.
5. OHCHR should continue to enhance cooperation between the New York and Geneva HQ and its field presences to increase its advocacy on the integration and operationalization of human rights in the UN system and develop fundraising strategies around this, with the aim of ensuring that all human rights activities mandated by the Security Council for SPMs are financed adequately. This should include coordinated advocacy to Iraq by UN HQ and member states on the central importance of evidence-based monitoring, reporting and public advocacy by human rights components of DPPA/DPKO missions.
6. OHCHR should take additional measures to enhance its security protocols on safely communicating and storing sensitive information collected online through remote working and social media.
7. In the post-COVID environment, OHCHR should consider continuing remote working as an option in its recruitment and deployment policies as this could help in the recruitment and retention of women and disabled people and others who may be unwilling or unable to deploy to the field in hardship postings.

Introduction

Project Background

In October 2019, widespread demonstrations across large parts of central and southern Iraq were met with extreme violence and extensive human rights violations and abuses by state forces and unidentified armed groups. The UN Assistance Mission in Iraq (UNAMI) recorded credible reports of the death of 487 protesters and 7,715 incidents of injury between October 2019 April 2020, and noted that this figure could, in fact, be higher.¹ Multiple armed actors, with various ties to the state – commonly referred to as militias – carried out targeted killings, abductions, disappearances and other violent attacks, which appeared to be aimed at silencing prominent protesters and creating an environment of fear and intimidation.² The security forces also used excessive force and detained thousands of protesters in circumstances which raised concerns over their arbitrary nature, lack of judicial oversight and procedural guarantees.³

The protestors key demands had included the resignation of the government, early free and fair elections and the holding to account of those responsible for the violations and abuses. On 30 November 2019, the Iraqi Prime Minister (PM) formally submitted his resignation to Parliament, which eventually led to the nomination of a new PM, Mustafa al Kadhimi, who was confirmed in office in May 2020. Elections were announced for October 2021 and were taking place while this evaluation was being conducted. Some political parties, however, called for a boycott, on the grounds that the election would not be free and fair, given the climate in which it was being conducted. Turn-out was low, although the elections were largely peaceful. Many of the activists who led the protests were unable to stand because of Iraq's high age limit for parliamentary candidates. Some political parties and politicians closely associated with the militias ran successful candidates, extending the influence that they already exert in Iraq's political system.⁴ Some candidates identified with the protest movement were, however, also elected as well.

The ongoing lack of accountability for serious human rights violations, including those committed by armed groups commonly referred to as militia, has reinforced a lack of trust in the government and reduced public willingness to participate in democratic processes.⁵ In her briefings to the UN Security Council, the Special Representative of the Secretary General (SRSG), who heads UNAMI, has warned that unless these issues are addressed before the next elections in Iraq, this continued impunity, in particular for violations carried out by militia groups with various links to the state, will fuel suspicion cynicism and disengagement amongst those who would otherwise seek change through normal democratic process, and risks making already marginalized and disenfranchised groups – in particular Iraqi youth - more vulnerable to extremist political messaging.⁶

¹ *Human Rights Violations and Abuses in the Context of Demonstrations in Iraq*, UNAMI, August 2020

² Ibid.

³ Ibid.

⁴ For further discussion see, Victoria Stewart-Jolley, *Iraq's electoral system: Why successive reforms fail to bring change*, Chatham House, Research Paper, 6 October 2021

⁵ *Update on Demonstrations in Iraq: Accountability for Human Rights Violations and Abuses by Unidentified Armed Elements*, UNAMI/OHCHR, May 2021

⁶ Briefing to the Security Council by SRSG Jeanine Hennis-Plasschaert, 24 Nov 2020; and Briefing by SRSG Jeanine Hennis-Plasschaert at the open video-teleconference of the UN Security Council, 11 May 2021

The new PM had also promised to address the violence suffered by the protesters, indicating, on 31 July 2020, that the total death toll was at least 560 people. Many independent observers estimate that it could be as high as 700. The new government announced the establishment of a Fact-Finding Commission to prepare lists of victims, with the aim of providing compensation to the families of those killed. Considerable concern remains, however, about the Iraqi government's capacity and willingness to take effective action to investigate all alleged violations, prosecute those responsible, locate those who remain missing and prevent similar violations in the future.

Iraq's Constitution provides safeguards against unlawful detention and all forms of psychological and physical torture, which is reflected in a number of its domestic laws.⁷ These are also in line with Iraq's international treaty obligations.⁸ Nevertheless, reports of such violations long predate the 2019 protest wave.

Iraq remains the country with the highest number of enforced disappearances in the world.⁹ There have also been credible allegations, under successive Iraqi governments, of unlawful and arbitrary detention, torture and other forms of ill-treatment of prisoners and extra-judicial killings and enforced disappearances. Widespread human rights violations took place under the period of Baath party rule from 1968 – 2003; during the political upheaval following the ousting of that government from 2003 – 2014; and during the seizure of large parts of the country by the Islamic State of Iraq and the Levant' (ISIL) between 2014 and 2017. Indeed, the main militia group implicated in many of the allegations of violations during the 2019 – 2020 protests, the Popular Mobilization Forces (PMF) was originally created in 2014, in response to atrocities committed against the Iraqi Shi'a population by ISIL.

Since 2016, the PMF has been incorporated within the command structure of the Iraqi armed forces, with a direct reporting line to the PM as its Commander-in-Chief. The PMF's relationship with the state remains opaque, however, and the Iraqi authorities and regular security services have sometimes seemed unable or unwilling to hold its members to account. The government has repeatedly denied responsibility for acts of violence and intimidation, attributed to unidentified 'militia' groups, but it is widely believed that these groups are directly or indirectly associated with the PMF. The PMF is also known to run some detention facilities, to which it is reluctant to provide full access to international monitors. The PMF has close links to other governments and militia forces in the region, particularly Iraq's neighbor, Iran. The tensions surrounding these issues need to be handled with extreme tact and caution, which makes the implementation of the present project very politically sensitive.

⁷ Constitution of Iraq, arts 15 and 37. Arts. 332 and 333 of the Iraqi Penal Code criminalizes acts of torture and "cruel treatment" by a public official or agent. The Iraqi Criminal Procedure Code also establishes conditions and safeguards aimed at guaranteeing that persons deprived of their liberty are not subjected to torture and ill-treatment

⁸ Iraq ratified the International Covenant on Civil and Political Rights on 25 January 1971; acceded to the Convention against Torture on 7 July 2011; acceded to the International Convention for the Protection of All Persons from Enforced Disappearance on 23 November 2010; acceded to the Convention on the Rights of the Child on 15 June 1994; and ratified the Geneva Conventions of 1949 on 14 February 1956.

⁹ MENA Rights Group, *Iraq Alternative Report Alternative report submitted to the UN Committee on Enforced Disappearances (CED) in the context of the review of Iraq's follow up report*, MENA Rights Group, 6 March 2020. Estimates range from between 250,000 and one million missing persons.

The PMF was also implicated, alongside the Iraqi Security Forces (ISF) and Kurdistan Security Forces (KSF) in the allegations of widespread torture and enforced disappearances that took place during operations against ISIL between 2014 to 2017 in Anbar, Diyala, Kirkuk, Sallah Al Din, Mosul and parts of Baghdad.¹⁰ There are credible allegations that thousands of men and boys predominantly of *Sunni* Arab ethnicity were arrested and disappeared by pro-Government forces, primarily the PMF.¹¹ There have also been allegations of torture and enforced disappearances by groups allied to the Kurdish Workers Party (PKK).¹² Most of these allegations have never been properly documented or investigated and nor have most perpetrators been held to account.

The project being evaluated, *Accountability for Abduction, Torture and enforced disappearance in Iraq* (Accountability project) seeks to enhance and develop the UNAMI Human Rights Office (HRO) existing capacity to address such violations and abuses through the hiring of four additional international native Arab-speaking UN Volunteer (UNV) staff. Its aim is to conduct outreach work with those who have been directly affected and to engage with both alleged victims and government officials where required. Since most of the UNAMI HRO permanent international staff are not native Arab speakers, the UNVs are intended to strengthen its contact base and facilitate the gathering of credible first-hand information on which to base analyses and present recommendations to the Government of Iraq. The four UNV staff, whose salaries are covered by the Project Grant, were recruited in the first quarter of the project (October 2020 – December 2021) and started work in the first quarter of 2021 (January – March 2021).

The UN Office of the High Commissioner for Human Rights (OHCHR) has over 70 Field Presences (FPs) world-wide, composed mainly of Human Rights Advisers (HRAs) in UN Country Teams (UNCTs), stand-alone Country and Regional Offices; the human rights components in UN Peacekeeping Operations (PKOs) and Special Political Missions (SPMs). PKOs are managed by the UN Department of Peace Operations (DPO) and SPMs by the UN Department of Peacebuilding and Political Affairs (DPPA), both of which are headquartered in New York. The human rights component of PKOs and SPMs have their salaries paid out of the UN's regular budget but need to fundraise from other sources to undertake additional activities. The Head of the Human Rights components also have dual reporting lines to OHCHR in Geneva and the head of the field mission or operation, who in turn reports, via the UN Secretary General, direct to the Security Council.

UNAMI HRO has been carrying out its monitoring, reporting and advocacy functions since 2004 and the Iraqi government continues to support its activities and engage with it at the highest level. In July 2021 the Government of Iraq launched a Human Rights National Action Plan, whose adoption was a significant milestone. In 2019, Iraq completed its third cycle of reports under the Universal Periodic Review (UPR) cycle and two additional thematic mandates of Conflict-related Sexual Violence and Child

¹⁰ *Unearthing Atrocities: Mass Graves in territory formerly controlled by ISIL*, UNAMI/OHCHR, 6 November 2018.

¹¹ See recommendations from: Universal Periodic Review, A/HRC/43/14, paras. 147.156, 147.157, 147.169; Committee on the Elimination of Racial Discrimination, CERD/C/IRQ/CO/22-25, paras. 17/18; Human Rights Committee, CCPR/C/IRQ/CO/5, 19-20, 33-34; Committee on Enforced Disappearances, CED/C/IRQ/CO/1; and Committee against Torture, CAT/C/IRQ/CO/1, para. 12.

¹² *Ibid.*

Protection were integrated into the work of UNAMI HRO. Strengthening mechanisms for accountability for human rights violations has long been considered a central part of UNAMI's work, as will be discussed further in the Main Findings of this report.

Evaluation Background

The Accountability project is based on a grant from the United States Department of State (USDS) of \$800,000 USD and aims to ensure that the Government of Iraq complies with its obligations under the International Covenant on Civil and Political Rights (ICCPR), the Convention against Torture (CAT) and the International Convention on Protection from Enforced Disappearance (ICPPED). This is to be achieved through timely and targeted advocacy based on verified and credible detailed first-hand information of violations, patterns and trends obtained through confidential engagement with victims, witnesses and other relevant interlocutors. The project's two objectives are to ensure 'a) that recommendations to the government of Iraq to address the human rights violations of threats, abduction, torture disappearance and killings are grounded in evidence-based reporting and b) that the United Nations human rights system and Iraqi civil society engage with the government of Iraq to address abduction torture and disappearance through effective mechanisms for prevention and accountability.'¹³ These are to be achieved by nine activities, which have specified outputs and/or outcomes.

1. Enhance and develop networks of contacts with those individuals or groups targeted or potentially targeted for abduction, torture and enforced disappearance.
2. Conduct in-depth fact-finding interviews with victims of abduction, torture and enforced disappearance
3. Engage with the government to clarify the command structure of the Iraqi security apparatus, framework of accountability, the respective mandates of all security entities and actors including clarification of which entities have powers of arrest or detention and the locations of all official detention sites.
4. Undertake targeted monitoring visits to official detention sites falling under the authority of the government security apparatus.
5. Using evidence-based reporting and advocacy, make targeted recommendations aimed at strengthening the government's response to abductions, torture and disappearance
6. Engage with government and with non-governmental organisations to support the submission of state reports and stakeholder reports to relevant UN human rights mechanisms and treaty bodies dealing with torture and enforced disappearance.
7. Engagement with relevant UN human rights mechanisms and treaty bodies dealing with torture and enforced disappearance.
8. In coordination with the UN special procedures and the treaty bodies, provide support to individual victims and their family members on a case-by-case basis

¹³ U.S. Department of State, Award Provisions for Foreign Public Entities, Office of the United Nations High Commissioner for Human Rights, "Accountability for Abduction and Torture in Iraq", 23 September 2020

9. Review Iraq's legislation criminalizing torture and enforced disappearance and provide technical support on drafting and implementing improved legislation and policy frameworks.

The four UNVs who were hired for this project have not been directly involved in all of the activities listed above, but it will be necessary to carry out some assessment of the results of these – against the specified evaluation criteria – in order to measure the 'value added' by the specific project funding. The Accountability project integrated the four new international staff into existing thematic units of UNAMI HRO, which deal with human rights engagement, the prevention of torture, enforced disappearance and the administration of justice. One question for the evaluation to consider is how successful this integration was, based on the conception and design of the project.

