

# **Human Rights Challenges Across Kurdistan: A Comprehensive Analysis**

## **Abstract**

This study analyzes the nexus of human rights issues overlaid on the extraordinarily varied setting of the Kurdish regions regarding Turkey, Iraq, Iran, and Syria. Although their inherently different political contexts represent how Kurd populations share common challenges in fundamental rights, political representation, cultural expression, and security, the existence of such challenges are made poignantly visible through reports. These human rights violations against Kurdish peoples, the legal regimes applying in the regions of consideration, and the interest-based politics that drive the human rights realities of these regions against the backdrop of the human rights situation facing Kurdish populations in Western Asia, are analyzed strictly based on authoritative reports and bibliography. Apart from KRI's status as the region most favorable to human rights, many human rights violations still occur in this region. Lastly, the study includes concrete recommendations that address human rights issues while respecting regional sovereignty, as well as recognizing Kurdish aspirations for recognition and dignity.

**Keywords:** Human Rights Violations, Kurdistan Region of Iraq (KRI), Freedom of Expression, Due Process, Political Violence

## **Introduction**

The Kurdish population is one of the largest ethnic groups in the world that does not have a nation-state, with estimates of their population numbers at between 30-40 million across Turkey, Iraq, Iran, and Syria. The various historical demands of the Kurds for recognition and self-determination have been met with varying degrees of resistance in the host nations, thereby creating a constellation of human rights issues that endure to this day. While the Kurdistan Region of Iraq has gained substantial autonomy following the toppling of the regime of Saddam Hussein, Kurds in Turkey, Iran, and Syria are severely curtailed in the exercise of their basic rights and freedoms (Khidir & Salih, 2014).<sup>1</sup>

This study examines the human rights situation in Iraqi Kurdistan as well as in other Kurdish regions with respect to the human rights issues, supported only with authoritative sources and official documents, hence giving a factual and analytical representation of the prevailing situation. It examines the manners in which the realizable violations are similar while accepting that each of the illegalities may differ in political, legal, and social contexts that govern Kurdish experience in different nation-states. By conducting this analysis and presentation, the study will provide insight into the nuanced nature of human rights hurdles that besiege Kurdish populations and possible avenues for attainments in rights.

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<sup>1</sup> Khidir, J. H., & Salih, S. H. (2014). Human Rights Situation in Iraq and Kurdistan Region: Constitutional and Political Prospects. *Beijing Law Review*, 5, 298-305.

## **Historical Context: Human Rights Abuses Against Kurdish Populations**

### **Iraq Under Saddam Hussein's Regime**

The most drastic and notoriously cited violation of human rights against Kurdish populations happened in Iraq, under Saddam Hussein's dictatorship, during the 1980s and 1990s. As it turns out, "[Saddam Hussein's was a] policy not only violating human rights; he deprived people of their basic rights, the right to live; for persecution and killing became the most synonymous features of the regime" (Khidir and Salih, 2014, p. 298).<sup>2</sup>

There was mass systematic persecution against those living in Kurdish areas during this entire period, most of which was conducted through military campaigns against Kurdish civilians. Chief among these was the Anfal operation, which took place between 1986 and 1989 and led to the death of an estimated 180,000 Kurdish civilians. Thousands of Kurdish villages were in ruins by this campaign, and chemical weapons were used across civilian populations, most astonishingly in Halabja during 1988, where nearly 5,000 Kurdish civilians were killed in just one attack (Khidir & Salih, 2014).<sup>3</sup>

Despite being one of the countries to sign the Universal Declaration of Human Rights by the United Nations General Assembly on December 10 of 1948, a long history of atrocities continued in Iraq until Saddam Hussein's isolated regime (Khidir & Salih, 2014, p. 298).<sup>4</sup> Among violations were massive

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<sup>2</sup> Khidir, J. H., & Salih, S. H. (2014). Human Rights Situation in Iraq and Kurdistan Region: Constitutional and Political Prospects. *Beijing Law Review*, 5, 298-305.

<sup>3</sup> Khidir, J. H., & Salih, S. H. (2014). Human Rights Situation in Iraq and Kurdistan Region: Constitutional and Political Prospects. *Beijing Law Review*, 5, 298-305.

<sup>4</sup> Khidir, J. H., & Salih, S. H. (2014). Human Rights Situation in Iraq and Kurdistan Region: Constitutional and Political Prospects. *Beijing Law Review*, 5, 298-305.

displacements of Kurdish population, demolitions of Kurdish villages, arbitrary arrests, torture, extrajudicial killings, and enforced disappearances. The wider policy of continuous "Arabization" was in the form of transferring Kurds to alter demographic composition in area of Kurdish minority by forced transfer of populations among resettlement of Arab populations in those areas.

The Kurdistan Region of Iraq was established as a semi-autonomous entity in 1991 after the First Gulf War when the U.S. and its allies imposed a no-fly zone on Iraq to protect the Kurds from further attack by the regime. However, this period was marked by the continued conflict among the Kurdish factions and economic pressure from the central government, resulting in ongoing humanitarian challenges for the Kurds.

### **Transition Period After 2003**

It was in that period after 2003 that Iraq held a political transition after the downfall of Saddam Hussein's regime, which included formally establishing the Kurdistan Region of Iraq (KRI) as an autonomous entity within the federal structure of Iraq. But this transition has also provided some ground for greater chances at addressing historical injustices and enhancing human rights for the Kurdish population.

Now, after 2003 "Human Rights found a good place in the policy and strategies of the Iraqi educational authorities," as per Khidir and Salih (2014), incorporated into school and university curricula (p. 298).<sup>5</sup> This marked a significant transition from the previous era, wherein beneficial initiatives did not exist to spread awareness of human rights through research activities or educational programs.

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<sup>5</sup> Khidir, J. H., & Salih, S. H. (2014). Human Rights Situation in Iraq and Kurdistan Region: Constitutional and Political Prospects. *Beijing Law Review*, 5, 298-305.

According to the formal recognition of the Kurdistan Region in the Constitution of Iraq, the same gives ground for the federal aspect of the region with considerable autonomy relevant to its governance and administration. In this context, Article 117 of the said Constitution says, "The Constitution, upon coming into force, shall recognize the region of Kurdistan, along with its existing authorities, as a federal region" (UNAMI, 2021, p. 5). Article 121(1) further elaborates that "the regional powers shall have the right to exercise executive, legislative, and judicial powers in accordance with this Constitution, except for those authorities stipulated in the exclusive authorities of the federal government" (UNAMI, 2021, p. 5). These constitutional provisions paved the way for establishing a legal basis for Kurdish self-governance and the protection of Kurdish rights in Iraq's federal structure.<sup>6</sup>

Also, the transition period has been marked with a myriad of challenges in the areas of security, political instability, and sectarian tensions, complicating the establishment of a sound human rights protection system. Khidir and Salih (2014) have it that "serious obstacles and very serious challenges have reduced the capacity of Iraq and Kurdistan Region from building an efficient system for Human Rights which are able to enhance Human Rights issues and support Human Rights Education" (page 298). The most pertinent of these political and human rights issues included phenomena such as the emergence of ISIS, which controlled large areas of Iraq from 2014 to 2017, internal political divisions, governmental power struggle between KRG and the federal government, and a multiplicity of armed groups and militias in the region.<sup>7</sup>

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<sup>6</sup> United Nations Assistance Mission for Iraq (UNAMI). (2021). Human Rights and freedom of expression: trials in the Kurdistan Region of Iraq.

<sup>7</sup> Khidir, J. H., & Salih, S. H. (2014). Human Rights Situation in Iraq and Kurdistan Region: Constitutional and Political Prospects. *Beijing Law Review*, 5, 298-305.

The changeover period has unsuccessfully, however, attempted addressing previous human rights violations through legal and institutional mechanisms. The Iraqi High Tribunal was established to trial ex-regime officials for their crimes against humanity, war crimes, and genocide, including those committed against the Kurdish population. Chemical Ali was hanged in 2010, while many abusers continued to enjoy impunity, and some victims' relatives are still waiting for justice and information regarding their missing kin.

### **Current Human Rights Situation in the Kurdistan Region of Iraq**

The current human rights situation in the Iraqi Kurdistan Region is complicated because even in a semi-autonomous region; violations of fundamental rights and freedoms have still been part of life in the Kurdistan Region. A very disturbing trend has been reported in the human rights situation in recent days, which has not even been able to benefit from constitutional protections or institutional developments.

