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Committee on Economic, Social and Cultural Rights**Fifty-sixth session****Summary record of the 63rd meeting**

Held at the Palais des Nations, Geneva, on Wednesday, 30 September 2015, at 10 a.m.

Chairperson: Mr. Sadi

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The meeting was called to order at 10.05 a.m.

Consideration of reports (continued)

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (continued)

Fourth periodic report of Iraq (continued) (E/C.12/IRQ/4; E/C.12/IRQ/Q/4 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Iraq took places at the Committee table.*

2. **Mr. Janabi** (Iraq), replying to questions raised at the previous meeting (E/C.12/2015/SR.62), said that fuller written responses to all questions would be provided to supplement the oral replies.

3. The Iraqi Government did its utmost to support all its citizens, including in areas under the control of ISIL. Although citizens should not bear the consequences of security failures by the State, in territories over which the Government had little control, State services were clearly limited.

4. He acknowledged that current levels of poverty were dire. Under the former regime, poverty had allegedly reached 80 per cent; illiteracy had become rife and many citizens had fled the country. Following occupation in 2003, no sooner had Iraq laid the foundations for a modern State and started to earn substantial oil revenue again, than it was struck by the economic crisis of 2008 and a slump in oil prices in 2014. In response to a United Nations and World Food Programme survey indicating that 24 per cent of the Iraqi population lived below the poverty line, the Government had adopted a new strategy containing specific goals to reduce poverty. The strategy had attracted criticism for lacking ambition, but had succeeded in freeing up resources for the marginalized and poverty-stricken and contributed to a 4 to 5 per cent reduction in poverty. Specialists subsequently discussing the best approach to reduce poverty had proposed arranging a new census to gather information on the demographics of poverty. Nevertheless, tensions soon escalated between the different political powers involved and subsequent terrorist attacks had put paid to any such plans, not least following the ISIL occupation of Mosul. The opportunity for conducting a census had now therefore slipped away.

5. The presence of ISIL greatly hindered the employment situation, but every effort was being made to force a recovery by 2016 and help diversify the economy. Youth unemployment in Iraq was very high and there were few work opportunities. With the unity of the country under serious threat, the emphasis had shifted from job creation to the security situation. Over one million applications had been received for enrolment to the armed forces, but a lack of resources had prevented many of the applications from being approved. Following the 60 per cent drop in oil prices since 2014, revenue levels barely covered the overheads for paying salaries. With an increase in poverty levels from 16 to 30 per cent since the 2010 to 2012 period, the Government had launched an austerity programme to reduce the salaries of Government employees, especially for high-ranking officials. Although more drastic measures were still required, the Government had no intention to lower the salaries of the lower wage brackets of marginalized communities. A further austerity measure had been to cut the pensions of retired senior officials and members of parliament.

6. No agreement had been reached with Turkey on the water flow in the rivers Tigris and Euphrates. A minor agreement had been signed with Syria, but Turkey was upstream of both Syria and Iraq and so the agreement with Syria could only be effected with Turkey's collaboration. Turkey had a number of dams controlling the

flow of millions of cubic metres of water to Syria and Iraq and the breadth of the Euphrates River in some places had now dwindled to that of a small stream. The reservoir of the one dam controlled by Iraq had practically run dry and ISIL controlled much of the area surrounding that dam, as well as a further dam upstream in Syria. An Iraqi delegation sent to Turkey in July 2015 to negotiate with President Erdogan had received promises that additional water would be allowed to flow downstream, but no measures had been taken yet. The Iraqi Government had received little information on the water situation in Syria, but even if more water were released there, ISIL could still control the flow of water to Iraq. It had previously been uncommon to have droughts on the Euphrates River, but the water shortages wreaked significant damage on the Iraqi marshland and ecosystem, even devastating water buffalo populations, which were a source of nutrition for the local population. Despite the lack of agreements with Turkey and the Islamic Republic of Iran, active trade with both countries continued, amounting to US\$ 20 billion with Turkey.

7. In reply to Mr. Uprimny's earlier question, he said that the cholera outbreak had resulted in 400 cases of cholera but, according to reports, no deaths. As all the water treatment facilities and waterworks in the area, which had been designed on the assumption that there would be sufficient water flow, were no longer operational. As a consequence, although the World Health Organization had provided technical cooperation in terms of treatment, cholera was still liable to spread due to drought.

8. In reply to the query by Mr. Abdel-Moneim, he said that while drafting Iraq's new Constitution in 2005, the Constitutional Committee had discussed at length whether or not to include a provision on the application of Islamic sharia as the basic source of law, particularly in the light of incidents under the recently deposed regime. The fear was that omitting such a provision would alter the Islamic nature of the country and that new laws might be drafted that ran counter to Islamic sharia. Ultimately, no constitutional court, which would have been the authority to decide what happened when referring to Islamic sharia as the main source of legislation, was created because of political differences.