As will be discussed in the main findings of this evaluation report, the Accountability project proposal was initially conceived towards the end of 2019. The proposal was approved, and initial funding received in September 2020, which led to the selection, recruitment and induction of the four UNVs, who were available to start work from early 2021. Deploying them to the field, however, was further delayed both due to the in-country staff ceiling imposed by UNAMI in the context of COVID-19, and the time needed to process their visa applications. Much of their work to date has, therefore, been conducted remotely from their respective home locations.

While the extent of the COVID-related restrictions could probably not have been foreseen during the period in which the project proposal was being formulated, most of the other delays are not exceptional and one overriding question in this evaluation concerns how successfully OHCHR was able to handle such small-scale but extremely time-sensitive projects and what good practices and lessons learned can be drawn from this experience. The project had also been implemented almost entirely remotely, at the time that this mid-term evaluation was carried out so this report will also try to assess the relevance, effectiveness, impact and sustainability of this as a model of working for the remainder of the project's implementation. This model also raises particular issues around gender mainstreaming and disability integration, which will be explored in the Main Findings of this report.

Methodology

This evaluation was conducted between the start of September and mid-December 2021 by an independent consultant who was contracted for 30 days, working under the supervision of an Evaluation Manager and the guidance of a Reference Group. The data collection methodology consisted of semi-structured interviews conducted remotely principally with stakeholders in Iraq as well as some in Geneva and New York. It was also based on a review of both the UN and OHCHR's 'grey literature' (reports, evaluations, lessons-learned documents, minutes of meetings, etc.) and a secondary documentary analysis. A list of all the documents consulted and interviews conducted is contained as an Annex to this Report. The evaluation also included a Focus Group Discussion (FGD) with the UNVs and a number of UNAMI HRO national staff.

The background and methodology of this evaluation was discussed in more detail in the Inception Report, which was produced at the start of the evaluation, discussed with the OHCHR Reference Group and UNAMI HRO. This is attached as an Annex to this Report and its contents are not repeated here for reasons of space. The methodology

followed the OECD/DAC evaluation criteria,¹⁴ and the UNEG Norms and Standards for Evaluation in the UN System, as well as the UNEG Handbook for Conducting Evaluations of Normative Work.¹⁵ The evaluation also used a combination of ‘outcome harvesting’ and ‘contribution analysis’ as the underlying approach to understand the changes that have occurred in the time of program implementation and whether or not these may be attributable to project activities. The evaluation paid particular attention to gender equality to ensure that this was both mainstreamed into the report’s overall findings and addressed as a specific section within these findings as well.

¹⁴ <http://www.oecd.org/dac/evaluation/daccriteriaforevaluatingdevelopmentassistance.htm>

¹⁵ UNEG Handbook for Conducting Evaluations of Normative Work in the UN System, November 2013, para 14

Main Findings Presented According to the Evaluation Criteria

Evaluation Question 1: *How relevant to the human rights situation in Iraq have the project's planned results been in the course of the period evaluated and have the strategies used to achieve results been adequate to the local context and stakeholders?*

The Accountability project has been extremely relevant to the human rights situation in Iraq. It has achieved concrete results during the period evaluated and has developed strategies that are adequate to the local context and stakeholders. In particular, the four UNVs recruited for the project contributed significantly to the research involved in the production of UNAMI HRO's two most recent reports and in the networking, outreach and advocacy surrounding the dissemination of their conclusions and recommendations.

The project proposal was initially conceived towards the end of 2019, while violence against the protesters was still at its height. Many protesters had no previous background in political activism or civil society organizations (CSOs). Part of the Accountability project's rationale was that gathering information about the violations that they had suffered would involve outreach to a new constituency of young activists. It would be difficult and time-consuming for UNAMI HRO's international staff to do this due to language barriers and the need for translators, while it would be sensitive and potentially dangerous for its Iraqi national staff to conduct this on their own, due to the prevailing atmosphere of intimidation, suspicion and secrecy. The Tishreen (October) protests were the most widespread and longest-lasting social movement in Iraq since the US invasion of 2003 and transcended – at least to some limited extent – the sectarian, communalist divisions that have dominated politics since that date.¹⁶ Opponents of the protesters frequently denounced them, either as being agents of 'foreign, western powers', or through appeals to Iraq's internal sectarian divisions. As discussed in the introduction of this report, the tensions and sensitivities surrounding these issues needed to be handled with extreme tact and caution.

The UNVs recruited for the Accountability project have impressive Curriculum Vitae (CVs) and strong relevant track records of human rights field work. The three interviewed during the evaluation all appear to be highly skilled and motivated and spoke passionately about their work.¹⁷ External interlocutors interviewed during the evaluation all spoke very highly of the professionalism of the individual UNVs with whom they had interacted. As well as being native Arabic speakers, the UNVs are of the same generation as many of the protesters and clearly found it easy to relate to them at a cultural level. Interviewing people who have suffered human rights violations and abuses is a sensitive process that requires trust and empathy and so the quality of some of the reports that UNAMI HRO has produced, based on the personal testimony of witnesses and victims, may have directly improved due to work of the UNVs.¹⁸

¹⁶ International Crisis Group, *Iraq's Tishreen Uprising: From Barricades to Ballot Box*, 26 July 2021. See also Mei@75, 'Iraqi protesters' perilous journey to the ballot box', 22 March 2021

¹⁷ One UNV had left the project before the start of this evaluation and was not available for interview.

¹⁸ This point was made to the evaluator in several interviews conducted.

The UNVs mainly came from neighboring Arab countries. This was important because they were not seen as either ‘westerners’ nor as allied to particular ethnic or religious groups in Iraq. In this sense, they combined political neutrality with cultural affinity. All three UNVs interviewed also had considerable experience with both remote working and using social media for human rights work in their own countries. This was taken into account during the selection process and proved highly relevant to the project’s implementation, given that all three had been working remotely for almost the entire period covered by this mid-term evaluation. One UNV had previously worked for a national human rights NGO in another Middle East North Africa (MENA) region country whose office was subject to frequent police raids and surveillance. It carried out almost all of its work remotely as a result of this. The NGO had consequently developed security protocols around remote working and social media which were obviously extremely relevant to the situation in Iraq.

The UNVs strengthened UNAMI HRO’s ability to base its public reporting and private engagement with the authorities on comprehensive and credible data. The strength of UNAMI HRO’s evidence-based reporting, which has been heavily dependent on UNV outreach, then enabled the SRSG and senior mission leadership to stand strongly behind the HRO’s messaging and to reinforce the call for accountability at the highest level, including in Briefings to the Security Council

Elections were taking place in October 2021 as this mid-term evaluation was being conducted. UNAMI HRO has taken a central role in monitoring the election to ensure that it is free and fair, support elections-related assistance and document and report on observed violations. It was, therefore, extremely relevant and timely for UNAMI HRO to build up extra capacity to conduct monitoring, reporting and advocacy on this issue. The main grievances of the original demonstrations for accountability remain unaddressed and most of the perpetrators of the violence against them are presumed to remain entrenched in their previous positions. More protests could easily arise at any time, with the risk of another lethal crackdown by the state authorities or militia groups.

The human rights situation in Iraq has, however, changed rapidly during the period between the project’s initial formulation and the period in which it is being implemented. This situation is also complex, multi-faceted, politically sensitive and regionally specific. Different parts of Iraq face quite different human rights challenges, which are themselves constantly changing. Not all parts of Iraq experienced the demonstrations – and violent reactions to them – that provided the initial contextual background to the drafting of the Accountability project proposal. The demonstrations largely took place within central and southern Iraq, where the majority of the population are *Shi’a*, and from where militia groups such as the PMF draw much of their support. There were few demonstrations in the *Sunni* areas in the north and west of the country, which bore the brunt of the destruction during the period of ISIL’s occupation, and subsequent recapture of the area by pro-state forces. The autonomous Kurdish Region of Iraq (KRI) also did not experience similar demonstration-related violence. Both have, however, suffered other human rights violations and abuses, such as arbitrary arrest, torture, extra-judicial executions and enforced disappearances. The Working Group on Enforced or Involuntary Disappearances (WGEID) records 16,419 outstanding cases for Iraq as

of 22 May 2019.¹⁹ The authorities have failed to resolve most cases of disappearances, provide remedy to the relatives of missing persons and prosecute those responsible.²⁰

The Accountability project's main success has been to add capacity to UNAMI HRO's existing staff team and integrate them into its ongoing monitoring, reporting and advocacy work. It is doubtful if any 'one size fits all' project designed at a particular point of time could ever adequately address all of these challenges, but there are some particular lessons learned that it will also be discussed further later. As outlined in the introduction to this report, many of the activities described pre-date the current project but a brief description of them is necessary to contextualize the project's own achievements and results.

UNAMI HRO has monitored and documented numerous violations of human rights associated with the political protests and has issued five public reports documenting its findings. UNAMI issued its first three reports in 2019 as the protests began, developed and expanded. In May 2020, UNAMI issued a fourth report focused on incidents of abduction of prominent protesters and political activists, including bloggers and lawyers.²¹ This also situated the violence being perpetrated against protesters in a wider context of violations of human rights by the Iraqi state, such as the rights to life, liberty and security of person, the rights to freedoms of peaceful assembly, association and expression, the right not to be subjected to torture, ill-treatment, and the right to protection against enforced disappearances. All of these reports were published before the start of the Accountability project, although it has since directly contributed to this ongoing work.

UNAMI HRO also began a programme of systematically monitoring the treatment of persons deprived of their liberty in July 2019, as part of its broader efforts to promote and protect human rights in the Iraqi criminal justice system. This work began independently of the Accountability project and was part of the HRO's ongoing efforts to support the Government of Iraq in implementing its commitments under the CAT and other international human rights treaties. Given the large number of protesters and political activists who claimed to have been subject to arbitrary detention and torture and other forms of ill-treatment, however, this work was of obvious relevance to the Accountability project. In interviews with UNAMI HRO, many of those detained by militias gave consistent and credible accounts of being systematically interrogated, and in many cases subject to acts amounting to torture, including sexual assault.

In May 2021, UNAMI/OHCHR released a fifth report, *Update on Demonstrations in Iraq: Accountability for Human Rights Violations and Abuses by Unidentified Armed Elements*, which focused on the steps taken by the Iraqi authorities to ensure accountability for human rights violations and abuses in the context of demonstrations-related violence. This was the first report produced with the support of the UNVs hired during the project that is being evaluated. In August 2021, UNAMI/OHCHR published a report, *Legal Conditions*

¹⁹ Human Rights Council, Report of the Working Group on Enforced or Involuntary Disappearances, 30 July 2019, A/HRC/42/40, p. 11

²⁰ For further details see, MENA Rights Group, Iraq Alternative Report Alternative report submitted to the UN Committee on Enforced Disappearances (CED) in the context of the review of Iraq's follow up report, MENA Rights Group, 6 March 2020

²¹ *Human Rights Special Report: Abductions, torture and enforced disappearances in the context of ongoing demonstrations in Iraq*, UNAMI 23 May 2020

and Procedural Safeguards to Prevent Torture, which provided credible and reliable accounts of the prevalence of torture and other forms of ill-treatment during interrogations and in places of detention in Iraq.²² This report, which was based on interviews with 235 persons deprived of their liberty as well as with prison staff, judges, lawyers, families of detainees and other relevant interlocutors throughout Iraq.²³ It was also produced and disseminated with the support of the UNVs hired for the Accountability project.