### **Legal Framework and Constitutional Protections**

With the 2005 Iraqi Constitution, the Kurdistan Region was recognized as a federated region possessing considerable autonomy in internal affairs. It tells us through Article 117 that "the region of Kurdistan along with its existing authorities, is indeed a federal region. "analysis by UNAMI, 2021, p. 5). Besides, the Constitution is characterized by many provisions, which are fundamental rights and freedoms, and the legal form for the protection of human rights within the federal structure of Iraq. The constitutional scheme empowers the Kurdistan Regional Government to govern most aspects, including security forces and administration.

Article 121(1) of the Constitution states that "the regional powers shall have the right to exercise executive, legislative, and judicial powers in accordance with this Constitution, except for those authorities stipulated in the exclusive authorities of the federal government...(UNAMI, 2021, p. 5). This is constitutional form of setting up the KRG to develop its institutions and legal systems, such as courts, security forces, and administrative bodies.<sup>8</sup>

Yet, the same U.S. Department of State further stated that: the human rights situation worsened during the year with increased federal and Kurdistan Regional Government restrictions on fundamental freedom and civic space (2023, p. 1).<sup>9</sup> This occurred notwithstanding constitutional protections; it shows how separation exists between legal frameworks and effective human rights standards in practice. With the establishment of various institutions geared toward protecting and promoting human rights, including the Kurdistan Region Independent Human Rights Commission and human rights departments within government ministries, the Kurdistan Region has made some effort toward protecting human rights. Although these institutions put in place mechanisms and programs to tackle human rights issues, the realization of such programs has been drastically hindered by political interference, resource constraints, and, lately, more encompassing security factors within the region.

The hiatus between the constitutional mechanism and operational realm has also been emphasized by Khidir and Salih (2014), who point out that "severe difficulties and serious challenges have reduced the capacity of Iraq and Kurdistan Region from building an efficient system for Human Rights" (p. 298).

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<sup>8</sup> United Nations Assistance Mission for Iraq (UNAMI). (2021). Human Rights and freedom of expression: trials in the Kurdistan Region of Iraq.

<sup>9</sup> U.S. Department of State. (2023). Iraq 2023 Human Rights Report. Bureau of Democracy, Human Rights, and Labor.

There are a variety of challenges confronting human rights institutions, including lingering security issues, political instability, disputes on jurisdiction and resource sharing between federal authority and regional authority, and political opposition and affiliated militia encroachment on the governance machinery.<sup>10</sup>

### **Freedom of Expression and Political Participation**

Even though free speech is granted constitutional rights, the matter is unfortunately quite limitative in the Kurdistan Region. The UNAMI report on freedom of expression in the Kurdistan Region unveils systematic problems with both the legal framework and judicial processes concerning freedom of expression cases.

The criminal provisions invoked in these cases are described in rather vague and broad terms, resulting in a patchwork of interpretations by courts, and a lack of clarity in relation to the actual charges" (UNAMI, 2021, p. 9). This ambiguity in the law permits authorities to prosecute individuals who criticize publicly government actions or policies.

The report also shows that "the principle of legality set out under Article 15 of the ICCPR mandates that any law is worded with such precision as to enable an individual to regulate his or her conduct accordingly. The broad and imprecise definitions contained in these provisions significantly enlarge the scope of the proscribed conduct and make it susceptible to arbitrary and subjective interpretation" (UNAMI, 2021, p. 9). This vagueness then places a chilling

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<sup>10</sup> Khidir, J. H., & Salih, S. H. (2014). Human Rights Situation in Iraq and Kurdistan Region: Constitutional and Political Prospects. *Beijing Law Review*, 5, 298-305.



effect on free speech, as individuals lack the understanding of what speech might be the basis for prosecution.<sup>11</sup>

The UNAMI report also voiced concerns over the fairness of trial standards in cases of freedom of expression, noting that in some cases, prosecution did not "sufficiently describe the underlying acts carried out by the individuals which constituted the alleged crimes". In one case documented, "the conviction of the accused was according to judgment pronounced in court solely based on application of provision relating to conspiracy to commit crime (Article 56 of Penal Code). No underlying criminal act was identified" . Such public procedural inadequacies damage the right to a fair trial, allowing arbitrary deprivation of liberty . Journalists are known to face threats and dangers; they face it more in their reporting concerning sensitive issues or critical of the Government. The Human Rights Report 2023 of the Department of State affirms "serious restrictions on free expression and media, including violence or threats of violence against journalists, unjustified arrests and prosecutions against journalists, censorship, etc," happening in Iraq, but not limited to Kurdistan Region (p. 1).<sup>12</sup> These restrictions also create an environment where self-censorship is rampant, and journalists avoid writing on topics that attract the attention of the Government or would be interfering with it. These restrictions on freedom expression also restrict political participation; if people cannot express themselves freely in opinion, criticism of government policies, or articulate alternative viewpoints, then political participation can only be quite limited. This is troubling above all in a region where democratic institutions are

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<sup>11</sup> United Nations Assistance Mission for Iraq (UNAMI). (2021). Human Rights and freedom of expression: trials in the Kurdistan Region of Iraq.

<sup>12</sup> U.S. Department of State. (2023). Iraq 2023 Human Rights Report. Bureau of Democracy, Human Rights, and Labor.

still budding, whose development can benefit from vigorous public discourse and diverse political perspectives.

### **Due Process Concerns and Fair Trial Rights**

The UNAMI report on the freedom of expression in the Kurdistan Region reveals very serious issues with the access to due process and fair trial rights in criminal proceedings. The same report states, "There exists consistent lack of respect for the legal conditions and procedural safeguards necessary to guarantee fair judicial proceedings before an independent and impartial tribunal" (UNAMI, 2021).<sup>13</sup>

One of the most serious issues related to criminal trials is the evidence used during the trials. The UNAMI paper referred to "multiple practices relating to the evidence offered at the hearings which contravene international human rights standards, including violations of rights of the accused to call witnesses and experts to testify in their favour, and to examine, or have examined, the witnesses against him or her" (UNAMI, 2021, p. 9).<sup>14</sup> Some practices are the people in the courtroom heavily relying on secret informants and that evidence will be given by those informants without the opportunity for cross-examination leaving the defendants to challenge it.

Besides, the report brings another big question regarding how the allegations of forced confession are handled stating that "in most cases observed by OHCHR/UNAMI, defendants denied before the courts having made statements attributed to them during the investigations, alleging that they were subjected to coercion. In those instances, the courts did not make efforts to properly

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<sup>13</sup> United Nations Assistance Mission for Iraq (UNAMI). (2021). Human Rights and freedom of expression: trials in the Kurdistan Region of Iraq.

<sup>14</sup> United Nations Assistance Mission for Iraq (UNAMI). (2021). Human Rights and freedom of expression: trials in the Kurdistan Region of Iraq.

examine the allegations or to determine whether the statements were made voluntarily" (UNAMI, 2021, p. 10). The lack of such investigations nullifies the value of the judicial process and it is made possible for using torture or ill-treatment obtained evidence in criminal proceedings.<sup>15</sup>

The panel further documents how "courts made no moves to investigate allegations of torture or other coercion nor identify potential perpetrators," as required by international human rights law without delay and impartiality (UNAMI, 2021, p. 10).<sup>16</sup> This sort of investigation into torture allegations therefore creates a scenario in which ill-treatment in detention could occur with impunity.

The report also covers detention concerns, further stating that: "major detention safeguards continued to be poorly respected; access to prompt medical examination, prohibition of defense lawyers' presence during the first hours of detention, non-video recording of suspect interrogation, and absence of specific mechanism for torture reporting among other." This procedural inadequacy heightens the likelihood of torture and abuse in detention and further undercuts the fairness of subsequent criminal proceedings.

Some accused persons were denied appropriate legal representation. Thus, an example would be "there was no lawyer provided to the accused, and it appears that no lawyer was appointed by court to give legal assistance" (UNAMI, 2021, p. 8).<sup>17</sup> This would greatly hamper a defendant's ability to present a defense, and thereby present obstacles to contesting the evidence of the prosecution, and

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<sup>15</sup> United Nations Assistance Mission for Iraq (UNAMI). (2021). Human Rights and freedom of expression: trials in the Kurdistan Region of Iraq.

<sup>16</sup> United Nations Assistance Mission for Iraq (UNAMI). (2021). Human Rights and freedom of expression: trials in the Kurdistan Region of Iraq.

<sup>17</sup> United Nations Assistance Mission for Iraq (UNAMI). (2021). Human Rights and freedom of expression: trials in the Kurdistan Region of Iraq.

would therefore contravene Article 14(3)(d) of the International Covenant on Civil and Political Rights (ICCPR).