9. **Mr. Al-Adhami** (Iraq), replying to Mr. Martynov's earlier question, said that the ongoing conflicts in Iraq had caused a large proportion of the population to be disabled, but a lack of disaggregated data made it difficult to raise awareness and introduce programmes. In an effort to provide persons with disabilities with access to employment in appropriate conditions, the Ministry of Labour had drawn up a report on the needs of persons with disabilities in the workplace. Articles 14, 22 and 23 of the Constitution protected persons with disabilities, promoting their participation in society and prohibiting any form of discrimination against them. In addition, the Persons with Disabilities Protection Act had been enacted in 2013 and was in line with the Convention on the Rights of Persons with Disabilities. It established that, on pain of fines of up to 500 dinars, employers must provide reasonable accommodation for workers with disabilities to perform their work. The Government had also promulgated a decree, under which, 3 per cent of all public service jobs at ministerial level should be filled by persons with disabilities.

10. The Constitution enshrined many obligations regarding the provision of adequate health care, including measures to create health-care infrastructure and raise awareness. Despite being faced with a combination of conflicts, embargoes and terrorist attacks, Iraq had introduced numerous programmes and policies, including a 2013-2017 strategic plan and a policy scheduled to run from 2014 to 2023 on restructuring the health system in line with international standards for primary care adapted to citizens' needs. In 2015, the proportion of the State budget allocated to health care had been increased from 5 to 6 per cent. Iraq currently had 255 State hospitals, 5 community and civilian hospitals, 2,642 health centres and, in 2013, 8.8

doctors per 10,000 inhabitants. The demanding circumstances which had been created by embargoes imposed between 1990 and 2003 had led to a brain drain, as many doctors had fled Iraq in search of better employment opportunities and higher salaries. Since 2003, although doctors had earned more, many still fled on account of the security situation. However, no statistics were currently available on the precise numbers. The Kurdistan Region boasted 122 emergency wards and 79 state hospitals, with a further 5 obstetric and 4 paediatric hospitals planned. The Government had been working with the World Health Organization and other international organizations to organize training programmes for health professionals. Some 4,200 patients who were unable to receive the treatment they required in Iraq had been sent to receive health services abroad.

11. **Ms. Al-Humary** (Iraq), referring to violence against women, said that a special commission in charge of family protection had been set up, and a department in charge of women's welfare established under the Ministry of Labour and Social Affairs. Special gender units had been created in all ministries and public institutions with a view to implementing policies on gender equality. A law on the protection of women against violence in the Kurdistan Region, which criminalized the practice of female genital mutilation, had been adopted in 2012, and a draft law on domestic violence was currently under examination. Moreover, four specialized domestic violence courts had been established and a family protection directorate set up under the Ministry of the Interior. Another related measure was the establishment by the Ministry of Labour and Social Affairs and the Ministry of the Interior of a special centre in Baghdad dealing with the prevention of trafficking in persons.

12. With regard to shelters for women who had been subjected to violence, she said that the Organization of Women's Freedom in Iraq (OWFI), which had been established in 2003, was taking measures to deal with the sharp rise in violence against women since the 2003 invasion of Iraq. The organization provided comprehensive services for women who were victims of violence, including the first women's shelters in the non-Kurdish part of Iraq. It had established five such shelters in Baghdad, Kirkuk, Erbil and Nasiriyah, which provided support for and ensured the security of Iraqi women.

13. The national strategy on the elimination of violence against women for the period 2013-2017, which was aimed at promoting the rights of Iraqi women of all ages, protecting them from discrimination and violence and reducing the consequences thereof, had been approved by the Cabinet of Ministers in 2013. The strategy had been developed on the basis of the Constitution, human rights treaties, and national programmes, such as the National Development Plan, the national strategy for poverty elimination, the national plan for human rights, a social survey of Iraqi women, and a draft national strategy on the situation of women in the Kurdistan Region.

14. **Mr. Tahseen** (Iraq) said that the events linked to the genocidal persecution of the Yezidi minority had started with the entry of the so-called Islamic State into areas inhabited by minorities, including the Sinjar region, which was the main region inhabited by the Yezidis. Yezidi women had then been raped, killed, sold as slaves, or kidnapped by the so-called Islamic State. According to the available data, 5,838 women, mostly young women and girls, had been kidnapped.