The reports have all been detailed, precise and well documented. They have set out extensive recommendations intended to encourage further government efforts in the areas of investigations, accountability and protection, with a view to ensuring effective redress for victims and their families and preventing further violations. Although there have been some arrests related to targeted killings of protesters and political activists, no case appears to have moved beyond the investigative phase. The project's central goal of engaging with the government of Iraq to address abduction torture and disappearance through effective mechanisms for prevention and accountability is therefore clearly relevant. As the Accountability project reported in July 2021:

During the reporting period UNAMI/OHCHR conducted 23 individual interviews with witnesses and family members of victims of enforced disappearances allegedly perpetrated by pro-government militia during military operations in Sallah al Din and Ninewa governorates between 2014 and 2017. These interviews form part of UNAMI/OHCHR broader fact-finding efforts and pattern of enforced disappearance and will inform UNAMI/OHCHR's advocacy with the government to promote accountability for the actions of armed groups with various links to the state. The interviews also enabled UNAMI/OHCHR to facilitate submissions by victims' families to the Committee on Enforced Disappearances. UNAMI/OHCHR also conducted 24 interviews with individuals detained by Iraqi security forces. These interviews included interviews with detainees who had been released from detention as well as interviews conducted during visits to detention facilities. Of those interviewed, seven individuals alleged they had been tortured or ill-treated whilst in custody. The information gathered during these interviews will be used to inform the analysis contained in UNAMI/OHCHR's upcoming public report "*Legal conditions and procedural safeguards to prevent torture*" planned for release in August 2021.²⁴

There is also evidence that the Iraqi authorities remain unable or unwilling to hold perpetrators of violations to account.²⁵ For example, on 2 September 2021, the uncle of a high-profile activist and human rights lawyer who was abducted from Maysan governorate, in October 2019, was the victim of an attempted targeted killing.²⁶ This incident follows the assassination, in March this year, of the missing activist's father who was a vocal advocate for accountability for his son. On 30 September the judge leading

²² *Human Rights in the Administration of Justice in Iraq: legal conditions and procedural safeguards to prevent torture and ill-treatment*, United Nations Assistance Mission for Iraq (UNAMI), Office of the United Nations High Commissioner for Human Rights (OHCHR), August 2021

²³ *Quarterly Progress Report*, 1 July 2021 – 30 September 2021, submitted 31 October 2021

²⁴ *Quarterly Progress Report*, 1 April 2021 – 30 June 2021, Submitted 31 July 2021

²⁵ *Update on Demonstrations in Iraq: Accountability for Human Rights Violations and Abuses by Unidentified Armed Elements*, UNAMI/OHCHR, May 2021; and *Quarterly Progress Report*, 1 July 2021 – 30 September 2021, submitted 31 October 2021

²⁶ *Quarterly Progress Report*, 1 July 2021 – 30 September 2021, submitted 31 October 2021

the criminal investigation into the activist's disappearance was also targeted by unknown gunmen who opened fire on his vehicle as he travelled to court.²⁷

It was also reported in July 2021 that a PMF Commander implicated in the killing of a prominent activist in Karbala earlier in the year had been released from custody following a stand-off between Counter-Terrorism forces and the PMF.²⁸ The 'unidentified armed elements' responsible for the abduction and torture or ill-treatment of at least 32 protestors from across Iraq were also reported to enjoy similar impunity. At least 20 protestors abducted by 'unidentified armed elements' remained missing by June 2021, without any apparent efforts to locate and release them or determine their fate. The government had also failed to release any public information as to the circumstances behind the violent attacks attributed to 'unidentified armed elements'.

Combating impunity and holding those responsible for violations to account is a central part of UNAMI's work and so the Accountability project is clearly relevant to its UN Security Council mandate. In May 2021 the Security Council again called on Iraqi state institutions 'to redouble efforts to pursue accountability for those responsible for crimes involving the killing, serious injury, abduction and disappearance against demonstrators and journalists'.²⁹ It also specifically mandated UNAMI to 'promote accountability and the protection of human rights, and judicial and legal reform, with full respect for the sovereignty of Iraq, in order to strengthen the rule of law and improve governance in Iraq'.³⁰ In September 2021 the Security Council also again extended the mandate of a UN Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL (UNITAD), which was first established in 2017.³¹ While this work is separate to both the project being evaluated and the work of the HRO, it does form part of the contextual background in which it is being conducted.

Evaluation Question 2: How does the project align with the Office's mandate, OHCHR's Management Plan and the Sustainable Development Goals?

The project falls within the OHCHR Office Management Plan (OMP), thematic priority of 'Strengthening the Rule of Law and Accountability for Human Rights Violations'. It is aligned with the Sustainable Development Goal (SDG) 16, which 'aims to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels'.³² The project activities are also aligned with the activities set forth under the mandate of UNAMI and with OHCHR's Overarching Vision for Field Deployments as set out in its Strategic Priorities for 2018-21. This notes that:

OHCHR's field presences support efforts by the United Nations and other international partners towards sustainable peace, security and development,

²⁷ Ibid.

²⁸ *Quarterly Progress Report*, 1 April 2021 – 30 June 2021, Submitted 31 July 2021

²⁹ UN Security Council Resolution and 2576, 27 May 2021

³⁰ Ibid. 2, IV, (d). See also the identical wording in UN Security Council Resolution and 2522, 29 May 2020.

³¹ UN Security Council Resolutions 2379 of 21 September 2017, 2490 of 20 September 2019 and 2597 of 17 September 2021.

³² United Nations and the Rule of Law, <https://www.un.org/ruleoflaw/sdg-16/>, accessed 21 September 2021.

including through human rights mainstreaming and integration, and rights-sensitive programming . . . All human rights field presences promote, prevent and protect human rights through monitoring (fact-finding, investigation, documentation), advocacy, reporting, coordination/convening, contribution to conflict resolution/mediation, and technical cooperation, at varying levels.³³

Some OHCHR FPs are partly supported by project funding, where OHCHR staff in headquarters (HQ) and the field have identified external donors prepared to support particular human rights projects. OHCHR is becoming increasingly experienced and successful at such project fund raising, although some aspects of it remain challenging. The type of fundraising undertaken by the UNAMI HRO for the Accountability project is becoming increasingly common and so its results of this project could, therefore, be considered a prototype for developing and resourcing human rights protection work at the field level.

Most UN PKOs have mandates that include human rights promotion and protection, which are increasingly seen as complementary to their protection of civilians (POC) mandates.³⁴ The human rights components of most PKOs play a key role both in protecting and promoting human rights as well as implementing these POC mandates. Common activities include reporting and advocacy, promoting security sector reform, fair trials monitoring, visiting detention centres, working with CSOs, protecting Human Rights Defenders (HRDs), strengthening National Human Rights Institutions (NHRIs) and supporting legal reform in compliance with international standards. SPMs, such as UNAMI, tend to be much smaller than PKOs, with fewer funds available for activity of the type that the Accountability project is undertaking. SPMs are, however, becoming an increasingly common type of UN field presence, as the UN transitions out of many of its larger PKOs.³⁵

The dual reporting lines of PKOs and SPMs has helped to inform the mission's 'good offices' efforts and provides a link to the Security Council, which tends to issue POC mandates under Chapter VII of the UN Charter. Their reporting to OHCHR provides a link to human rights mechanisms, such as special procedures, the treaty bodies and the UPR system. The UN Security Council, acting under its Chapter VII powers, has a formidable array of instruments to promote compliance with the norms and standards enshrined in international law: from investigations, reports and advocacy by operations on the ground, to referrals to the International Criminal Court (ICC), as well as the use of individual sanctions, such as travel bans and asset freezes, which it increasingly uses for POC purposes. The Security Council is increasingly concerning itself with particular human rights crises and so building the monitoring, reporting and advocacy capacity of human rights components of SPMs such as UNAMI is of clear relevance to the overall work and goals of OHCHR.

Evaluation Question 3: *What evidence of positive results obtained by the project can be found? To what extent have been planned results actually*

³³ OHRCR, Senior Management Team Meeting (SMT), 14 May 2018 - Item I Annex I, OHCHR Field Deployment Strategic Priorities for 2018-21, FOTCD.

³⁴ Namie Di Razza and Jake Sherman, "Integrating Human Rights into the Operational Readiness of UN Peacekeepers," International Peace Institute, April 2020.

³⁵ For discussion see Conor Foley, *Human Rights and Protection by UN Peace Operations*, International Peace Institute, December 2021

achieved? Where positive results of the project have been found, what have been the enabling factors and processes?

During the period evaluated, the Accountability project has enabled UNAMI HRO to monitor and report on demonstrations and state responses to these. It has also strengthened its relationship with stakeholders, interviewed victims of ill-treatment in detention facilities and families of victims of enforced disappearances, and raised awareness amongst CSOs and HRDs of the potential of using international legal mechanisms for advocacy purposes. In April 2021, it was reported that:

UNAMI/OHCHR conducted outreach to those at risk of being targeted for abduction, torture and enforced disappearance throughout Baghdad and central Iraq by carrying out the following activities: (i) meeting with 18 demonstrators and civil society activists in-person in Babil; (ii) meeting six activist lawyers in-person in Najaf; (iii) meeting seven protestors and political activists in-person in Diwaniya; (iv) conducting online meetings with four protestors and activists from Najaf; (v) conducting online meetings with five protestors and activists from Karbala; (vi) conducting online meetings with three protestors and activists from Wasit; and (v) conducting an in-person and online meetings with four lawyers in Baghdad – all working on securing accountability for violations against protestors. The interviews served to expand UNAMI/OHCHR’s contact base as well as increasing its reputation as being proactive, informed and conducting meaningful outreach to victims, leading to an increase in perceived credibility of UNAMI/OHCHR among victim groups and persons who may be targeted. In order to reach the families, UNAMI/OHCHR engaged with multiple protestors, activists and civil society organizations, further raising awareness about UNAMI/OHCHR’s work on accountability. . . . Additionally, UNAMI/OHCHR conducted 47 interviews with family members of protestors killed at protest sites by both security forces and armed group, in order to obtain information with respect to criminal accountability processes in relation to the killings, opinions on the Government’s response in terms of accountability and reparations and the degree of threat and intimidation faced by those seeking formal accountability. . . . UNAMI/OHCHR also conducted targeted outreach to seven lawyers and civil society actors from Baghdad, Karbala, Muthanna and Wassit, to explain the objectives and methodology of its detention monitoring programme with a view to develop networks for referrals of individuals or groups targeted for arbitrary detention, abduction and torture.³⁶

The project’s two main Outputs to which the UNVs directly contributed have been a report on accountability for abuses committed against political protestors and a report on procedural safeguards to prevent torture. The prevention of torture and securing accountability against those perpetrating human rights violations involve similar monitoring and reporting and are both parts of a mutually reinforcing strategy. The results of such work may, however, need to be measured differently, for the purposes of an evaluation, when seeking evidence of positive results and the enabling factors and processes that led to these.

³⁶ *Quarterly Progress Report*, 1 January 2021 – 31 March 2021, Submitted 3 April 2021

A 'preventive monitoring' approach seeks to prevent violations of rights of persons deprived of their liberty, particularly torture or ill-treatment, by identifying and reducing risk factors and eliminating possible causes.³⁷ This is a slightly different emphasis to an 'accountability-centered' approach, which seeks to deter such violations by investigating and prosecuting the perpetrators of them. Both approaches are clearly complementary, and it is doubtful if one could be successful without the other. They rely, however, on quite different approaches and also measure results using different criteria, from an evaluative perspective. The 'results' of an accountability-centered approach to combating torture, for example, might be measured by the number of suspected torturers who were investigated, prosecuted and sentenced for their crimes and their position and seniority in the command structure of the security forces responsible. A 'preventative approach' might instead measure success by a drop in the number of complaints of ill-treatment by people in detention or a rise in the numbers who received medical examinations on admission to detention, obtained early access to legal assistance or had their 'confessions' ruled inadmissible at trial if these were not obtained in full compliance with the judicial safeguards enshrined in international law.³⁸

A 'preventative approach' emphasises the need to create mechanisms that protect detainees and may place more emphasis on 'capacity-building' and 'technical cooperation' with state institutions, relying on 'quiet diplomacy' rather than public denunciation when it comes to advocacy. An 'accountability approach' may place more emphasis on 'investigations, prosecutions and punishment' of alleged perpetrators and capacitating civil society organisations to carry out 'national and international advocacy'. The programme does not yet have indicators to measure results against either criterion and it could consider developing a baseline survey in the second half of its implementation against which such progress could be assessed.

UNAMI HRO recognizes that the prevention of torture and other forms of ill-treatment is influenced by a broad variety of factors, including general respect for human rights and adherence to the rule of law. It bases its approach on the UN Subcommittee for the Prevention of Torture (SPT), one of the main anti-torture bodies of the UN and follows their guidance and approach, based on its own detention visits and advocacy to establish a national preventative mechanism (NPM) in Iraq.³⁹ A central aspect of UNAMI HRO's preventative approach includes ensuring that legal conditions and safeguards for those deprived of their liberty are recognized and realized in practice, throughout all phases of proceedings and detention. One purpose of such provisions, in addition to ensuring fair proceedings and adequate conditions of detention, is to reduce the likelihood of torture or other forms of ill-treatment occurring. At the same time, it is pursuing an 'accountability approach' to those alleged to have committed violations. Indeed, the main rationale of the Accountability project is based on this approach. This clearly is relevant to the human rights situation in Iraq. Many of the violations committed against

³⁷ *Human Rights in the Administration of Justice in Iraq: legal conditions and procedural safeguards to prevent torture and ill-treatment*, United Nations Assistance Mission for Iraq (UNAMI), Office of the United Nations High Commissioner for Human Rights (OHCHR), August 2021

³⁸ Conor Foley, *Combating Torture: a manual for Judges and Prosecutors*, University of Essex Human Rights Centre/UK Foreign and Commonwealth Office, 2003.