### **Political Violence and Targeted Killings**

High-profile killings of political figures and human rights activists point to the seriousness of political violence in the Kurdistan Region. The U.S. Department of State (2023) indeed reports, "July 7, militants shot and killed two members of the Democratic Party of Iranian Kurdistan, based in the North, and wounded another in an incident in Sulaymaniya" (p. 4)<sup>18</sup>. This just brings into focus the dangers for perpetrators in Kurdish political activism, especially those in opposition to the ruling regime as refugees within the confines of the Kurdistan Region.

Another incident is recorded in that "Karwan Gaznay, a Patriotic Union of Kurdistan (PUK) politician, stated he survived an attempt on his life" in May 2023 (U.S. Department of State, 2023, p. 4). By attempting to assassinate a member from one of the main political parties in the Kurdistan Region, it just serves to pile more evidence upon the already troublesome political environment and that people involved in political activities are subject to risks, however those may be associated with established parties.

Further, the U.S. Department of State (2023) reports, "human rights activists, particularly those who criticized politicians and militia groups, said they faced harassment" (p. 4). In one instance, "human rights activist Omar Adil al-Qasbi survived an attempt to kill him in Diyala after an armed group severely attacked and beat him" (U.S. Department of State, 2023, p. 4). Such incidents create fear

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<sup>18</sup> U.S. Department of State. (2023). Iraq 2023 Human Rights Report. Bureau of Democracy, Human Rights, and Labor.

that cripples the ability of human rights defenders and civil society organizations to work in documenting and addressing human rights abuse.<sup>19</sup>

Often the authors of such violence act without punishment. The U.S. Department of State (2023) observes, "human rights organizations reported that Iran-aligned PMF militia groups engaged in killing, kidnapping, and extortion throughout the country, particularly in ethnically and religiously mixed provinces" (p. 4).<sup>20</sup> The existence of such groups, which usually work outside the purview of the government, creates an environment that is particularly treacherous for the maintenance of law and order.

Political violence in the Kurdistan Region draws attention to attempts at governance and security in the broader sense. These include internal political divides, the influence of neighboring countries, the presence of assorted armed groups, and the ongoing disputes between the KRG and the federal government. To face political violence, both security measures and inherent political reforms directed toward an inclusive governance framework are needed in order to strengthen the rule of law and address the grievances that provide the source of instability.

### **Enforced Disappearances and Arbitrary Detention**

Forced disappearances are serious human rights issues in Iraq, affecting the Kurdistan Region as well. As per U.S. Department of State (2023), "In the period 2017 to 2023, the Iraqi Observatory for Human Rights recorded nearly 12,000 reports of missing persons." Some of these reports, however, may have been so much underreported that much larger numbers exist (p. 5). In the first

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<sup>19</sup> U.S. Department of State. (2023). Iraq 2023 Human Rights Report. Bureau of Democracy, Human Rights, and Labor.

<sup>20</sup> U.S. Department of State. (2023). Iraq 2023 Human Rights Report. Bureau of Democracy, Human Rights, and Labor.

half of this reporting year too, the International Committee of the Red Cross registered 994 tracing requests, but only a few cases were solved.<sup>21</sup>

It has received international attention because of its magnitude. In April and September 2023, the UN Committee on Enforced Disappearances urged the Iraqi government to address the needs and rights of victims through punishment provisions for enforced disappearance under separate heads in national legislation, elaboration of a comprehensive search and investigation strategy, and registration of all detainees (U.S. Department of State, 2023, p. 5).<sup>22</sup>

Arbitrary detention remains a persistent problem. One of the major human rights issues in Iraq in general, including the Kurdistan Region, has been documented in the US Department of State (2023) as "arbitrary arrest or detention" (p. 1). Such arrests are not usually based on law. Politically motivated detentions are common in case of arbitrary arrest or detention.<sup>23</sup>

It violates multiple constitutional protections and international human rights standards, including the right to due process; the right against arbitrary detention; and safeguards against torture and ill treatment. Therefore, their existence shows a great gap between the formal protections and the actual implementation and realization of human rights standards in the Kurdistan Region and beyond in Iraq.

### **Torture and Cruel, Inhuman, or Degrading Treatment**

Even though the Constitution prohibits such practices, reports of torture as well as other cruel, inhuman, or degrading treatment repeatedly come from detention

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<sup>21</sup> U.S. Department of State. (2023). Iraq 2023 Human Rights Report. Bureau of Democracy, Human Rights, and Labor.

<sup>22</sup> U.S. Department of State. (2023). Iraq 2023 Human Rights Report. Bureau of Democracy, Human Rights, and Labor.

<sup>23</sup> U.S. Department of State. (2023). Iraq 2023 Human Rights Report. Bureau of Democracy, Human Rights, and Labor.

facilities across Iraq, including the Kurdistan Region. The U.S. Department of State (2023) states "credible reports of: arbitrary or unlawful killings including extrajudicial killings; enforced disappearance; torture and cruel, inhuman and degrading treatment or punishment by government officials; harsh and life-threatening prison conditions" (p. 1).<sup>24</sup>

The report from UNAMI refers to lack of proper observation of key detention safeguards: "timely medical examinations; prevention of the presence of defence lawyers during the initial hours of detention; absence of video-recording of interrogation sessions of suspects; and no clear mechanism to report torture" (UNAMI, 2021, p. 10). These procedural lapses increase chances of torture and ill-treatment in detention.<sup>25</sup>

Moreover, the report notes that the majority of defendants complain of having made their statements under duress during the course of investigations. "In many instances observed by UNAMI, defendants denied in court having made statements attributed to them during the investigations, claiming that they were subjected to coercion. The courts have not taken steps to properly investigate such claims nor to attempt to ascertain whether or not the statements were made freely" (UNAMI, 2021, p. 10). This failure to investigate claims of threats compromises the integrity of the judicial process and may permit evidence obtained through torture or ill-treatment to be used in criminal proceedings.<sup>26</sup> Such practices, therefore, violate both domestic constitutional provisions and international human rights standards. The very existence of these practices

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<sup>25</sup> United Nations Assistance Mission for Iraq (UNAMI). (2021). Human Rights and freedom of expression: trials in the Kurdistan Region of Iraq.

<sup>26</sup> United Nations Assistance Mission for Iraq (UNAMI). (2021). Human Rights and freedom of expression: trials in the Kurdistan Region of Iraq.

indicates the need for stronger institutional safeguards and independent monitoring mechanisms, as well as accountability measures for preventing and addressing torture and ill-treatment in detention facilities.

## **Human Rights in Turkish Kurdistan**

The cultural identity and political representation of Kurdish citizens are consistently challenged in Turkey. The Turkish state has instituted policies, which may grossly be characterized as counterterrorism measures, that would for instance restrict the rights of the Kurdish language as well as cultural expression and political organization.

### **Restrictions on Kurdish Language and Cultural Expression**

Language restrictions have historically constrained—from education to media and official usage in Turkey-Kurdish expressions of culture, along with an impact on the passing of Kurdish values to succeeding generations. Lack of use in education, media, and official contexts has furthermore inhibited the transmission of Kurdish culture to subsequent generations. The Human Rights Foundation states: "In Turkey, the Kurds have been historically discriminated against in a systematic manner-like restriction of language, access to education, healthcare discrimination and not having a political representation..." This restriction runs counter to international human rights standards concerning the rights of minorities and cultural expression, including Article 27 of the International Covenant on Civil and Political Rights, which gives the minority "the right to enjoy its own culture, to profess and practice its own religion, or to use its own language."

Restrictions on language leave deep scars when it comes to education. Enormous barriers in education in a language understood relegated Kurdish



children of significance to access, therefore limiting their educational opportunities and outcomes. Cultural rejection is further made worse by denying education in one's language, with language extinction blatantly looming in between generations.

Further restrictions entail access to information and media dissemination of cultural expression. Through excessive regulatory hurdles and political harassment, the outlets of the Kurdish language media cannot freely function on behalf of their Kurdish audiences. Such restrictions breach freedom of expression, as well as impede the development of Kurdish cultural and artistic expressions via the media.

Eventually, the long-term impact saw the gradual demise of Kurdic civilization and language tradition in Turkey. The connection of younger generations to Kurdish language and culture has been gradually severed with the lack of opportunities to undertake formal studies. Urbanization, economic pressure, and overall political marginalization of Kurdish communities work to accelerate this process of cultural assimilation.

### **Political Repression and Anti-Terrorism Laws**

The Turkish government's path toward recognizing the political representation of the Kurdish peoples has met with considerable difficulties, including mass arrests and detention of Kurdish political leaders by anti-terrorism laws applied in a generalized manner. According to the Human Rights Foundation, "Kurdish political party and also individual face several problem about freedom of speech or do political participation" in Turkey (Human Rights Foundation, 2024).