15. An office had been established in the Kurdistan Region with the aim of obtaining the return of as many kidnapped women and girls as possible and providing them with the necessary care and treatment. A specific budget had been set aside for the purpose of "buying back" the kidnapped women from the so-called Islamic State. As a result of those efforts, over 2,000 women had been rescued and reintegrated into society. Over 1,000 women who had been attacked and raped had received treatment. Moreover, the German Government had provided US\$ 30 million to the Iraqi Government for the

purpose of ensuring the rehabilitation and social reintegration of those women. The Yezidi centre located in Baghdad and the Yezidi office in the Kurdistan Region had launched programmes to reintegrate women victims of violence into families and society and to help them regain their dignity. The Yezidi and Christian affairs centres provided shelter for women victims of violence who could not return to their homes. Lastly, special centres in Baghdad and the Kurdistan Region provided psychological assistance with the help of civil society organizations and conducted courses designed to help such women return to a normal life.

16. **Mr. Al-Jburi** (Iraq) said that, before a law that had been approved could enter into force, it had to be published in an official gazette. All the ministries and departments concerned were then instructed to disseminate the law, which was from then on applicable in theory and in practice. Several laws had been promulgated in recent years with a view to implementing the Covenant, including the Social Welfare Act and a law on customer protection, and the relevant ministries had been instructed to disseminate them. Some laws, including a law on women's protection, had not been implemented owing to the situation in the country, in particular in the areas occupied by ISIL. In addition, the Government had not been able to re-establish the social protection framework for those living in the occupied territories.

17. With regard to the so-called "honour crimes", he acknowledged that mitigating circumstances could be applied to men only, and said that the social mentality of the Iraqi people was the reason behind that inequality. Since 2003, women's defence organizations and female members of parliament had been working to eliminate those inequalities. In that regard, he noted that a law eliminating such discrimination had been adopted in the Kurdistan Region and, expressed the hope that other regions of Iraq would follow suit.

18. **Mr. Hlail** (Iraq) said that the Government was taking measures to deal with the housing crisis. For example, a special fund had been set up with the aim of providing loans for the construction of affordable housing. In addition, families of martyrs and civil servants received land and loans. A number of housing estates were being built to remedy housing shortages, although many more schools, hospitals and buildings would need to be built. Those and other measures had enabled the Government to ensure adequate living conditions for 600,000 persons.

19. With regard to internally displaced persons, he said that a special committee had been set up with a view to providing internally displaced persons with basic assistance. In addition, the Ministry of the Interior had opened a special centre responsible for issuing identity documents to people who had fled their native regions. Internally displaced persons had access to shelters, schools and universities, and teachers were instructed to continue teaching in places to which they had fled.

20. **Mr. Janabi** (Iraq), referring to a question on child labour, said that 10.7 per cent of children aged 5 to 14 years had been working in 2006, and 6.4 per cent in 2011. The Government was committed to reducing the number of children working in the country and, together with various associations, was conducting workshops, training and other initiatives to raise public awareness of the phenomenon and adopt the necessary measures. One important measure in that regard had been the establishment, in 2010 and 2011, of centres to help deal with school dropouts. There were also associations working to combat child labour and launching educational programmes.

21. Replying to a question on the nationality of children of unknown parents, he said that, according to a law adopted in 2006, in the absence of other nationalities, children of unknown parents were considered to be Iraqi.

22. With regard to children with disabilities, he said that educational programmes had been put in place for children with disabilities. For example, a programme for

comprehensive education, covering 30 per cent of schools across the country, had been launched. Special education classes had been offered in 12,013 schools in 2011, and more such classes had become available in recent years. Around 9,300 students were currently attending special education classes across the country. Measures had also been taken to ensure appropriate treatment and care for children with disabilities.

23. **Mr. Uprimny** enquired what policies were in place to ensure that internally displaced persons had access to education.

24. **Mr. Mancisidor** asked what the Government was doing to protect the cultural rights of Assyrian Christians, including the right to live on their land and within their communities in peace and security. He also wished to know what the Government was doing to protect the language rights of the Shabak community, whose language was at risk of extinction.

25. **Ms. Bras Gomes** (Country Rapporteur) said that, according to the Committee's information, many Iraqi textbooks referred to Iraq's ethnic variety as being made up of "Arabs, Kurds and others". In 2010, a coalition of civil society organizations representing minorities had proposed amendments to school textbooks for grades 5 to 9 in order to ensure that they reflected the variety, heritage and contribution of all minority groups. The proposal had received some support from the Ministry of Education but most of the amendments had not been approved. She requested additional information in that regard. With regard to internally displaced children, she said that often the problem those children encountered was not access to education per se but the fact that, because of the displacement, they could no longer have access to education in their native language and thus had trouble taking full advantage of their right to education. Could the delegation comment on that issue?

26. **Mr. Schrijver**, expressing concern about the destruction of important cultural and religious sites, asked whether the Government was seeking international assistance from the United Nations Educational, Scientific and Cultural Organization (UNESCO) or other organizations in order to protect those sites, and making an effort to reconstruct them.