³⁹ The approach of the Subcommittee on Prevention of Torture to the concept of prevention of torture and other cruel, inhuman or degrading treatment or punishment under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Geneva, 15-19 November 2010, CAT/OP/12/6, para. 5 (a) and (c) (SPT approach on torture prevention).

the protesters were perpetrated by 'armed groups' whose relationship with the state is not always clear and so it is necessary to pursue the two approaches simultaneously.

This is undoubtedly challenging, however, particularly in a country still transitioning to democracy and where public criticism of the government is a comparatively new phenomenon.⁴⁰ A 'document and denounce' strategy, is often used by international non-governmental organisations (NGOs) such as Amnesty International and Human Rights Watch (HRW) and could be expected to help capacitate civil society, HRDs and the victims and survivors of the violations perpetrated. Outputs might be measured by meetings held with CSOs, reports and briefings detailing violations committed, and the number of complaints submitted through international mechanisms. The Outcome from such a strategy might be a strengthened civil society, where people had more confidence to complain about violations and expect such complaints to be taken seriously and investigated properly.

A 'preventative' strategy, often associated with international NGOs such as the Association for the Prevention of Torture (APT), takes a less 'confrontational' approach. It may measure Outputs by the number of meetings held with state institutions, training events and seminars held and 'capacitation' of legal professionals. The latter may typically include study trips or continual professional development (CPD) opportunities, for example, by enrolling judges and prosecutors on international legal masters' courses (LLMs). This is obviously a far more 'conciliatory' and long terms strategy that requires the active cooperation of the state authorities. It may also be more difficult to measure specific results within a given reporting period. Both strategies aim for the same Outcomes – in this case a fairer and more effective Iraqi criminal justice system that commands greater public confidence and helps to create a 'virtuous circle' of prevention and accountability – but the enabling factors and processes are quite different. Pursuing an 'accountability' strategy may also make it more difficult to work with and capacitate state institutions for a 'preventative' approach. It should also be noted that the evidence from recent international and non-international conflicts suggests that 'prevention' is considerably easier to achieve than 'accountability'.⁴¹

The project's two main Outputs in the period covered by this evaluation have been two reports – one focused on accountability and the other on prevention – and advocacy and outreach activity based on these. Both were found to be highly relevant, and this evaluation finds that they were produced and disseminated effectively. The quality of the research and analysis on which they were based and the clearness of their conclusions and recommendations is particularly noteworthy. The actual impact of the project in achieving changes to address the human rights situation in Iraq will be discussed further in these findings in response to Evaluation Question 7.

⁴⁰ For further discussion see Conor Foley, *Thematic Review of the DIGNITY-Ministry of Justice Collaborative Project on improving the investigation and prosecution of cases of Torture in Tunisia, External Evaluation, Final Report*, June 2017

⁴¹ There is, for example, considerable evidence that the United Kingdom (UK) security forces in Northern Ireland pursued policies that included torture and extra-judicial executions over many years and that the United States (US) forces committed similar violations in Iraq and Afghanistan after the invasions of both countries. The US and British governments were eventually persuaded to compensate victims and put in place 'preventative mechanisms' that reduced allegations of these violations considerably. Only a tiny number of low-ranking British and US security force personnel, however, ever received prison sentences in connection with these abuses.

Evaluation Question 4: In case some planned results haven't been accomplished, what has prevented the project from achieving them?

The biggest single obstacle to the Accountability project's achievement of planned results was the suspension of so many activities due to COVID 19-related restrictions. There is likely to be an underspend on the project, due to some delays to the deployment of the UNVs. As discussed above, this project was approved, and initial funding received in September 2020, which led to the selection, recruitment and induction of the four UNVs, who were available to start work from early 2021. Deploying them to the field, however, was further delayed both due to the in-country staff ceiling imposed by UNAMI in the context of COVID-19, and the time needed to process their visa applications. This meant that they had to conduct most of the activities that are being assessed in this evaluation through remote contact with their field locations.

UNAMI's in-country staff ceiling was gradually eased over the course of 2021, but Iraqi visa applications for all four UNV staff recruited under the project remained in process by the Iraqi Ministry of Foreign Affairs for several more months. The Visa applications were organized through the UNV Programme Office, which submitted them to the Iraqi Ministry of Foreign Affairs in December 2020. In June 2021, however, UNAMI HRO was informed that the original visa applications had been 'lost' and needed to be re-submitted. The UNV staff therefore continued to work remotely from their respective home locations until September and October 2021, by which time all had been deployed to Iraq.

All of the UNVs recruited for the Accountability project had considerable experience using social media for human rights work in their own countries and were also familiar with remote working for security purposes. All received training sessions and guidance documents on monitoring and interviewing methodology.⁴² All also received an opportunity to 'shadow' interviews by existing UNAMI HRO staff members. Nevertheless, all three of the UNVs interviewed recognized the limitations of remote working. Those who had arrived in the field shortly before this mid-term evaluation was conducted were already setting up in person meetings, visits and outreach activity, which they had been unable to conduct remotely. All of those not yet in the field were eagerly awaiting their deployment. One UNV interview noted that:

There are some limitations that came with working remotely such as the inability to visit detention facilities in Ninewa and meet with duty bearers. However, the use of online meetings and discussions has been heavily taken advantage of and allowed for a sustainable engagement during the reporting period. With a background in protection and experience from working in Mosul prior to becoming a UNV, have provided me with a contextual understanding and a cultural awareness to approach the people and situations HRO is working on with respect and care.⁴³

COVID 19 also had a wider impact on the work of UNAMI HRO, leading to the suspension of numerous activities ranging from field visits and visits to places of

⁴² *Quarterly Progress Report*, 1 January 2021 – 31 March 2021, Submitted 30 April 2021

⁴³ Interview conducted in Iraq by Zoom, September 2021

detention to the organisation of seminars, conferences and other outreach activities. It was, for example, reported by the Accountability project in June 2021 that: 'Visits to places of detention in Federal Iraq remained suspended during the COVID pandemic, although UNAMI/OHCHR was able to conduct 9 visits to places of detention in the Kurdistan Region of Iraq, including to facilities administered by the police, Asayish, the KRI Ministry of the Interior and the KRI Ministry of Labor and Social Affairs'.⁴⁴ Even as restrictions were eased, all UNAMI HRO face-to-face meetings with external interlocutors required official and exceptional authorization, which made them more difficult to organize.

UNAMI HRO made considerable efforts to adapt its monitoring and outreach strategy to take account of the COVID-related restrictions, including by conducting interviews, both in person and online, with persons released from detention. It also engaged with both lawyers and CSOs to arrange referrals of recently released detainees for such interviews. Nevertheless, it is clear that these restrictions made much of the project's outreach and advocacy work considerably more difficult.

While the extent of the COVID-related restrictions could probably not have been foreseen when planning results at the time in which the Accountability project proposal was being formulated, most of the other delays between the initial discussions about the programme and the deployment of the UNVs are not exceptional and one overriding question in this evaluation concerns how successfully OHCHR is able to handle such small-scale but extremely time-sensitive projects and what good practices and lessons learned can be drawn from this experience. Recruiting and deploying UNVs funded through project proposals written for external donors is one of the options that OHCHR has for strengthening its capacity in response to particular human rights crises. Such a strategy, however, poses particular problems due to the length of time that such procedures take.

Human rights crises are, by their very nature, sudden and unexpected occurrences, which demand rapid responses and whose manifestations and ultimate outcomes are almost impossible to predict in advance. As will be noted in the findings of this report related to 'efficiency', OHCHR was able to establish a good working relationship with the donor for this project – the US Department of State (USDS) – which showed considerable flexibility in releasing more funds up-front than would typically be the case (since US donors usually follow a set schedule of tranches of funding based on activities undertaken each quarter to avoid leaving large amounts of funds unused in the grantees bank account). This was critical in OHCHR's negotiations with the UNV program to enable it to issue year-long contracts for each of the four recruited.

All the UNVs interviewed understood the uncertainty and unpredictability and necessary flexibility associated with human rights field work. 'It is the nature of the job, one commented'.⁴⁵ Some did, however, express concerns that their contracts committed them to certain deliverables, but the situations that they were working with 'on the ground' presented them with other challenges and demands on their time.

⁴⁴ *Quarterly Progress Report*, 1 April 2021 – 30 June 2021, Submitted 31 July 2021

⁴⁵ Interview conducted in Iraq by Zoom, September 2021

Evaluation Question 5: How efficiently has the project been in using the human, financial and intellectual resources at its disposal to achieve its targeted outcomes? Have the internal organizational and management arrangements used been adequate to the local strategies, priorities, context and stakeholders? To what degree do the results achieved justify the resources invested in them?

The Accountability project has been efficient in using the human, financial and intellectual resources at its disposal to achieve its targeted outcomes. Its internal organizational and management arrangements have generally been adequate to the local strategies, priorities, context and stakeholders. The results achieved not only justify the resources invested in them but would justify a greater investment. The project has also clearly been extremely relevant to both the human rights situation in Iraq and UNAMI's core mandate as determined by the Security Council, but it took almost two years between the initial discussions about the need for the project in the autumn of 2019 and the deployment of the UNVs to the field in the autumn of 2021. There is likely to be an underspend on the project, due to some delays to the deployment of the UNVs and this report recommends increasing the number of UNVs from four to six. This would enable UNVs to be deployed to more field office locations, enabling greater geographical coverage and allowing more consistent and sustained engagement on accountability at the grass-roots level.

UNAMI HRO did not receive an invitation to submit a full grant application until June 2020 and Approval of the Grant Award was not given until 30 September 2020. It was only at this stage that HRO could then engage with OHCHR to set up arrangements for disbursement of funds from the donor and also engage with UNV program to initiate selection, recruitment and on-boarding in coordination with UNAMI Mission Support. None of these processes were familiar to UNAMI HRO so the delays after issue of grant funding were primarily related to having to navigate an unfamiliar process.

The fundraising, proposal writing and donor reporting of such project work also places a considerable administrative burden on OHCHR staff in both the field and HQ. OHCHR field staff, particularly those deployed in PKOs or SPMs, may lack the skills and experience of fund-raising, program management and financial reporting necessary to sustain offices dependent on external project funding, although OHCHR HQ is taking steps to improve this capacity through the work of its Donors and External Relations Section (DEXREL). OHCHR's own internal administrative and financial procedures are complex and some field staff find them over bureaucratic and cumbersome. Donors also have their own narrative and financial reporting procedures, which may be different to those of OHCHR, and sometimes require the creation of dual sets of reports. While this does not seem to have been a particular issue in relation to the current project, it has arisen in relation to project work carried out by other OHCHR FPs.⁴⁶

OHCHR also suffers a double disadvantage in that it is a part of the UN Secretariat – and so without the fundraising capacity of UN Funds, Programs and Agencies – but it is much smaller than its counterparts, in DPO and DPPA who run the PKOs and SPMs with human rights components. These are also located in New York, rather than Geneva, where most of OHCHR's Senior Management Team (SMT) is based and where meetings of the Programme Budget Review Board (PBRB) take place. This also makes it

⁴⁶ Conor Foley and Katerina Stolyarenko, *Evaluation of the Regional Office for Central Asia*, October 2014

difficult for OHCHR to systematically interact with other UN fora such as the Global Focal Point for Police, Justice and Corrections Areas in the Rule of Law in Post-Conflict and Other Crisis Situations (GFP) and the Peacebuilding Commission (PBC) whose deliberations and decisions may directly affect this area of work. This may sometimes make it difficult for OHCHR to engage with other parts of the UN system in the ongoing debates about how its FPs can contribute to strengthening the peace and security agenda and how these can be properly resourced in a timely and efficient manner.

There is no easy or simple solution to this problem, but it highlights a perennial issue for OHCHR in fundraising for its FPs. Where funding is needed for the core mandated human rights monitoring and advocacy work of a PKO or SPM, it should ideally come from the UN regular budget. The Security Council needs to be made aware of the budgetary implications of adding new tasks to a mission mandate and this also needs to be reflected in the deliberations of the UN Budget and Programs Committee (C5) and the UN Special Committee on Peacekeeping (C34).⁴⁷ This obviously requires stronger coordination between OHCHR and DPO and DPPA as well as the Executive Office of the Secretary General (EOSG), the GFP and BPC. OHCHR is improving its communication and coordination with these bodies through the strengthening of its New York office, but it still needs to constantly consider how it can improve three-way communication between the wider UN system, its New York and Geneva offices and its FPs located in PKOs and SPMs.