Political leaders are often arrested under anti-terrorism laws, which are applied to suppress Kurdish political activity.<sup>27</sup>

The harshest limitations of Kurdish political representation and participation in the democratic process are violations of essential political rights and tenets of democratic governance, as further noted by the Human Rights Foundation, which adds, "The most media control by state and journalist activity are highly control also political leader are arrested sometime by the reason of anti-terrorist" (Human Rights Foundation, 2024).<sup>28</sup>

An incredibly alarming trend has been the use of anti-terrorism legislation to repress political dissent. By narrowly defining terrorism, Turkey is able to label nearly any political activity--from peaceful campaigning for Kurdish rights to criticism of government policies--as a criminal act. This has led to the detention of numerous Kurdish political leaders, journalists, and civil society activists on dubious charges lacking of credible evidence linking them to any true terrorist activities.

The Turkish authorities have contravened effective representation through the dissolution of Kurdish political parties and the removal of elected Kurdish officials. Several Kurdish political parties have been banned by Turkish authorities, and elected Kurdish mayors have been removed from office and replaced with government-appointed trustees. These actions denied the Kurdish communities their chosen political representatives and undermined the democratic process in Kurdish-majority regions.

The effect of these restrictions on political participation has thus been the failure to afford Turkish political discourse and decision-making any weight in favor

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<sup>27</sup> Human Rights Foundation. (2024). The Survival of Kurdish Identity in Turkey.

<sup>28</sup> Human Rights Foundation. (2024). The Survival of Kurdish Identity in Turkey.

of Kurdish concerns. In this way, the political marginalization of Kurdish communities has severely limited their ability to advocate for their rights and express their specific needs, thus aggravating historical grievances and tensions between Kurdish communities and the Turkish state.

### **Security Operations and Civilian Impacts**

Thus, Turkish security operations in Kurdish-majority areas affect civilian populations considerably. Such operations usually conducted in the name of counterterrorism have left civilians dead, displaced, and property destroyed in Kurdish villages and urban centers.

Human rights organisations have also listed instances of extreme force during the security operation, including disproportional use of heavy weaponry in populated areas, creating a situation in which civilians die, get injured, and lose property, thereby fleeing their homes and communities.

The curfew has put into place a near-impossible restriction on the movement and access of Kurdish civilians to essential services. Long curfews have started being implemented, and now residents among them have been greatly deprived of accessing means to healthcare, food, water, and basic necessities, resulting in humanitarian concerns for areas affected.

Altogether, these measures have resulted in severe dislocation of Kurdish populations from their traditional communities to urban centers where they find it hard to keep up economically, as well as being socially marginalized. These displacements tend to dislocate the community structure, breaking families apart and creating even more complex problems for already highly vulnerable peoples.

## **Human Rights in Iranian Kurdistan**

Ethnic and political discrimination marked by a systematic denial of identity sets Iranian Kurds' situations parallel with their fellow countrymen in Turkey. Besides that, they hardly enjoy cultural expressions, political activities, or economic opportunities.

### **Political Repression and Targeted Violence**

Kurdish activists are often the target of extreme measures by the political repression undertaken by the Iranian authorities in Kurdistan. The U.S. Department of State (2023) reports, "militants shot and killed two members of the Democratic Party of Iranian Kurdistan, based in the north, and wounded another in Sulaymaniya" in July 2023 (p. 4). These occurrences speak of the hazardous environment for Kurdish political activists in Iran and across the border. The Iranian authorities have always crushed Kurdish political movements and organizations, viewing them as threats for the sake of national security and territorial integrity. This subjugation has involved arbitrary arrests, detentions without trial, torture, as well as extrajudicial killings of Kurdish activists and leaders.<sup>29</sup>

Kurdish political organizations in Iran are heavily hampered and usually must carry out their activities from abroad, in either the neighboring Kurdistan Region of Iraq. Such targeting of exiled activists, as in the case of the assassinations of the Democratic Party of Iranian Kurdistan members, shows that repression against Kurdish political activists from Iran is transnational.

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<sup>29</sup> U.S. Department of State. (2023). Iraq 2023 Human Rights Report. Bureau of Democracy, Human Rights, and Labor.

The other major aspect of political repression in Iranian Kurdistan has been the imposition of long sentences, including the death penalty, on Kurdish political activists. Death sentences or lengthy imprisonments of Kurdish activists charged with political offenses were handed down, and trial procedures did not conform to international standards of due process and fair trial rights.

The impact of this political repression has been to effectively stifle organized Kurdish political activities within Iran and create a climate of fear that inhibits political involvement among Kurdish communities. With this repression of political space, the ability for Kurdish communities to advocate for their rights and speak to their specific needs has also been severely curtailed.

### **Cultural and Linguistic Restrictions**

Iranian Kurds are severely restricted when it comes to expressing their culture and language. Kurdish is rarely ever used in schools, while instruction is primarily conducted in Persian. Such restrictions therefore deny Kurdish children a proper education and are complementary to the further erosion of Kurdish linguistic heritage. Various restrictions are imposed on Kurdish cultural expression in the areas of music, literature, and traditional practices. Such restrictions violate the rights of Kurdish peoples to uphold and express their cultural identities and traditions. Media restrictions do add another dimension to the limitation of cultural expression and access to information. Kurdish-language media are heavily restricted by regulatory limitations and political pressures in Iran and are therefore unable to operate freely and communicate especially to Kurdish audiences. Such restrictions violate the free press and expression and subsequently restrict the growth of Kurdish culture and arts through channels of the media.

In the long term, such restrictions have contributed to the gradual erosion of Kurdish cultural heritage and traditions of language in Iran. Consequently, generations of young people have lost their identity through the lack of opportunities for formal education in Kurdish language and culture. Cultural assimilation is presently fastened by urbanization, economic pressure, and Kurdish communities' political marginalization.

### **Economic Marginalization**

The human rights issues of the Kurdish people in Iran are aggravated by economic marginalization. Human Rights Foundation notices that "opportunity for Kurds are often limited by political reason and also they make Kurdistan regions deprived areas by stop industrial factory" (Human Rights Foundation, 2024). This organized deprivation also increases the poverty level and limits development in the Kurdish areas of Iran.<sup>30</sup>

Compared to non-Kurdish ones, the Kurdish regions of Iran generally have higher rates of unemployment, lower volumes of investment, and poorer developments in infrastructure. Thus, this economic disparity reflects conscious policies which somewhat limit the region's economy from racially motivated control of the areas to see that the economy does not develop bases for a possible Kurdish autonomy.

For example, it further documents that "In other 3 country [Including Iran] opportunity for Kurd are often limited by political reason and also they make Kurdistan regions deprived areas by stop industrial factory" (Human Rights Foundation, 2024). This deliberate economic marginalisation causes all the

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<sup>30</sup> Human Rights Foundation. (2024). The Survival of Kurdish Identity in Turkey.

cycles of poverty and underdevelopment that impact mothers overmuch in a particular region.

Limited economic opportunities have contributed to massive out-migration from Kurdish areas, with many Kurds settling in urban centers or leaving the country altogether in search of greener pastures. This migration has further alienated Kurdish communities and diluted the identity and culture in traditional Kurdish areas.

Political repression combined with economic marginalization thus does a cycle of disadvantage to Kurdish communities concerning education, healthcare, employment, and other essential services. Thus, solving these intertwined issues will require political reforms acknowledging Kurdish rights and economic development schemes targeting the historically marginalized Kurdish areas.

## **Human Rights in Syrian Kurdistan (Rojava)**

Human rights within Syrian Kurdistan (Rojava) have been impacted by the Syrian civil war and the subsequent path that Syrian internal politics took. Despite a certain degree of de facto autonomy having been established by Kurdish forces in northeastern Syria, human rights challenges continue to exist in the face of an ongoing conflict and external threats.

### **Displacement and Humanitarian Crisis**

The Kurdish community in Syria has been largely displaced due to the ensuing Syrian conflicts, which create terrible humanitarian crises. As the Human Rights Foundation claims, "The ongoing war in Syria-Iraq-and Turkey leads enormous displacement into internal state and across border mostly due to insecurity and lack of basic services or needs" (Human Rights Foundation, 2024). Such displacement affects hundreds of thousands of Kurdish civilians.

However, for refugees resettled in their host country, avail of a good exit strategy and protection from the local authorities; for those left behind, the mere absence of basic necessities presents dire survival challenges.<sup>31</sup>

The U.S. Department of State (2023) cites continuing issues of "forced returns of internally displaced persons and refoulement of refugees facing torture" (p. 2). These specifically affect the Kurdish population displaced by war, who additionally become extremely vulnerable if forced to return to areas where they may be subjected to even higher persecution and violence.<sup>32</sup>

Displacement has left displaced Kurdish populations with innumerable cases of hardship: inadequate shelters, poor health facilities, few schools, lack of food, and very low economic conditions. Many are currently crowded into informal settlements or host communities that are overcrowded and poorly built to cater for the increased population.

The situation is particularly dire for the vulnerable groups within the displaced individuals such as children, women, elderly persons, and persons with disabilities. These groups face increased risk and specific challenges that require targeted humanitarian response and protection measures.

The state of humanitarian access to the areas governed by Kurds has been, even more often than otherwise, politically and insecurely restricted. Therefore, the meaningful and effective intervention by humanitarian organizations will not reach the beneficiaries under such limited access to humanitarian action, thus aggravating the humanitarian crisis and leaving several displaced Kurdish civilians without needed assistance.

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<sup>31</sup> Human Rights Foundation. (2024). The Survival of Kurdish Identity in Turkey.

<sup>32</sup> U.S. Department of State. (2023). Iraq 2023 Human Rights Report. Bureau of Democracy, Human Rights, and Labor.



## **Political Developments and Governance Structures**

It is true that the Kurdish authorities in Syria are making great efforts to build inclusive governance structures with women's representation and representation for other religious minorities. These governance models are a big departure from the authoritarian systems that have ruled the region for so long.

The local councils and co-leading positions by male and female representatives have opened windows for women's political participation , which is historically unmatched in this region. This orientation of gender equality as placed in the governance structures stands in sharp contrast to the much patriarchal political systems that mainly featured in the region.

In fact, many more ethnic and religious communities have been involved in governance, representing Arabs, Assyrians, and other minority groups who live within the control of the Kurds. Such inclusive governance is meant to answer all voices and needs of several communities in the region and result in a situation that mitigates possible sectarian movements outside of it.

Thus, these political developments also encounter external threats that include military operations by Turkey and the Syrian government's pressure to reintegrate the Kurd-controlled territories into state authority. They thereby jeopardize the already limited political and cultural rights established by Kurdish communities in northeastern Syria.

The security of these governance models is not clear with the conflict and regional geopolitics. The fate of Kurdish autonomy in Syria will depend on the bargaining strength of each party in future political negotiations and the balance of power among the regional players with respect to that bargaining strength, as well as Kurdish authority's capabilities for stability and effective governance in the face of multiple challenges.

## **Security Challenges and Armed Conflict**

Most of all, the Kurdish regions in Syria face very serious security threats, ranging from remnants of ISIS to operations of the Turkish military and the possibility of clashes with the Syrian government forces. The direct consequence of these security threats is on human rights of the inhabitants of these areas.

Turkish military activities in northern Syria, among which Operation Peace Spring, have seen civilians killed, displaced, and accused of infringements of human rights during the crackdown against Kurdish populations from 2019. These have all occurred and were directed at Kurdish-held areas and have threatened the stability and security of the communities among which the Kurds live.

ISIS cells continue to function in the region, posing both an internal and external threat to areas controlled or were supposed to be controlled by the Kurds. The territorial defeat of ISIS took place in 2019, but unfortunately, its operations still continue by carrying out attacks in the region, thereby threatening the safety and security of civilians.

Potentially, another source of security considerations for the civil society is the existence of a confrontation contained within the civil between the Kurdish forces and Syrian government forces: an armed confrontation that would yield dire repercussions for the population in contested areas. Russian and American forces scattered throughout the different regions of the area complexify the scenario even further.

In short, the security situation still remains volatile and unpredictable in the Syrian Kurdish regions. The implications for human rights are very significant in the areas of the right to life, security of person, and freedom of movement.

Civilians continue to be vulnerable to different armed actors and the possibility of reoccurrence of conflicts.

## **Common Human Rights Challenges Across Kurdish Regions**

Though the political context of each Kurdish region is different, some human rights issues are the same across these areas. Common challenges which these areas share reflect ethnic discrimination, political repression, and denial of cultural rights as part of the broader Kurdish experience across numerous nation-states.

### **Freedom of Expression and Political Participation**

The target of restrictions against free expression remains a major concern in all Kurdish regions. The U.S. Department of State (2023) described it thus: "Serious restrictions on free expression and media, including violence or threats of violence against journalists, unjustifiable arrests and prosecutions against journalists, censorship" (p. 1). This concern is very grave for those expressing dissent towards government actions regarding Kurdish rights or putting forward demands for more Kurdish autonomy.<sup>33</sup>

According to the Human Rights Foundation, in Turkey and Iran, "Kurdish political party and also individual face several problem about freedom of speech or do political participation" (Human Rights Foundation, 2024). Such restrictions apply in Syria and, to some degree, in the Kurdistan Region of Iraq, where political expressions against the authorities face severe limitations.

Journalists reporting Kurdish issues are subject to specific risks, including harassment, detention, prosecution, and, in some cases, violence. The deliberate

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<sup>33</sup> U.S. Department of State. (2023). Iraq 2023 Human Rights Report. Bureau of Democracy, Human Rights, and Labor.

targeting of journalists results in a chilling effect on the environment for Kurdish issues, exacerbating the information gap with respect to human rights conditions in the Kurdish regions.

Political participation is also restricted across the Kurdish regions but with varying degrees of harshness. The barriers faced by Kurdish political parties and activists include hindrances to organizing, campaigning, and participating in electoral processes. Some have faced outright bans, while in others, administrative obstacles, harassment of candidates or supporters, and interference in the electoral process have prevailed.

These restrictions on freedom of expression and political participation violate the bedrock principles of democratic governance and human rights, including those protected in Article 19 and Article 25 of the International Covenant on Civil and Political Rights. Addressing these restrictions is vital for the building of more inclusive and democratic societies that respect the rights of Kurdish citizens.

### **Ethnic Discrimination and Cultural Rights**

Across all four states, the distribution of discrimination that particularised Kurdish peoples may differ from one country to another along the lines of ethnic identity. As stated by the Human Rights Foundation, “Kurdish people in Iran, Syria and Turkey has systematic discrimination, including language restrictions, unequal access to education and healthcare, and lack of political representation” (Human Rights Foundation,2024).<sup>34</sup>

A proper concern for language rights has arisen because restrictions against the use of the Kurdish language in education, media and official use persists in

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<sup>34</sup> Human Rights Foundation. (2024). The Survival of Kurdish Identity in Turkey.

Turkey, Iran and Syria. Such restrictions hinder the cultural transmission across generations and provide limited educational opportunities for children speaking the Kurdish language.

Barriers to receiving education in the native language of Kurds serve as barriers to educational achievement while contributing to drop-out rates in school. Not being able to obtain education in one's own tongue poses obstacles to the actual achievement of education, thereby contaminating the folk life and stain on the culture.

Kurdish communities are also affected through ethnic discrimination in accessing healthcare. Social injustice strikes through healthcare availabilities as Kurdish regions satisfy fewer healthcare quaintness against the selected territories in that country. Lower medical personnel and investment in healthcare structures thus lead to lower health outcomes for Kurdish populations and betray an overall pattern of discrimination in resource allocation.

Cultural expressions, including music, literature, and traditional handicrafts, are being subjected to varying degrees of restrictions and regulations across the Kurdish regions. These limits infringe upon the right of Kurdish communities to maintain and develop their cultural identity and traditions, fuelling cultural erosion and loss of intangible heritage.

### **Women's Rights and Gender Equality**

Gender-based discrimination affects Kurdish women across all regions differently but with a significant difference in severity. As states, "Kurdish woman especially in rural areas faced gender-based violence, educational

limitation and traditional patriarchal restrictions" (Human Rights Foundation, 2024).<sup>35</sup>

In the rural areas of Kurdistan, traditional structures of patriarchy reduce women's educational and economic opportunities; thus, multiple disadvantages have been created for Kurdish women. Limited access to education means limited future employment prospects, as well as resulting economics and public life, which continue the cycle of gender inequality.

Gender-based violence and abuse, including honor killings, forced marriages, and other cruel and harmful practices, are usually found in Kurdish women's experiences across all regions. Laws and policies on the violence have been very insufficient in some cases, while the enforcement part is also weak, making it difficult for women to seek help in cases of experiencing abuse.

In other Kurdish regions, the representation is significantly poor compared to the Rojavan context, where the governance model has paid enough attention to women's inclusion in political leadership through co-leadership arrangements and quotas. This lack of representation limits the ability of women to influence policies that affect them and address gender-specific concerns.

Among the concerns raised by these contexts is that there can be a layering of marginalization based on their ethnic identity and gender. This necessitates the need for focused approaches that recognize and respond specifically to the ethnic and gendered nature of this intersectionality for addressing these layered forms of discrimination.

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<sup>35</sup> Human Rights Foundation. (2024). The Survival of Kurdish Identity in Turkey.