The UN has significantly cut its peacekeeping budget in recent years, which has fallen from about \$8.5 billion in 2014/15 to \$6.3 billion in 2020/21.⁴⁸ It has opened no new PKOs since 2014 and has closed, significantly downsized or opened discussion on exit strategies in five of its largest PKOs in: Côte d'Ivoire, Liberia, Haiti, Darfur and the Democratic Republic of Congo (DRC). Some of these operations have been replaced by SPMs, without a military component, while in others the only remaining UN presence has been the UNCT, headed by a RC. In an evaluation carried out (by this external consultant) in 2019/20 on the transition of the human rights components of PKOs to other type of OHCHR FPs, it was noted that a case can easily be made to the wider UN system for ensuring that such transitions include the establishment of viable human rights presences able to continue their monitoring, reporting and advocacy functions. This, however, requires better planning and strategizing during the transition periods. In dealing with DPO and DPPA, it was argued that OHCHR:

needs to ensure that its engagement always takes place at the right level (including the rank and seniority of the staff involved) and at the right time, taking into account these organizations own planning processes. It needs to use appropriate language to the peace and development and prevention debates and to think strategically about the value that its own mandate adds to their work.⁴⁹

⁴⁷ For further discussion see Dr. Conor Foley (Team Lead), Dr. Cecilia Deme (Co-Team Lead), Dr. Friedarike Santner, Horia Mosadiq, Syed Kazim Baqeri, Richie Lontulungu Nsombola and Gina Matalatala, *Mid-term external evaluation of CIVIC Program: Promoting the protection of civilians in conflict in Afghanistan and UN peacekeeping operations*, CIVIC, May 2021.

⁴⁸ Seventy-fifth session Fifth Committee Agenda item 154 Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations, 'Approved resources for peacekeeping operations for the period from 1 July 2021 to 30 June 2022', 29 June 2021, A/C.5/75/25

⁴⁹ Conor Foley and Ibrahim Wani, "Final Report: Evaluation of Transitions from Human Rights Components in UN Peace Operations to Other Types of Field Presences," UN OHCHR, May 2020.

Evaluation Question 6: How has been the communication and coordination with OHCHR Headquarters, the donor, stakeholders and partners in Iraq (including UNAMI or other UN agencies) for the achievement of results?

The initial idea for this project came from an informal discussion between UNAMI HRO and a US government official. The project proposal was submitted through the State Assistance Management System Domestic (SAMS Domestic) platform, which is the web-based, USDS federal assistance management system for domestically based bureaus.

OHCHR's fundraising staff in Geneva were informed about the application at the point where their authority was needed to submit the application. OHCHR FPs do not have delegated authority to submit fundraising proposals and so all applications need to be submitted from Geneva. It was stressed by OHCHR HQ that early notification of potential fundraising approaches from the field helps to speed up the applications themselves and also helps with overall strategic planning. Despite this lack of initial communication, there were no problems reported around coordination of narrative and financial reporting between OHCHR HQ, its FP or the donor. OHCHR's quarterly reports to the donor were all submitted on time and were sufficiently detailed and informative. Four reports had been submitted at the time that this mid-term evaluation was being carried out. The relatively small-scale of the project and discrete nature of its activities also made the reporting process quite simple.

As discussed above, the human rights situation in Iraq has changed considerably during the period between the project's initial formulation and the period in which it is being implemented and situation in different parts of the country are quite different. Some concerns were raised in interviews that while the Accountability project had significantly increased the human resources available to the HRO in Iraq, its emphasis was on particular incidents that had occurred two years previously in some parts of the country. Some interviewees stated that the main value of the project was that it had increased the capacity of the HRO's core team of international staff but that these needed to be deployed in as flexible a manner as possible. Tying their activities to the deliverables specified in a project proposal written some time previously caused some communication and coordination challenges.

These potential tensions appear to have been dealt with well through good internal management within the HRO. OHCHR staff, in both HQ and the field expressed their satisfaction with the donor and the USDS representatives interviewed reciprocated with positive impressions of the professionalism of the OHCHR staff. Indeed, representatives of USDS stressed their extremely high regard for UNAMI HRO's leadership and stated that this had been one of the factors that had led to their strong approval of the grant.

The US presence in Iraq has declined considerably in recent years, along with its own perception of its strategic interests. It was stated in interviews that the US government now considers its main role in the country to be that of a development actor, working on a multilateral basis to promote good governance. The work of UNAMI HRO is seen as aligned to those objectives and it has a monitoring and reporting capacity and technical expertise that the US wishes to support. Nevertheless, it was stated that project funding would only be given based on specific proposals with identified, outputs, activities, outcomes and results.

OHCHR interviewees also acknowledged that there could be a potential problem in accepting earmarked funding where the strategic priorities of a particular donor in a particular region at a particular time did not always be fully aligned to those of OHCHR for a particular FP. Heavy reliance on project funding for core strategic activities could also potentially make OHCHR FP planning processes donor-driven, which can be particularly sensitive with particular donors and in particular regions of the world. In this case the project proposal was drafted in a broad and flexible manner to allow UNAMI HRO to adapt the proposed activities to take into account future developments within the two-year timeframe. Good communication between OHCHR HQ, the donor, stakeholders and partners in Iraq (including UNAMI and other UN agencies) as well as good project design and planning appear to have forestalled any problems in this particular project.

Evaluation Question 7: What, if any, evidence is there that the project has resulted in changes to address human rights violations of threats, abduction, torture, disappearance and killings? What has been the contribution of the project to the achievement of these results?

Although this is a mid-term evaluation and so it is difficult to state its impact definitively, the Accountability project does seem to have resulted in positive changes to the human rights situation in Iraq in that it has strengthened UNAMI HRO's general capacity to carry out research, outreach, monitoring and advocacy work and this has contributed to these results. While it is always difficult to prove causality when evaluating normative projects, there is evidence that the project has contributed to making a difference to many of the Outcomes proposed in the initial proposal. This can be most clearly shown in UNAMI HRO's 'preventative strategy' on torture and its more general outreach work with victims of violations and Iraqi CSOs.

Following the release of the report, *Human Rights in the Administration of Justice* UNAMI HRO engaged in discussion with authorities in Federal Iraq and the KRI. This included holding a roundtable with a group of Asayish investigators and detention authorities on torture prevention, which was the first of its kind on this sensitive subject. UNAMI HRO met with the Minister of the Interior (Mol) of the KRI who indicated his willingness to implement some of the preventive measures detailed in the report. The HRO also held a meeting with a Mol delegation from Federal Iraq on torture prevention which was the first time they have responded to such a request. UNAMI HRO is holding a roundtable with judges to discuss in more detail judicial oversight of detention. The HRO also engaged directly with the Basra police commander on 'high profile' torture cases in the city and was granted access to two police detention facilities in Basra for the first time.

The High Judicial Council (HJC) in Federal Iraq has also agreed to a confidential assessment by UNAMI HRO on the 'human rights courts' in Federal Iraq, which mainly deal with torture cases. Since the end of 2020, the HRO has worked on two joint projects with the HJC: a public awareness campaign through the distribution of easy-to-read posters outlining the rights of suspects in criminal procedures; and the production of Guidelines for the treatment of detainees by judges. Following the online launch of the poster campaign, UNAMI HRO and the HJC distributed 650 posters in investigative courts and police stations in August. The HJC also agreed to hold a validation workshop for these new Judicial Guidelines, which include how to ensure judicial oversight of

detention, how to respond to torture complaints and how to ensure adherence to evidentiary standards, including confessions that may be tainted by torture. The workshop is planned to take place by the end of this year.

UNAMI HRO has also provided detailed technical comments on two draft laws that are currently being considered by the Iraqi Parliament, on torture and enforced disappearances. In April 2021 UNAMI HRO presented its observations, analysis and recommendations on the two draft laws to a workshop which included representatives of the Iraqi parliament's Council of Representatives and Council of Ministers. The workshop was organized in Sulaymaniyah by Heartland Alliance, an Iraqi NGO that is also supported by USDS, and with whom the HRO coordinates its activities on legislative reform. The recommendations arising from the workshop will be submitted to the Human Rights Committee of the Council of Representatives through the Iraqi High Commission on Human Rights (IHRC).⁵⁰ All of the above initiatives, to which the UNVs actively contributed provide important safeguards against torture and other forms of ill-treatment of detainees.

In May 2020, the new Iraqi government announced the establishment of a Fact-Finding Commission to prepare lists of victims of violence, with the aim of providing compensation to the families of those killed. UNAMI HRO is planning to facilitate a five-day training course on investigation planning and techniques for the staff of this Committee and continues to engage constructively with it. UNAMI HRO has also continued to raise the issue, through public reporting and private diplomacy, at the highest possible level, including in SRSG briefing to the Security Council. There does appear to be more space for meaningful dialogue with the government on this issue than during and in the immediate aftermath of the 2019 violence, when the government was simply unwilling to engage with UNAMI on the role of the PMF and other militia forces. As discussed above, however, most of those responsible for the human rights violations and abuses committed against the protestors have not been brought to justice and the Iraqi government still appears to lack the capacity or will to do so. Most of UNAMI HROs work in this area has, therefore, been with Iraqi civil society.

Following the release of its public report *Update on Demonstrations in Iraq: Accountability for Human Rights Violations and Abuses by Unidentified Armed Elements*, in May 2021, UNAMI HRO conducted 12 separate outreach events (six online and six in person) to disseminate its findings and recommendations.⁵¹ A total of 196 activists participated in these events – including 25 women. The six online outreach events involved four separate meetings with participants from Anbar, Muuthanna Dhi Qar and Basra governorates respectively, together with two additional online outreach meetings organized for i) protestors and activists who have re-located for their own safety from Federal Iraq to Erbil; and (ii) national level CSOs with an interest in seeking accountability for violations against protestors and activists. The six in-person outreach events took place in Baghdad (involving two separate meetings, one with activists and one with civil society representatives and journalists) and with grassroots activist and protesters in Diwaniya, Wasit, Najaf and Babil governorates respectively. These outreach meetings enabled UNAMI HRO to directly address activists concerns and to explain both the

⁵⁰ *Quarterly Progress Report*, 1 April 2021 – 30 June 2021, Submitted 31 July 2021

⁵¹ *Ibid.*

extent and limits of its ability to change government behaviour, while enhancing and expanding its networks among protestors and activists at risk of violence and abuses.

UNAMI HRO also conducted two group meetings with defence lawyers (involving 18 participants in total) and 14 individual meetings with defence lawyers. The purpose of these meetings was to explain its detention monitoring programme to the lawyers and to seek their assistance in referring individual victims of arbitrary detention, abduction and torture. In addition to this UNAMI HRO has held two roundtable sessions for CSOs about international standards and strategies to use the UN human rights system to press for accountability. It has also engaged local CSOs to begin collaborating on documenting cases and exploring establishment of a local advocacy platform. UNAMI HRO also supported the local office of the IHCHR to organise a training session on enforced disappearances for judges and government officials overseeing detention records.

On 24 June 2021, the UNAMI HRO held a one-day online session with nine civil society activists from Mosul, Ninewa governorate to provide them with an overview of the international and national legal standards and mechanisms related to the protection of all persons from enforced disappearance. As will be discussed in the next finding of this report, raising awareness in civil society about how to use international human rights mechanisms will probably help strengthen the reporting and advocacy of CSOs and activists, which is particularly important given the youth and relative inexperience of many of those who were involved in the original protests. This is, however, a long-term strategy with few immediately obvious short-term results.

Given the political sensitivities surrounding accountability, discussed above, UNAMI HRO might consider whether there are opportunities for developing a 'preventative strategy' aimed at reducing violence during the policing of future demonstrations. In its report on the violations and abuses published in August 2020, UNAMI HRO noted that:

UNAMI/OHCHR observed that the violent response by the security forces derived from multiple factors, including a lack of experience in crowd control, and a failure to properly plan for the protests and to take precautionary measures to avoid the use of violence. Iraq lacks a properly trained and resourced force specifically mandated to police mass assemblies. In some instances, including in Baghdad, Nasiriyah and Karbala, security forces appeared to intentionally target protesters unlawfully, including with live ammunition and tear gas cannisters. In other situations, they appeared ill-equipped and unable to respond effectively and lawfully to mass gatherings of protesters, particularly those attempting to reach Government buildings or throwing rocks and stones or Molotov cocktails.⁵²

This suggests that UNAMI could potentially provide support to the Iraqi authorities, through technical cooperation, to conduct better policing and crowd control techniques, in full conformity with the UN's Human Rights Due Diligence Policy (HRDDP). There may be other opportunities for developing 'preventative strategies' as part of the Accountability project that UNAMI HRO could consider in the second part of the project's implementation.

⁵² *Human Rights Violations and Abuses in the Context of Demonstrations in Iraq*, UNAMI, August 2020

Evaluation Question 8: To what extent is the project making a significant contribution to broader and long-term promotion and protection of human rights in Iraq, or how likely is it that it will eventually make this contribution? Is the project's strategy and management steering towards impact?

UNAMI HRO priority areas of focus for 2021 address gaps in the areas of accountability, fair trial, prevention of torture, protection of civilians and the rights of minorities, women and children. The HRO also contributes to achieving the results of OHCHR in the priority areas of i) Early warning, prevention and protection of human rights in situations of conflict and insecurity; ii) Strengthening rule of law and accountability for human rights violations; iii) Enhancing equality and countering discrimination; and iv) Enhancing and Protecting Civic Space and People's Participation.⁵³ The Accountability project has made significant contributions to all of these areas of work.