## **Displaced Populations and Humanitarian Concerns**

A number of Kurdish refugees and internally displaced persons have been created by conflict and political crisis. The Human Rights Foundation states that "The ongoing war in Syria, Iraq, and Turkey has led a huge displacement in internal and across borders owing to insecurity and lack of basic services or needs" (2024).<sup>36</sup>

In particular, the U.S. Department of State (2023) documents "restrictions on freedom of movement, including forced returns of internally displaced persons to locations where they faced threats to their lives and freedom; refoulement of refugees to a country where they would face torture or persecution" (p. 2).

<sup>37</sup>Specifically, these issues concern Kurdish populations who are displaced because of conflicts and may consider facing severe threats if forced to return to areas where they meet with persecution or violence.

Kurdish displaced populations face multiple problems as inadequate shelters, little health care or education access, food insecurity, and economic problems. Many people are living in informal settlements or overcrowded host communities, which do not have enough infrastructure that could support an increased population.

The situation becomes most critical for specific categories of the displaced population-female, children, elderly people, and persons with disabilities. Such groups bear more risks and face specific challenges that necessitate awareness among humanitarian actions and protection measures.

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<sup>36</sup> Human Rights Foundation. (2024). The Survival of Kurdish Identity in Turkey.

<sup>37</sup> U.S. Department of State. (2023). Iraq 2023 Human Rights Report. Bureau of Democracy, Human Rights, and Labor.

Though there is great displacement recorded among Kurdish populations, there has not been a corresponding response in terms of humanitarian actions. Political factors, resource challenges, and security threats have limited the quality of humanitarian responses; thus, many displaced Kurdish civilians remain without adequate humanitarian assistance.

## **Legal Frameworks and International Standards**

### **Constitutional Protections in Iraq**

The Iraqi constitution of 2005 officially grants essential human rights guarantees and recognizes the Kurdistan Region as a federal entity with considerable autonomy. Article 117 of the Constitution acknowledges "the region of Kurdistan, together with its existing authorities, as a federal region" (UNAMI, 2021, p. 5).<sup>38</sup> Therefore, this constitutional recognition provides legal grounds for Kurdish autonomy within the federal framework of Iraq.

Fundamental rights and freedoms are guaranteed under the Constitution, including freedom of expression, freedom of assembly, and freedom of association. Article 19 of the Constitution stipulates that "the judiciary is independent and no power is above the judiciary except the law" and that the "right to a defense shall be sacred and guaranteed in all phases of investigation and the trial" (UNAMI, 2021, p. 5). The above provisions set a legal framework for due process rights and, hence, fair trial rights.<sup>39</sup>

However, as U.S. Department of State (2023) and UNAMI- respectively baselined reports presented document the same, the constitutional rights have

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<sup>38</sup> United Nations Assistance Mission for Iraq (UNAMI). (2021). Human Rights and freedom of expression: trials in the Kurdistan Region of Iraq.

<sup>39</sup> United Nations Assistance Mission for Iraq (UNAMI). (2021). Human Rights and freedom of expression: trials in the Kurdistan Region of Iraq.



not come into effect or to reality as expected. Specifically, the UNAMI report stated: "Consistently lack of respect for the legal conditions and procedural safeguards necessary to guarantee fair judicial proceedings before an independent and impartial tribunal." Also at an undermining gap, it limits the effectiveness of legal frameworks that human rights protection can ensure.<sup>40</sup>

Khidir and Salih (2014) report even under constitutional forces: "Difficulties and serious challenges that considerably reduced the capacity of Iraq and Kurdistan Region from building an efficient system for Human Rights" (298). There are security problems all over the country, so much political instability continues with varying streams of disagreements between federal and regional authorities on the application of the law and the involvement of key political parties and their armed militias in various parts of the power system. Thus, these challenges continue to push for more effective mechanisms in implementation to translate the provisions of the constitution into a reality in practical terms.

### **International Human Rights Instruments**

Iraq has ratified the Universal Declaration of Human Rights and various international human rights treaties. Khidir and Salih (2014) state in their work that "one of the signatories of the Universal Declaration of Human Rights adopted by the UN General Assembly on 10 December 1948" was Iraq (p. 298).<sup>41</sup> Ratification of the International Covenant on Civil and Political Rights follows, the main international treaty concerning the protection of the most fundamental civil and political rights.

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<sup>40</sup> United Nations Assistance Mission for Iraq (UNAMI). (2021). Human Rights and freedom of expression: trials in the Kurdistan Region of Iraq.

<sup>41</sup> Khidir, J. H., & Salih, S. H. (2014). Human Rights Situation in Iraq and Kurdistan Region: Constitutional and Political Prospects. *Beijing Law Review*, 5, 298-305.

According to an UNAMI report: “Iraq is a party to most major international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR). The Covenant, which is particularly relevant for purposes of this report, contains a series of rights and guarantees that serve to ensure fair trials, which State parties must respect and guarantee regardless of their specific legal traditions” (UNAMI, 2021, p. 5). These international obligations bind Iraq to defend and protect human rights on its territory, including in the Kurdistan Region.<sup>42</sup>

However, these commitments are in greater distance and inconsistency with international standards, with significant gaps between commitments and practical implementations. As the U.S. Department of State (2023) reports, there are ongoing violations of international human rights standards in Iraq, including the Kurdistan Region: “credible reports of: arbitrary or unlawful killings, including extrajudicial killings; enforced disappearance; torture and cruel, inhuman, and degrading treatment or punishment perpetrated by government officials” (p. 1).<sup>43</sup> Such violations are still occurring, despite Iraq's official commitments to international human rights instruments.

The last monitoring recommendations through international mechanisms, namely, the UN Human Rights Council, UN Special Procedures, and treaty bodies, have always expressed grave concerns with the human rights conditions in Iraq, including Kurdistan Region. These have recommended multiple remedial possibilities to address issues related to human rights, including strengthening legal protections, improving the implementation of existing laws,

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<sup>42</sup> United Nations Assistance Mission for Iraq (UNAMI). (2021). Human Rights and freedom of expression: trials in the Kurdistan Region of Iraq.

<sup>43</sup> U.S. Department of State. (2023). Iraq 2023 Human Rights Report. Bureau of Democracy, Human Rights, and Labor.

and ensuring accountability for the violation of human rights. However, the implementation of these recommendations has not been achieved to a commendable extent but has reflected the wider issue embedded in different levels of translating international commitments into an effective human rights regime.

## **Human Rights Education and Awareness**

### **Developments in Human Rights Education**

Human rights education has witnessed noteworthy efforts into integration into curriculum across Iraq including the Kurdistan Region since the year 2003. Khidir and Salih (2014) state that human rights "occupies a good position in the policy and strategies of Iraqi educational authorities," hence, has been incorporated into the curricula of Human Rights teaching in the schools and universities (298).<sup>44</sup>

The emphasis on human rights education is considered a huge transitional step from the pre-2003 era. As Khidir and Salih (2014) mention, "Until the end of the regime in 2003, there were no initiatives to increase awareness of human rights through any research activities or educational programs" (298). The introduction of human rights education programs in schools and universities opened up new avenues toward spreading awareness about human rights principles and fostering a culture of respect for human rights among the younger generation.<sup>45</sup>

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<sup>44</sup> Khidir, J. H., & Salih, S. H. (2014). Human Rights Situation in Iraq and Kurdistan Region: Constitutional and Political Prospects. *Beijing Law Review*, 5, 298-305.

<sup>45</sup> Khidir, J. H., & Salih, S. H. (2014). Human Rights Situation in Iraq and Kurdistan Region: Constitutional and Political Prospects. *Beijing Law Review*, 5, 298-305.

Conversely, universities in the Kurdistan Region have done pioneering work toward promoting human rights teachings. Salahaddin University in Erbil plans to associate with international, regional, and local institutions "to enhance Human Rights Education, train academic staff, update their information and improve their role on the relevant issues" (Khidir and Salih 298). Such initiatives portray that there is a will to create capacity in human rights and infuse human rights norms into higher education.<sup>46</sup>

The establishment of programs of human rights education has also been developed listening to and collaborating with other international organizations and academic institutions. These collaborations have created opportunities for exchanging knowledge, building capacity, and producing culturally relevant human rights education materials. Such international partnerships have been particularly meaningful in a setting where local expertise on human rights education was initially rare, owing to a dearth of prior programs in this area.

### **Challenges to Human Rights Education**

Plentiful examples exist for positive human rights education; however, much has to be done if real effective implementation will be achieved. Security issues, political instability, and constrained resources limit education and expose the many challenges affiliated with broader human rights awareness and practice.