Measured against the Accountability project's own nine planned outcomes, this evaluation finds that it has made a significant contribution to broader and long-term promotion and protection of human rights in Iraq in eight of the activities listed in the project proposal as set out in the introduction of this report. These are:

- to enhance and develop networks of contacts with those potentially targeted for abduction, torture or enforced disappearance;
- to conduct in-depth fact-finding interviews with victims of these violations;
- to undertake targeted monitoring visits to official government detention sites;
- to use evidence-based reporting to make targeted recommendations aimed at strengthening the government's response to these violations;
- to engage with the government and NGOs organisations to support the submission of reports to relevant UN human rights mechanisms;
- to provide support to individual victims and their family members, in coordination with the UN special procedures and the treaty bodies;
- to review Iraq's legislation criminalizing torture and enforced disappearance and to provide technical support on drafting and implementing improved legislation and policy frameworks.

In the quarterly report of the Accountability project, published in July 2021, UNAMI HRO stated that there was 'nothing to report' or 'nothing significant to report' against two of the nine originally planned activities:

3. Engage with the government to clarify the command structure of the Iraqi security apparatus, framework of accountability, the respective mandates of all security entities and actors including clarification of which entities have powers of arrest or detention and the locations of all official detention sites.
7. Engagement with relevant UN human rights mechanisms and treaty bodies dealing with torture and enforced disappearance.⁵⁴

⁵³ OHCHR, Annual Work Plan - Iraq (UNAMI) (2021).

⁵⁴ *Quarterly Progress Report*, 1 April 2021 – 30 June 2021, Submitted 31 July 2021

The same report also notes that UNAMI/OHCHR had facilitated the submission of 12 individual petitions to the Committee on Enforced Disappearance (CED) as a result of information gathered during the engagement with families of disappeared persons. These petitions resulted in the CED communicating Urgent Action request to the government of Iraq which required the authorities to take necessary steps to determine the fate and whereabouts of these missing persons.⁵⁵ The Government has extended an invitation to WGIED and the visit has been pending due to COVID but may take in January 2022. UNAMI HRO also appears to have significantly engaged the relevant UN human rights mechanisms and treaty bodies dealing with torture and enforced disappearance, particularly since the publication of its report on the administration of justice in August 2021.

In the final quarterly report published for the project covering the scope of this evaluation, which was published at the end of October 2021, it was reported that, in August and September 2021, UNAMI HRO had sent a number of letters to different Government entities seeking further clarification on the accountability framework for the prevention of torture and access to places of detention, following the release of its public report on *legal conditions and procedural safeguards to prevent torture and ill-treatment*.⁵⁶ This included:

- a letter to the High Judicial Council, requesting information on the steps taken in specific high level torture cases to ensure prompt, and calling for impartial and independent investigations aimed at establishment of the facts of the cases and identification of the perpetrator, including cooperation with the Ministry of Interior.
- letters to the Minister of the Interior requesting clarification of their framework of accountability for torture cases and requesting access for monitoring purposes to all places of detention under their authority.
- A letter to the Basra Police Command following up on discussions on two high profile torture cases in Basra and requesting access to all places of detention under the authority of Basra Police Command.⁵⁷
- A meeting with the Minister of Justice to discuss conditions of detention in Nasiriyah Central prison where there have been consistent reports of deaths in custody; continued access to places of detention; and the draft Anti-Torture Law

The lack of progress on engaging with the Iraqi government to ‘clarify the command structure of the Iraqi security apparatus’ including their ‘framework of accountability’, respective mandates’, ‘powers of arrest or detention and the locations of all official detention sites’ is clearly problematic. UNAMI HRO has made repeated requests to the Iraqi government on this issue but still does not have comprehensive information on which state security entities operate detention facilities or where they are located. In October 2020 the CED expressed concern over allegations of the existence of about 420 places of secret detention in Iraq.⁵⁸ This is thought to include army barracks, airport

⁵⁵ *Quarterly Progress Report*, 1 April 2021 – 30 June 2021, Submitted 31 July 2021

⁵⁶ *Quarterly Progress Report*, 1 July 2021 – 30 September 2021, submitted 31 October 2021

⁵⁷ *Ibid.*

⁵⁸ Committee on Enforced Disappearances, Observations on the additional information submitted by Iraq under article 29 (4) of the Convention, 9 October 2020, para. 16.

detention facilities and private premises such as repurposed houses and basements.⁵⁹

The often deliberately blurred lines between PMF and ‘informal’ militia groups operating outside the formal state security structure, a culture of secrecy and impunity around state security institutions and the lack of coordination between those institutions is a major obstacle to achieving accountability for violations and abuses committed by these forces. It was stressed in interviews conducted during this evaluation that engaging the government to clarify the status and structure of the PMF and other militia groups is an incredibly sensitive and slow process. It is, therefore, understandable why there has been so little progress on this planned activity, particularly in the context of the COVID 19-related restrictions. Given the lack of progress to date, UNAMI HRO might consider whether or not to revise the activities and strategies currently planned in this area of work in the second part of the project’s implementation, particularly in the light of any changes to the overall political situation in Iraq after the parliamentary elections. As discussed previously, securing accountability for violations, particularly those committed by the militias and other armed groups is also very likely to be one of the most difficult planned activities on which to achieve results.

The activities and achievements of the Accountability project at its mid-term stage have been described earlier in this report. Given its small-scale nature and relatively short duration of effective implementation, these results are obviously modest, but it is being implemented as part of a wider strategy by UNAMI HRO. There are signs that the project is making a contribution to broader and long-term promotion and protection of human rights in Iraq which could have a significant impact if OHCHR’s national stakeholders are willing, able and committed to continue working on the issues it addresses. With more resources the project could undoubtedly achieve more results and this report recommends increasing the number of UNVs from four to six.

UNAMI HRO has conducted capacity building programs with the Government of Iraq and Iraqi CSOs on engagement with the Treaty Bodies and the UPR and the preparation of official and shadow reports. This activity, which long predates the Accountability project, was initially primarily aimed at technical support to both stakeholders in report preparation and training on reporting procedures. Increasingly, however, linkages have been built with CSOs and the IHCHR, which is discussed further in the next finding of this report.

While progress in some of these areas has been slow and incremental and the process has often been non-linear, it is significant, nonetheless. The Iraqi government accepts its obligations under the international treaties that it has ratified and is engaged in dialogue with OHCHR, through UNAMI HRO in how to implement these commitments through practical action. Iraqi civil society is becoming increasingly sensitized to the existence and practical utility of these mechanisms and the Accountability project has helped to bring these debates to a new generation of Iraqi civil society activists. In interviews with Iraqi CSOs it was stressed that the use of international human rights mechanisms was seen as making a significant contribution to the work of bringing perpetrators to account, but it also has a thematic resonance with the protesters demands. One civil society activist interviewed said that:

⁵⁹ *Euro-Mediterranean Human Rights Monitor*, ‘Horrific testimonies, secret prisons portend catastrophe in Iraq’, 13 July 2020.

the voice of the High Commissioner, condemning the violations and abuses that we suffered carries weight in Iraq. It shows us that we are not alone and shows the authorities that the world is watching them. This is very important for us. We understand that OHCHR needs to positively engage with the Government of Iraq to bring about positive changes. But it also needs to show that it is listening to the people as well. The Tishreen protests brought Iraqis from all different ethnic and religious backgrounds out onto the street, and it engaged a new generation with the struggles for social justice and human rights. It was very important for the UN to show the world that it was with us.⁶⁰

Evaluation Question 9: Are the stakeholders willing, able and committed to continue working on the human rights issues addressed by the project? How effectively has the project built ownership and necessary capacity? Are the results, achievements and benefits of the project likely to be durable?

The Accountability project is being implemented as part of an overall strategy formulated by OHCHR to support the promotion and protection of human rights in Iraq. This envisages a partnership with the Government of Iraq, and other stakeholders, based on clear indicators and milestones, which will eventually result in the handing over of all UNAMI HRO responsibilities to national partners. OHCHR's Country Programme and exit strategy has been developed alongside that of the wider UN system based on an overall vision for the country which foresees:

A peaceful democratic Iraq built on respect for the rule of law and human rights in which all its citizens can fully and equally participate in the political, economic, social and cultural life of the country without discrimination, irrespective of race, religion or sect, gender, gender orientation, ethnicity, or other differences.⁶¹

Iraq participated in its first UPR process in 2010 and implemented or partially implemented some 75 per cent of accepted recommendations arising from that plan.⁶² In the second UPR that Iraq participated in, which was conducted in 2014, it accepted 175 recommendations of the 229 recommendations that were made. The drawing up of a plan for the implementation of these recommendations was, however, delayed as a result of the conflict with ISIL from 2014 – 17 and there was little consultation with Iraqi CSOs over the plan that was eventually adopted. Iraq has also been slow and reluctant to adopt and implement the recommendations of UN Treaty Bodies that have scrutinized its record in complying with the obligations of the international treaties that it has ratified.

In 2019 Iraq completed its third cycle of reports under the UPR. Two additional thematic mandates of Conflict-related Sexual Violence and Child Protection were also integrated into the work of the UNAMI HRO. In July 2021 the Iraq government launched a Human Rights National Action Plan, which incorporated a commitment to implement the recommendations accepted under the latest UPR process. UNAMI HRO is actively engaged with the relevant Treaty Body mechanisms, including the CED and the WGEID,

⁶⁰ Interview conducted in Iraq by Zoom, October 2021

⁶¹ Iraq (2018-2021) v1 Initial - Country Programme

⁶² OHCHR, Country Strategy, Iraq (2018-2021) v1 Initial - Country Programme

and is working with the government to encourage more concrete efforts to determine the fate and whereabouts of the missing and to bring the perpetrators to account.

One clear success indicator for OHCHR's exit strategy from Iraq will be the establishment and successful functioning of the IHCHR as an Iraqi-led National Human Rights Institution (NHRI) according to international principles of independence, integrity and professionalism.⁶³ The establishment of the IHCHR is provided for by Article 102 of the Iraqi Constitution of 15 October 2005, which envisages the establishment of the IHCHR, to be 'considered independent' and 'subject to monitoring by the Council of Representatives', with its functions 'regulated by law'. In 2008, Iraq's Council of Representatives passed the Law of the High Commission for Human Rights No. 53 (Law No. 53/2008 or enabling law). In April 2012, the Commission was effectively established.

The fact that the IHCHR was established by a parliamentary law, rather than an executive decree, and was given a broad and wide-ranging mandate, was seen as encouraging, at the time, and in line with best practices and international principles.⁶⁴ It was originally hoped that the IHCHR would serve as a bridge between the Government and people of Iraq, build respect for democratic space and public participation, and serve as a vehicle to ensure that the voice of marginalized and excluded individuals and communities was heard and accounted for.

OHCHR undertook extensive activities to ensure that the 2008 law establishing the IHCHR conformed with international standards. It also worked, in partnership with UN agencies and the wider UN system, to support the processes for selecting the Commissioners to serve on the IHCHR in 2011-2012, and again in 2016. UNAMI HRO conducted an extensive capacity building programmes for the IHCHR's secretariat and Commissioners and has sought to strengthen their work and independence. Law No. 53 has however, been subsequently amended three times in ways that have increased political interference in its work.

In 2015, the Sub-Committee on Accreditation (SCA) of the Global Alliance of National Human Rights Institutions (GANHRI) granted the IHCHR B status to mark its partial compliance with the Paris Principles. The same year, the UN Human Rights Committee raised concerns over 'reported difficulties faced by the High Commission for Human Rights in carrying out its mandate, including a lack of adequate resources and constraints in practice to effectively discharging certain mandated activities, such as visiting and inspecting places of deprivation of liberty'⁶⁵ In June 2021 the SCA upgraded the IHCHR to A status, despite some misgivings about the Commission's progress. The SCA commended the IHCHR for its 'efforts to address the previous recommendations made by the SCA through its activities since its last review' and encouraged the Commissioners 'to continue to actively engage' with OHCHR, GANHRI and other NHRIs, 'as well as relevant stakeholders at international, regional and national levels, in

⁶³ Principles relating to the Status of National Institutions (The Paris Principles), Adopted by General Assembly resolution 48/134 of 20 December 1993.