Khidir and Salih composed that "the special political circumstances which brought up the country's security situation and complicated with religious and ethnic-based conflicts, political wills multiplicity...limits the Human Rights Education implementation" (p. 298). Those contextual factors are hurdles to

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<sup>46</sup> Khidir, J. H., & Salih, S. H. (2014). Human Rights Situation in Iraq and Kurdistan Region: Constitutional and Political Prospects. *Beijing Law Review*, 5, 298-305.

putting effective human rights education programs into practice as well as to limiting their reach and impact.

Resource constraints continue to provide a big problem to human rights education efforts. Limited funds, poor facilities, and shortage of skilled human resource in human rights education, among many other things, combine to denude the programs from quality and quantity. These limitations appear more glaring in rural areas and regions affected by conflict, where general educational infrastructures are quite poorly developed or damaged.

Certain human rights topics can be politically sensitive. Political rights, freedom of expression, and minority rights may be treated with caution or entirely avoided as they are deemed politically sensitive issues. Such selectivity in human rights coverage only serves to deny comprehensiveness and effectiveness in fostering full understanding of human rights principles.

There is also exposure to the limited population that is reached by the formal education system regarding the impact of such school-based human rights education programs. In nations at war or those with minimal infrastructure, a great number of children and youths are not enrolled in the formal education system, thereby preventing them from receiving school-based human rights education. Thus, a gap has been created regarding access to human rights education, thereby limiting it to only a few potential victims of human rights abuse.

These challenges explain the interdependence of the issues of security, political stability, and the promotion of human rights in the Kurdish context. To this end, integrated approaches are needed for such a particular environment that views the entire political and security situation while developing focused strategies to handle specific barriers to human rights education.

## **Civil Society and Human Rights Awareness**

Civil society organizations serve a great purpose in promoting awareness as well as education that is related to human rights outside formal education structures. Such organizations, therefore, conduct campaigns for the public, organize community workshops, as well as develop programs trained for specific groups on human rights themes, reaching populations that may not be targeted by the formal education system.

Human rights organizations document innumerable violations, provide legal assistance to the victims, and encourage policy reforms to strengthen protections. They raise awareness about specific human rights issues and the practical implications of human rights for addressing real-world problems.

Independent and opposition media can play a role in raising human rights awareness both by reporting on human rights problems and creating platforms for discussion and debate. However, media freedom in the Kurdish regions has restrictions to the extent that journalists are unable to report freely on sensitive topics regarding human rights.

International organisations make available financial, technical support, capacity enhancement and international lobbying contributions. These forge collaboration in strengthening local organisations in terms of facilitating the raising of awareness with regard to human rights and lobbying for changes in policy.

These are only but half-hearted attempts in putting place a culture of human rights safety and awareness in the Kurdish regions. Some of the challenges include an impingement on the civil society's activities, as well as meager resources and the general political environment's security concerns beyond these.

## **Recommendations for Improving Human Rights in Kurdish Regions**

A case of torture of Kurdish HRWs in Iran brought to avoiding the issues of law and disobeyed to UN requests on providing the exact number of cases.

### **Legal Reforms and Constitutional Implementation**

The setting of adequate legal reforms at host countries supporting ethnic Kurds would help to eliminate these systematic human rights issues. They would also work toward proper implementation of constitutional human rights already afforded to the Kurdish population. According to the report published by UNAMI, it is also essential to address the legal ambiguities in criminal provisions, as that would prevent arbitrary applications of such laws against political critics and human rights defenders.

The specific observations in the UNAMI report state: "criminal law provisions applied in these cases were formulated in broad and imprecise terms, leading to inconsistent interpretation of these provisions by the courts and a lack of clarity relating to the specific charges" (UNAMI, 2021, p. 9). Redefining the terms in these provisions would narrow down the prohibition because it risks broad, arbitrary application, further aligning it with the principle of legality under international human rights law.<sup>47</sup>

All authorities in Iraq's Kurdistan should take up and handle the public's pull on fair trials and due process. Issues like "arbitrary arrest or detention" and "punishment of family members for offenses allegedly committed by an individual" are cited, as stated by the U.S. Department of State (2023, p. 1),

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<sup>47</sup> United Nations Assistance Mission for Iraq (UNAMI). (2021). Human Rights and freedom of expression: trials in the Kurdistan Region of Iraq.

which builds the case for the necessity of legal reforms at a higher level for improved provisions on due process.<sup>48</sup>

The UNAMI report quotes endorsement to "strengthening detention safeguards," including "timely medical examination; the presence of defence lawyers during the first hours of detention; video-recording interrogation sessions of suspects; and, specific mechanisms for reporting torture" (UNAMI, 2021, p. 10). Such precaution measures would help prevent torture or ill-treatment against suspects in detention, and evidence thereby derived would be inadmissible in any criminal proceedings.

Those independent mechanisms of oversight could succeed in addressing particular patterns of abuse by security forces and detention facilities and would have a level of accountability for human rights violations. Such mechanisms should have the right to conduct unannounced inspections, receive and investigate complaints, and, finally, oversee the responsibility of officials involved in human rights abuses to be recommended for disciplinary action or prosecution.<sup>49</sup>

### **Protection of Cultural and Linguistic Rights**

An important aspect to counter the historical marginalization of the Kurds is the protection and promotion of their cultural and linguistic rights and, thereby, the continuation of a Kurdish identity. The Human Rights Foundation advises that "Kurdish should be made an official language in all the regions where Kurds live, including in education, in government, and in media" (Human Rights Foundation, 2024).

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<sup>48</sup> U.S. Department of State. (2023). Iraq 2023 Human Rights Report. Bureau of Democracy, Human Rights, and Labor.

<sup>49</sup> United Nations Assistance Mission for Iraq (UNAMI). (2021). Human Rights and freedom of expression: trials in the Kurdistan Region of Iraq.



Educational policies must be revised to provide for the teaching of the Kurdish language along with cultural content. In particular, these policies should be directed toward areas with a substantial Kurdish presence. Plans for the inclusion of bilingual education programs, which would enable Kurdish children to learn through their native tongue for successful educational achievement and cultural preservation while learning the national language, would also benefit their development.

Cultural heritage institutions should include museums, cultural centers, and mass media outlets, and they should be resourced to protect and promote the Kurdish cultural tradition. The Human Rights Foundation advocates for effort to support Kurdish culture heritage through establishing museum, cultural center and media broadcasting (Human Rights Foundation 2024).<sup>50</sup>

Legal safeguards should be strong to provide for cultural expression without restrictions to the field of Kurdish music, literature, etc. This should also create the legal framework of protection against any discrimination both on the ground of cultural identity and against mechanisms to deal with violations of the cultural rights.

Changes have to be made in media laws for broadcast and publishing, allowing sizable coverage of these Kurdish languages; that will help their people access news and entertainment in their language. Public broadcasting in Kurdish language and support for other independent Kurdish language media would also feature in the reforms.

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<sup>50</sup> Human Rights Foundation. (2024). The Survival of Kurdish Identity in Turkey.

## **Women's Rights and Gender Equality**

To successfully address gender-based discrimination, there must be, apart from immediate protection of victims, a comprehensive program geared towards changing long-term social attitudes towards victims. According to Human Rights Foundation, "Launch community's program to prevent woman violence and gender inequality" (Human Rights Foundation, 2024).<sup>51</sup>

Gender-based violence (gbv) laws found within the penal code should be made stronger, such as domestic violence laws, honor killings, forced marriage laws, and all other provisions related to gbv. These should include effective implementation mechanisms, for instance, trained police units, specialized courts, and survivor support services.

Their education opportunities must include the Kurdish women and girls, as barriers to education like distance to schools, safety concerns regarding travel to school, economic limits, cultural attitudes toward prioritizing boy's education over girl's, prohibit their access to education. Targeted scholarships, financial incentives, and community awareness programs could help address these barriers and thus increase girls' educational participation.

Women's political representation could include making women "represent in political, social, and economic decision-making process" (Human Rights Foundation, 2024). This could include devising quotas for women's participation in elected bodies where such methods could be relevant and helping women's leadership development programs.<sup>52</sup>

Programs for vocational training in microfinance, and policies that seek to address discrimination in employment and entrepreneurship, are to be opened

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<sup>51</sup> Human Rights Foundation. (2024). The Survival of Kurdish Identity in Turkey.

<sup>52</sup> Human Rights Foundation. (2024). The Survival of Kurdish Identity in Turkey.

to women, thereby increasing women's economic opportunities. This is because such initiatives would boost women's financial independence, which would also contribute to the wider gender equality goals.

Community programs must be involved in addressing harmful traditional practices and promote gender-equitable attitudes. Community programs must also partner men and boys in seeking to promote gender equality and overcome ill practices that maintain gender-based discrimination and violence.

### **Support for Displaced Populations**

The Kurdish population displaced deserves humanitarian assistance including access to food, shelter, their health care and education, and other essential services. The Human Rights Foundation thus calls for "Aid for refugees and displaced people including food, shelter, healthcare, education, and cloths" (Human Rights Foundation, 2024).<sup>53</sup>

It includes protection mechanisms for displaced populations against forced returns, protection from exploitation and abuse, as well as support for specific vulnerable groups: women, children, the elderly, and disabled persons.

In addition, all possible legal support must be provided for documentation to would-be beneficiaries, as many displaced individuals would have lost identification documents or any other legal papers. The displaced suffer several hurdles without evidence in access to services, property rights claims, and the establishment of legal residence in host communities.

Long-term solutions must provide conditions for the "safe return of refugees and displaced people to their homes" whenever the security conditions allow (Human Rights Foundation, 2024). When this is impractical, there should be

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<sup>53</sup> Human Rights Foundation. (2024). The Survival of Kurdish Identity in Turkey.

integration support or resettlement options to allow displaced persons to recover their dignity and live in peace.<sup>54</sup>

Dispute resolution and peacebuilding measures should focus on addressing root causes of displacement such as political instability, armed conflict, and persecution. Failure to resolve these will curse the Kurdish with displacement, bringing in its wake humanitarian suffering and even human rights concerns.

### **Economic Development Initiatives**

These societies should be economically empowered in order to improve human rights environments in the Kurdish regions. The Human Rights Foundation recommends "Promoting job creation in local place especially in area with high unemployment by supporting small business" (Human Rights Foundation, 2024). Infrastructure development investments in the Kurdish regions would address past inequities and provide a basis for sustainable economic growth. This comprises transport systems, energy infrastructure, water and sewage systems, and telecommunications that aid businesses and improve living conditions.

"Investing in education and vocational training program to ensure community with skilled people" (The Human Rights Foundation, 2024). Such investments would help to undo historical injustices concerning access to education and economic opportunities that fit into wider human rights concerns for the Kurdish communities.

Support for small and medium enterprises in Kurdish areas would become an avenue for local economic development and employment creation. This support

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<sup>54</sup> Human Rights Foundation. (2024). The Survival of Kurdish Identity in Turkey.

could include access to credit, business development services, market linkages, and regulatory reforms that reduce barriers to entrepreneurship.<sup>55</sup>

Natural-resource management policies ought to ensure that the equitable distribution of benefits from resources found in the Kurdish areas is guaranteed. Resource extraction should be subject to transparent governance, equitable revenue sharing, and measures aimed at minimizing adverse environmental impacts that affect the health and livelihood of the Kurdish communities.

These economic development initiatives would address the interlinked nature of economic marginalization and the human rights challenges in the Kurdish region. In promoting better economic opportunities, such initiatives would also further the broader aims of social stability, conflict resolution, and amelioration of human rights situations.

### **International Cooperation and Monitoring**

International pressure and diplomatic engagement are crucial tools in the ongoing struggle for human rights conditions in the Kurdish areas. The Human Rights Foundation proposes efforts aimed at "Creating cooperation with international human rights organizations to apply political pressure to their home states" (Human Rights Foundation, 2024).<sup>56</sup>

International human rights organizations would then play a key role in continuously monitoring and reporting on human rights conditions within the Kurdish regions and documenting violations while advocating for policy alterations. Such efforts ensure that violations receive the needed attention and accountability that would otherwise be difficult to obtain.

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<sup>55</sup> Human Rights Foundation. (2024). The Survival of Kurdish Identity in Turkey.

<sup>56</sup> Human Rights Foundation. (2024). The Survival of Kurdish Identity in Turkey.

Dialogue between Kurdish representatives and the states should be fostered so as to "Build relationship with local government through negotiation and political settlement" (Human Rights Foundation, 2024). International actors can support this dialogue in a constructive manner, while respecting the sovereignty and territorial integrity of the state.<sup>57</sup>

Technical assistance to human rights institutions should be provided, including assistance for national human rights commissions, parliamentary human rights committees, and judiciary institutions that enforce human rights protections. Strengthening domestic capacity to deal with human rights-related matters through such assistance would be an effective measure towards reaching that goal rather than solely depending on international intervention.

Kurdish human rights concerns ought to be taken up in United Nations Human Rights Council periodic reviews, as well as with regional organizations that deal with the same issues. This could include special procedures and thematic reports. Such platforms can serve to highlight human rights problems facing Kurdish peoples while also working towards collaborative solutions.

Academic and cultural exchanges should be promoted to enhance the understanding of Kurdish issues and create linkages between Kurdish communities and international partners. Such exchanges have the capacity to counter isolation and establish networks of support for the advancement of human rights in Kurdish areas.

## **Conclusion**

It is an intricate landscape, quite a complicated one indeed across Kurdish regions in terms of the human rights situation. Conditions in Kurdish spaces

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<sup>57</sup> Human Rights Foundation. (2024). The Survival of Kurdish Identity in Turkey.

vary significantly according to political context, ostracizing historical developments, and present policies in these regions. While the Kurdistan Region of Iraq achieved a set of autonomy leading to various progress areas, the U.S. Department of State (2023) states that "the human rights situation worsened during the year due to increased federal and Kurdistan Regional Government restrictions on fundamental freedoms and civic space" (p. 1).<sup>58</sup>

This comes at a time when, unfortunately, Kurdish populations in Turkey, Iran, and Syria go through harsher conditions of ethnic discrimination and political repression, as well as cultural rights denial. The Human Rights Foundation documents "systematic discrimination" of these populations in these countries, such as "language restrictions, unequal access to education and healthcare, and lack of political representation" (Human Rights Foundation, 2024).<sup>59</sup>

The main lines of commonality that tie all the Kurdish regions include the lack of freedom of expression, barriers to political participation, limitations on cultural and linguistic rights, discrimination on the grounds of sex, and humanitarian-inspired issues involving displacement. These are, as the U.S. Department of State (2023) further observes, "serious restrictions on free expression and media, including violence or threats of violence against journalists, unjustified arrests and prosecutions against journalists, censorship" (p. 1) that serve to limit the ability granted to Kurdish communities to call for rights advocacy and address grievances democratically.<sup>60</sup>

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<sup>58</sup> U.S. Department of State. (2023). Iraq 2023 Human Rights Report. Bureau of Democracy, Human Rights, and Labor.

<sup>59</sup> Human Rights Foundation. (2024). The Survival of Kurdish Identity in Turkey.

<sup>60</sup> U.S. Department of State. (2023). Iraq 2023 Human Rights Report. Bureau of Democracy, Human Rights, and Labor.

The legal frameworks providing for the rights of the Kurds vary widely from region to region from the very formal constitutional guarantees enjoyed by Iraq to the comparatively restrictive models in Turkey, Iran, and Syria, as documented by UNAMI and the US Department of State. However, there are vast gaps between such formalized legal protections and practical implementation. "A consistent lack of respect for the legal conditions and procedural safeguards necessary to guarantee fair judicial proceedings" has been documented by UNAMI (2021). Challenges, therefore, take an all-inclusive approach involving legal reforms, the protection of cultural and linguistic rights, support of women's rights, humanitarian assistance, economic development, and international cooperation, at the same time keeping at bay issues of sovereignty with respect to the nations comprising the geography of Kurdistan.<sup>61</sup>

Khidir and Salih conclude (2014) that the establishment of an effective system for human rights protection in the Kurdish regions is likely to be addressed both through legal frameworks and their practical implementation challenges. The authors note that "severe difficulties and serious challenges have reduced the capacity of Iraq and the Kurdistan Region from building an efficient system for Human Rights which is able to enhance Human Rights issues and support Human Rights Education" (p. 298). Focusing on these two sides of the dimension of human rights protection will achieve results in making changes in the life of Kurdish communities throughout the region.<sup>62</sup>

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<sup>61</sup> United Nations Assistance Mission for Iraq (UNAMI). (2021). Human Rights and freedom of expression: trials in the Kurdistan Region of Iraq.

<sup>62</sup> Khidir, J. H., & Salih, S. H. (2014). Human Rights Situation in Iraq and Kurdistan Region: Constitutional and Political Prospects. *Beijing Law Review*, 5, 298-305.



It will necessitate commitment by actors at national governments, Kurdish political representatives, civil society organizations, and the international community. It will also involve finding common ground on the multilayered political, security, and historical factors shaping the Kurdish experiences throughout the region. Through cooperation and sincere commitment to principles of human rights, indeed the future will be one where such communities enjoy all their core rights and freedoms while adding value to their diverse and inclusive societies.

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