⁶⁴ MENA Rights Group, *Evaluation Report of the Iraqi High Commission for Human Rights*, MENA Rights Group, February 19, 2021

⁶⁵ Human Rights Committee, Concluding observations on the fifth periodic report of Iraq, 3 December 2015, CCPR/C/IRQ/CO/5, para. 7.

particular, in order to continue strengthening their institutional framework and working methods.’⁶⁶

The first Board of Commissioners appointed in 2012 failed to abide by standards of professionalism or independence and were subject to political interference which largely paralyzed the effective operation of the IHCHR. There was extensive political interference in the process of selection for the second Board of Commissioners (which ran from late 2016 until mid-2017) causing OHCHR to withdraw from supporting the process.⁶⁷ There were also serious questions around the independence of the Board of Commissioners that were subsequently appointed in 2017 and public confidence in their work consequently declined. A number of NGOs have been extremely critical of the IHCHR accusing it of failing to follow through complaints of enforced disappearances and failing to maintain the confidential identity of those reporting on human right abuses.⁶⁸ While the majority of the staff and some Commissioners have shown dedicated commitment to the organization – even working on a voluntary basis when it was not possible to pay their wages, some appear to have approached their responsibilities on a more politically factional basis.

It was originally envisaged that the IHCHR would be fully operational and functioning by 2020, but the Commission continues to face serious challenges to the delivery of its mandate.⁶⁹ The IHCHR did play a significant role documenting and denouncing human rights abuses, arising out of the 2019 demonstrations, including facts and figures on wounded and dead protesters.⁷⁰ It has, however, been criticized for doing this in ‘a comprehensive and generalist manner, without identifying the authorities responsible for human rights abuses, despite the fact that the responsible authorities and perpetrators are often known’.⁷¹ The IHCHR’s calls for ‘restraint’ and ‘calm and dialogue’ by all parties is also seen as having been equivocal given the overwhelmingly one-sided nature of the violence and it is also seen as having coming under official pressure to under-report protest-related death and injury tolls.⁷²

Based on the above evidence it is difficult to conclude that OHCHR’s principal stakeholder in Iraq is currently fully willing, able and committed to continue working on the human rights issues addressed by the Accountability project. OHCHR has worked hard to build the IHCHR’s capacity, but local ownership essentially depends upon political will to ensure that the results, achievements and benefits of the project will be durable. This remains in doubt. While UNAMI HROs support for CSOs has been impressive, it was stated in interviews carried out during this evaluation that Iraqi civil society is still nascent and fragmented. Many CSOs are still overwhelmingly occupied with the delivery of humanitarian assistance and lack experience and confidence in carrying out human rights monitoring. UNAMI HRO could consider how to increase

⁶⁶ Global Alliance of National Human Rights Institutions (GANHRI) *Report and Recommendations of the Virtual Session of the Sub-Committee on Accreditation (SCA)* 14-24 June 2021

⁶⁷ Iraq (2018-2021) v1 Initial - Country Programme

⁶⁸ MENA Rights Group, *Evaluation Report of the Iraqi High Commission for Human Rights*, MENA Rights Group, February 19, 2021

⁶⁹ Iraq (2018-2021) v1 Initial - Country Programme

⁷⁰ Iraqi High Commission for Human Rights, IHCHR: Targeting Peaceful Protesters in al-Khilani Square & Al-Sinak Bridge, Amount to Terrorist Crimes, 7 December 2019.

⁷¹ MENA Rights Group, *Evaluation Report of the Iraqi High Commission for Human Rights*, MENA Rights Group, February 19, 2021

⁷² Human Rights Watch, Iraq: State Appears Complicit in Massacre of Protesters, 16 December 2019

support and capacity-building in this area of work in the second part of the Accountability project's implementation.

UNAMI HRO is part of an SPM with a mandate from the UN Security Council. The Security Council has recently renewed this mandate and has no current plans to end the mission or transition out of the country because it sees a continued need for its presence in Iraq. This indicates that the UN's continued support is necessary to sustain the results, achievements and benefits of the project until these can be handed over to capacitated local stakeholders.

One clear achievement of the Accountability project which is likely to be durable is the induction of the UNVs into the work of OHCHR. As discussed above, the UNVs interviewed in the course of this evaluation were extremely impressive. All had risen to the challenges of the project, which have been discussed elsewhere in this report. The UNVs interviewed spoke warmly of the support and encouragement that they had received from their OHCHR line managers. The OHCHR regular international staff in Iraq, likewise, praised the quality of the UNVs. All interviews were conducted on the basis of anonymity, but it was noticeable how few personal complaints were raised during them and where criticisms were raised how constructive these were in manner.

Evaluation Question 10: In what ways has the Project planned activities linking to results that contribute to gender equality and to what extent have initial Project results advanced gender equality and women's rights?

The Accountability project has directly contributed to gender equality and advanced women's rights, by highlighting the gender-specific violations that many women have suffered. In some aspects respect for women's rights and their opportunities to participate in the economic, social, political and cultural life of Iraq fully and equally has deteriorated in recent years. Nevertheless, there are encouraging signs of greater activism around advocacy for gender equality and women's rights and the Accountability project has helped to facilitate this work.

Women played a prominent role in the protests that started in October 2019. Many were targeted both for on-line abuse and smears as well as physical violence. Prominent women human rights activists were amongst those abducted, detained and tortured or individually targeted for assassination as a result. UNAMI HRO has documented a large number of credible accounts of such allegations at the hands of both the security forces and militias and the Accountability project has helped to bring these accounts to wider public attention. As one report noted:

On 2 October 2019, in Basra, a well-known civil society activist and her husband were shot dead by unknown gunmen, in their home, after participating in a demonstration earlier that day. On 18 January, in Nasiriyah, a female activist escaped injury when unknown armed men travelling in a car and on a motorcycle fired live rounds at the car in which she was travelling. She regularly participated in demonstrations and, two days before the shooting, during protests in Al Haboubi Square in Nasiriyah, had recited a poem that was critical of 'militia'. Women and girls also reported receiving direct physical and/or verbal threats linked to their involvement in the protests. On 19 January, in Babil Governorate, a woman who had been verbally warned several times by unknown persons to

stop participating in demonstrations, found a shell casing tied to the front of her car. She believed this was intended as a warning of potentially serious consequences if she failed to comply. Women linked to the demonstrations were also targeted for abduction by 'unidentified armed actors', with four abductions of women activists or protesters documented since the demonstrations began. Following their release, the women variously described being blindfolded, beaten, forced to undress down to their underwear, threatened with rape, and touched in 'private areas' by their captors. At the time of the publication of this report, UNAMI/OHCHR is unaware of any perpetrators being held accountable for killings, abduction, torture, arbitrary arrest and other violations and abuses committed against women demonstrators and activists in the context of the demonstrations.⁷³

These physical attacks have been accompanied by extensive attacks in Iraqi social media.⁷⁴ High school and college girls who participated in demonstrations were described as 'immoral', and it was claimed that they 'only joined the protests to meet men'. Photoshopped images of female demonstrators and activists were also circulated attempting to portray them as 'decadent'. In one instance, photographs of a group of female activists meeting with representatives of diplomatic missions were used to promote false allegations that those women were involved in people trafficking.

On 13 February 2020, hundreds of women and girls in Baghdad, Babil, Dhi Qar, Basra and Nasiriyah Governorates took to the streets to defy public calls from some quarters for gender segregation at protest sites. Although one prominent conservative Iraqi political leader condemned the demonstrations as being rife with 'nudity, promiscuity, drunkenness, immorality, debauchery and non-believers', many young men joined the women and girls to support their participation in the protests, some linking arms to protect them, and others emphasizing the absence of gender distinction by wearing women's clothes including headscarves, whilst some women drew moustaches on their own faces.⁷⁵ During discussions with UNAMI/OHCHR, men, women and youth frequently expressed a shared commitment to the promotion of women's rights and empowerment as a means of overcoming societal and cultural barriers which are deeply rooted in the family and in the community, where women and girls continue to live under patriarchal control and experience wrongful stereotyping, preventing and punishing their participation in public life.

Women in Iraq continue to suffer from lack of political representation and unequal or substandard access to education, healthcare, other basic services, and economic opportunity. The situation is particularly acute for women headed households and women with disabilities.⁷⁶ Large numbers of Iraq's women and children have been subjected to ongoing physical and sexual domestic violence. The Iraqi Criminal Code no.

⁷³ See the report of the Special Rapporteur on Human Rights Defenders, focusing on the situation of women human rights defenders: https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/40/60

⁷⁴ See A/HRC/RES/38/7 on the promotion, protection and enjoyment of human rights on the Internet, para. 11 which specifically condemns online attacks against women, including sexual and gender-based violence and abuse and calls for gender-sensitive responses to take into account the particular forms of online discrimination

⁷⁵ See the report of the Special Rapporteur on Human Rights Defenders, focusing on the situation of women human rights defenders: https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/40/60

⁷⁶ *Human Rights Violations and Abuses in the Context of Demonstrations in Iraq*, UNAMI, August 2020

III of 1969 continues to permit 'honor' in mitigation of charges involving the murder of family members. Police units established to provide protection to women against such violence are under-resourced and women who suffer such violence have nowhere to seek sanctuary owing to a lack of shelters. The police rarely investigate such cases and alleged perpetrators are rarely held accountable. In the northern areas of Iraq, female genital mutilation (FGM) remains prevalent. Large numbers of women have also been subjected to conflict related sexual violence – particularly women from Iraq's diverse ethnic and religious minority communities. Many of these women are unable to access basic care and support services and remain extremely vulnerable.

UNAMI HRO is working to ensure that Iraq's legal and social frameworks promote women's and girls' autonomy and choice and protect them from violence, including in the digital space. Through its monitoring activities, incidents of violence against women and girls, including gender related killings and other forms of violence are regularly documented and reported. In addition, the HRO advocates to strengthen the legal protection of victims of domestic violence and to bring legal provisions into compliance with international human rights standards. UNAMI HRO continues its efforts to coordinate advocacy for the finalizing and enactment of an Anti-Domestic Violence Bill. On 2 March 2021, the HRO launched 'Breaking the Silence', a short film aiming to advance the discussion on efforts to criminalize domestic violence in Iraq, formalize an effective support system for survivors and hold perpetrators accountable for crimes committed inside the home.

The Accountability project has been implemented as part of these efforts to promote women's rights and gender equality. Three of the four UNVs recruited are women and these are the three who were still in post at the time that this evaluation was carried out. All saw a clear connection between the specific work of the project and the overall goals of gender-mainstreaming human rights work as set out in this Finding. The remote model of working that the project was forced to adopt in its first year of implementation could also have positive benefits when considering the deployment of female staff to areas violence, including gender-based violence, is prevalent.

Evaluation Question 11: Has the project achieved results that contribute to disability inclusion and what project results and strategies could be considered in the future to contribute to disability inclusion?

Iraq ratified the Convention on the Rights of Persons with Disabilities in January 2012, but the law still remains largely unimplemented. Many people with disabilities still suffer from lack of access to basic services on account of their disabilities and lack of economic opportunity, which is particularly acute for women and people from minority communities with disabilities. Many also face other forms of societal discrimination that hinders their full and equal participation in the political, economic and social life of Iraq. Ongoing-armed violence, terrorism and armed conflict have also impacted differentially on people with disabilities.

This evaluation did not encounter any direct results of the Accountability project that contribute to disability inclusion, but the protests themselves did raise the issue, at least indirectly. On 11 August 2020, the Government announced publicly the decision to provide medical care to injured demonstrators, transfer abroad those whose condition cannot be handled in Iraq, provide all with medical insurance, and to amend the Persons

with Disability Law to include those rendered disabled as a result of violence during or associated with the protests. It also declared that the families of those considered martyrs or the injured will receive benefits managed by the Martyrs' Foundation.⁷⁷

Violent conflicts almost always result in people being disabled by some of the injuries that they suffer and also raise the issues of disability rights and disability inclusion in post-conflict societies. Many disabled 'war veterans' have played a prominent role in the conflict and are often regarded with considerable respect by their peers. This can be a good opportunity to raise the argument for disability inclusion in subsequent legislative and policy reform.

The Accountability project also indirectly raised issues related to disability inclusion due to the fact that it had to be implemented remotely by the UNVs working remotely until they were able to be deployed to the field. Working remotely can be inclusionary of disabled people who might not be able to go to the field and so UNAMI HRO should consider offering this as an option in its recruitment and deployment policies.

⁷⁷ | 1 August 2020 Weekly Press Conference of the Prime Minister, extracts available on twitter @AhmedMullaTalal or @IraqiGovt.

Lessons Learned

OHCHR is becoming increasingly experienced and successful at project fund raising for external projects although some aspects of this remain challenging and require dedicated capacity support. The time involved in raising the resources through external project funding may, however, reduce the relevance, effectiveness, impact and sustainability of such deployments. It is difficult to draw up a project proposal that will remain relevant during a fast changing and unpredictable human rights crises over the proposed project's implementation period. The integration of new staff, raised by funding for a specific project, can also skew the overall work of small and busy teams.

OHCHR should consider how better to integrate core mandated priorities of UN missions with the necessary resources through regular budget funding. This may require closer liaison with other parts of the UN system, particularly DPO, DPPA and EOSG and with the ongoing deliberations of C5 and C34. It also needs to cultivate closer relations with the PBF and GFP.

OHCHR may need to factor in the specific modalities of working with the UNV program, which needs guaranteed up-front funding to issue UNV contracts that are for longer than a donor is often prepared to release in a specific funding tranche to future projects.

OHCHR needs to consider the challenges of pursuing 'prevention' and 'accountability' strategies simultaneously in the same country when seeking to reduce human rights violations and abuses. The two strategies are complementary but may use different tactics and emphases. Securing accountability for violations, particularly those committed by the militias and other armed groups is likely to be one of the most difficult planned activities on which to achieve results.

Emerging Good Practices

The Accountability project achieved concrete results and developed strategies adequate to the local context and stakeholders. It has enabled UNAMI HRO to monitor and report on demonstrations. It has also strengthened its relationship with stakeholders, interviewed victims of ill-treatment in detention facilities and families of victims of enforced disappearances, and raised awareness amongst CSOs and HRDs of the potential of using international legal mechanisms for advocacy purposes.

The four UNVs recruited for the project had strong relevant track records of human rights field work and contributed significantly to UNAMI HROs research, networking, outreach and advocacy. The UNVs recruited came from neighbouring Arab countries and their language skills, cultural affinity and political neutrality made them particularly well-suited to their tasks. Their age and familiarity with social media and remote interaction proved highly relevant to the Accountability project's implementation and they succeeded in outreaching to a new constituency of young activists.

The remote model of working that the project was forced to adopt in its first year of implementation could also have positive benefits when considering the deployment of staff to areas violence, including gender-based violence, is prevalent. Working remotely can also be inclusionary of disabled people who might not be able to go to the field.

While progress in some areas of the project's activities and projected outcomes has been slow and incremental and the process has often been non-linear, it is significant, nonetheless. The Iraqi government accepts its obligations under the international treaties that it has ratified and is engaged in dialogue with OHCHR, through UNAMI HRO in how to implement these commitments through practical action.

The reports that the Accountability project has supported have been detailed, precise and well documented, with extensive and well-formulated recommendations. OHCHR has an extensive track record of producing reports of similar quality, but the interviews that the UNVs conducted and the subsequent outreach that they supported around the publication of these reports probably enhanced these results.

The security protocols that the UNVs working for the Accountability project has developed around safely communicating, conducting interviews and storing sensitive information collected through remote working and social media may have wider application for OHCHR's work in similar situations elsewhere in the world.

As the UN downsizes many of its field presences, the type of fundraising undertaken by the UNAMI HRO for the Accountability project is becoming increasingly common and so its results of this project could, therefore, be considered a prototype for developing and resourcing human rights protection work at the field level.

OHCHR has created its own System for Award Management (SAM) Registration number, which enables the US Government to fund it directly, rather than through the wider UN system, which makes the process less administratively complex and should be considered a good practice model for future project funding.

Conclusions

The Accountability project was relevant to the human rights situation in Iraq, UNAMI's Security Council mandate and OHCHR's global strategy, goals and priorities. Although the political protests which shook Iraq in the final months of 2019 have since declined in size and number, most of those responsible for the violence and abuses against the protesters have still not been held to account. The conditions which led to the protests remain the same and they could be repeated. The ongoing lack of accountability for serious human rights violations, including those committed by armed groups commonly referred to as militia, has reinforced a lack of trust in the government and reduced public willingness to participate in democratic processes, with worrying implications for democracy and peace in Iraq. The Accountability project has enhanced UNAMI HRO's ability to base its public reporting and private engagement with the authorities on comprehensive and credible data. The strength of UNAMI HRO's evidence-based reporting, which has been heavily dependent on UNV outreach, then enabled Senior Mission Leadership and the Special Representative of the Secretary General (SRSG) to stand strongly behind the HRO's messaging and to reinforce the call for accountability by the Iraqi government at the highest level, including in Briefings to the Security Council. The Accountability project was implemented effectively, despite the delays to the field deployments and UNAMI HRO adapted its working methods to take into account the COVID-related restrictions.

Recommendations

1. UNAMI HRO should increase its high-level engagement within the UN system to enhance advocacy on accountability with the Iraqi authorities. This should include, for example, providing briefings to the ASG to inform ASG engagement with EXCOM and DPPA in order to promote more coordinated and effective action by UN senior leadership to promote accountability by the Iraqi government.
2. UNAMI HRO should increase its coordination with UN Special Procedures and Treaty Body Mechanisms dealing with accountability issues as well as making more structured use of the UPR process in order to strengthen advocacy and engagement on these issues by using multiple entry-points across the UN system.
3. UNAMI HRO should continue its assessment of the impact and effectiveness of its work on the prevention of torture in Iraq in the second half of the programme's implementation.
4. UNAMI HRO should increase the total number of UNVs recruited under the project from four to six for the second part of the project. This would enable UNVs to be deployed to more field office locations, enabling greater geographical coverage and allowing more consistent and sustained engagement on accountability at the grass-roots level.
5. OHCHR should continue to enhance cooperation between the New York and Geneva HQ and its field presences to increase its advocacy on the integration and operationalization of human rights in the UN system and develop fundraising strategies around this, with the aim of ensuring that all human rights activities mandated by the Security Council for SPMs are financed adequately. This should include coordinated advocacy to Iraq by UN HQ and member states on the central importance of evidence-based monitoring, reporting and public advocacy by human rights components of DPPA/DPKO missions.
6. OHCHR should take additional measures to enhance its security protocols on safely communicating and storing sensitive information collected online through remote working and social media.
7. In the post-COVID environment, OHCHR should consider continuing remote working as an option in its recruitment and deployment policies as this could help in the recruitment and retention of disabled people and others who may be unwilling or unable to deploy to the field in hardship postings, including women and staff with families.

Management response to the evaluation recommendations		
Mid-term evaluation of the project Accountability for abduction, torture and enforced disappearance in Iraq		
Recommendation 1: UNAMI HRO should increase its high-level engagement within the UN system to enhance advocacy on accountability with the Iraqi authorities. This should include, for example, providing briefings to the ASG to inform ASG engagement with EXCOM and DPPA in order to promote more coordinated and effective action by UN senior leadership to promote accountability by the Iraqi government.		
Management position on recommendation: Accepted		
Management comment: None		
Key Actions	Responsibility	Time-frame
1. Chief UNAMI HRO will travel on mission to UNHQ New York in late March/early April where she will provide high level briefings on accountability to offices within the Secretariat including DPPA and ROLD as well as to representatives of Permanent Missions	UNAMI HRO	March/April 2022 (subject to Covid)
2. UNAMI HRO will continue to work closely with UNAMI SRSG to ensure that she incorporates advocacy messaging on accountability in her high-level engagement including in briefings to the Security Council	UNAMI HRO	Ongoing
Recommendation 2: UNAMI HRO should increase its coordination with UN Special Procedures and Treaty Body Mechanisms dealing with accountability issues as well as making more structured use of the UPR process in order to strengthen advocacy and engagement on these issues by using multiple entry-points across the UN system.		
Management position on recommendation: Accepted		
Management comment: During the second half of the project period, UNAMI HRO will focus on engagement with the Human Rights Committee, the Committee against Torture and the Committee on Enforced Disappearances and their respective Secretariats on issues related to accountability given the specific focus of these bodies on Iraq in 2022 – see key actions below. Iraq’s next review under the UPR process is scheduled for 2024 but the Iraqi government’s engagement on the issues raised by the Treaty Bodies reflects the recommendations accepted by Iraq during the last UPR review. Iraq’s review by CED is currently at the phase of follow-up to the implementation of the recommendations adopted in 2020 (CED/C/IRQ/OAI/1) and a country visit under article 33 of the Convention is scheduled for the second half of 2022.		

Key Actions	Responsibility	Time-frame
1. UNAMI HRO will provide a comprehensive submission on human rights issues in Iraq, including on accountability on demonstrations-related violations, torture and enforced disappearances to the Human Rights Committee (HRC) in advance of the HRC's examination of Iraq at its 134 th Session between 28 February and 28 March 2022	UNAMI HRO	Completed
2. UNAMI HRO will provide a submission to the UN Committee Against Torture in advance of the committee's periodic review of Iraq at its 73 rd Session between 19 April and 13 May 2022	UNAMI HRO	18 March 2022
3. UNAMI HRO will conduct a workshop for civil society organisations to provide training and guidance on the submission of shadow reports to the UN Committee Against Torture in advance of the 73 rd session.	UNAMI HRO	18 March 2022
4. UNAMI HRO will coordinate with the Secretariat of the Committee on Enforced Disappearances to plan and support the development of the Committee's country visit to Iraq which is provisionally scheduled for second half-2022.	UNAMI HRO	Mid-2022
Recommendation 3: UNAMI HRO should continue its assessment of the impact and effectiveness of its work on the prevention of torture in Iraq in the second half of the programme's implementation.		
Management position on recommendation: Accepted		
Management comment: UNAMI HRO continually assesses the impact and effectiveness of its work on the prevention of torture as part of its normal advocacy cycle. UNAMI HRO's August 2021 public report " <i>Human Rights in the Administration of Justice in Iraq: legal conditions and procedural safeguards to prevent torture</i> " reflects the results of UNAMI HRO's first systematic country-wide monitoring of places of detention and sets out a number of concrete recommendations on legislation, policy and procedure to prevent torture. As such it provides a baseline for constructive engagement with the government, which will continue through the second half of the project period.		
Key Action	Responsibility	Time-frame
1. During the second half of the programme period UNAMI will continue to advocate with the government to implement the recommendations contained in UNAMI's August 2021 report and will provide technical support where appropriate. UNAMI will also continue its visits to places of	UNAMI HRO	Ongoing throughout the project period

detention and trial monitoring in order to monitor the immediate impact of those recommendations in preventing torture.		
<p>Recommendation 4: UNAMI HRO should increase the total number of UNVs recruited under the project from four to six for the second part of the project. This would enable UNVs to be deployed to more field office locations, enabling greater geographical coverage and allowing more consistent and sustained engagement on accountability at the grass-roots level.</p>		
<p>Management position on recommendation: Accepted</p>		
<p>Management comment: None</p>		
Key Action	Responsibility	Time-frame
1. In its Statement of Interest submitted to the Donor for renewed project funding after September 2022, UNAMI HRO (through OHCHR DexRel) has requested increasing the number of UNVs recruited under the project from four to eight	UNAMI HRO	Pending Donor approval
<p>Recommendation 5: OHCHR should continue to enhance cooperation between the New York and Geneva HQ and its field presences to increase its advocacy on the integration and operationalization of human rights in the UN system and develop fundraising strategies around this, with the aim of ensuring that all human rights activities mandated by the Security Council for SPMs are financed adequately. This should include coordinated advocacy to Iraq by UN HQ and member states on the central importance of evidence-based monitoring, reporting and public advocacy by human rights components of DPPA/DPO missions.</p>		
<p>Management position on recommendation: Accepted</p>		
<p>Management comment : None</p>		
Key Actions	Responsibility	Time-frame
1. OHCHR Geneva, New York, and UNAMI HRO will continue to enhance cooperation including through the ongoing organisation of regular coordination meetings between the three entities.	OHCHR Geneva/New York/UNAMI HRO	Ongoing
2. In advance of key opportunities for engagement and advocacy, for example in the context of mandate renewals or strategic assessments or reviews undertaken to assess the funding of the mission, OHCHR Geneva, New York, and UNAMI HRO will develop an agreed upon strategy. plan of action, and common messaging to ensure a coordinated approach.	OHCHR Geneva/New York /UNAMI HRO	As required

Recommendation 6: OHCHR should take additional measures to enhance its security protocols on safely communicating and storing sensitive information collected online through remote working and social media

Management position on recommendation: Accepted

Management comment: None

Key Actions	Responsibility	Time-frame
1. UNAMI HRO will continue to utilise the human rights case database which facilitates the safe storage of sensitive information including during ongoing monitoring work.	UNAMI HRO	Ongoing
2. OHCHR will continue to review security protocols and the need for additional measures regarding the safe communication and storage of sensitive information in line on an ongoing basis as required, and will further ensure ongoing compliance with the Secretary-General's bulletin on the use of information and communication technology resources and data (ST/SGB/2004/15), and other relevant administrative issuances.	OHCHR Geneva	Ongoing

Recommendation 7: In the post-COVID environment, OHCHR should consider continuing remote working as an option in its recruitment and deployment policies as this could help in the recruitment and retention of disabled people and others who may be unwilling or unable to deploy to the field in hardship postings, including women and staff with families.

Management position on recommendation: Accepted

Management comment: None

Key Action	Responsibility	Time-frame
1. UNAMI HRO will also continue to comply with the instructions of the Designated Official for Security in Iraq with regard to remote working in the context of the COVID-19 pandemic and as well as the prevailing security situation in the country.	UNAMI HRO	Ongoing