27. **Ms. Ravenberg** requested additional information on shelters for women victims of violence, including the work they did and the results they achieved. Had steps been taken to evaluate that work? She would be interested to know what was being done to reintegrate such women into society and to provide them with psychological counselling. Furthermore, she enquired whether criminal laws had been amended to ensure that perpetrators of domestic violence would be held responsible. Lastly, it would be useful to know whether any laws prohibited non-governmental organizations from providing assistance to victims of violence and, if so, what measures the Government was taking to amend them.

28. **Ms. Shin** asked whether the Government had introduced any corrective measures aimed at changing the behaviour of perpetrators of domestic violence. It would also be useful to know whether a telephone hotline for female victims of violence was in place in the country. She expressed the hope that the Government would continue building shelters for women who had been subjected to violence. With regard to "honour crimes", she asked whether there were laws ensuring that women and men would be treated equally in case of such crimes that existed in regions of Iraq other than the Kurdistan Region. Lastly, she asked what steps the Government was taking to change the Iraqi mentality on questions of gender violence.

29. **Mr. Martynov** said that he would like further information on the situation of persons with disabilities and their access to economic, social and cultural rights. Information on the number of persons with disabilities working in the open labour market would be particularly welcome. He also asked whether the State party would

consider ratifying the International Labour Organization (ILO) Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). Lastly, he wished to know whether there had been any reported cases of orphaned children living on the streets.

30. **Mr. Pillay** asked whether the State party intended to guarantee access to the judicial system and legal redress for ethnic minorities. He also wished to know whether the State party intended to repeal the national policies that had resulted in the expropriation of property belonging to Assyrian Christians and to uphold the court rulings calling for the restitution of that property. As to the large number of internally displaced persons within the country, he requested further information on measures taken to strengthen their access to economic, social and cultural rights and to improve their basic living conditions.

31. **Mr. Uprimny** asked whether the State party would consider repealing the mitigating circumstances that enabled men to submit pleas for reduced sentences in cases of honour crimes. He also wished to know what institutional guarantees had been established to ensure the independence of the judiciary, including detailed information on the appointment process for judges. Noting the recent introduction of national austerity measures following the global drop in oil prices, he wished to know what policies had been adopted to limit the impact of budget cuts on the implementation of economic, social and cultural rights and whether the recommendations contained in the Committee's letter to States parties on implementing austerity measures in line with the Covenant had been taken into account in that respect.

32. **The Chairperson** said that he would like to know how the State party measured poverty. Noting the reference to democratic principles in the Constitution, he requested clarification on the nature of those principles. Lastly, in regard to the recent outbreak of cholera, he asked whether the State party intended to introduce an immunization programme to slow the outbreak of the disease.

The meeting was suspended at 11.20 a.m. and resumed at 11.40 a.m.

33. **Mr. Janabi** (Iraq) said that the Government had spared no effort to combat and prevent the destruction and looting of heritage and cultural sites and worked in close cooperation with civil society and the international community to locate and prevent the sale of looted artefacts on the black market. Local communities had also been encouraged to report the discovery of potential archeologically or culturally important sites to the local authorities for evaluation and possible excavation.

34. As to poverty alleviation efforts, the Government remained committed to meeting its poverty reduction targets. The effect of the exchange rate and the cost of living must however be borne in mind when determining the poverty line in the country, which currently stood at 77,000 Iraqi dinars per month. In the years prior to the economic crisis, the Government had adopted numerous policies in an attempt to reduce the number of persons living under the poverty line, including the ration stamp programme and the Oil for Food programme.

35. **Mr. Tahseen** (Iraq) said that the Government had established a Mandaean language teaching course in Baghdad in response to UNESCO reports demonstrating that the language was at risk of extinction. Ethnic minority groups could readily enjoy their cultural rights and many ethnic minority communities had access to television channels and print media in their own language. Bills on the protection of ethnic minority languages and culture had recently been brought before the national parliament and the authorities in the Kurdistan region. Regrettably, neither bill had yet been adopted.

36. **Ms. Al-Humary** (Iraq) said that the Government regularly reviewed the effectiveness of anti-domestic violence legislation and had organized several women's rights and anti-domestic violence campaigns. The High Commission for Human Rights was also able to receive and investigate complaints of domestic violence. Law enforcement officers and judicial officials had received training on how to handle cases of domestic violence appropriately, while psychological and rehabilitation support had been made available to victims, including the establishment of shelters in five different provinces. A hotline for reporting cases of domestic violence and abuse had been introduced, but many women were unaware of its existence and calls to the number were chargeable.

37. **Mr. Janabi** (Iraq) said that while the Government had adopted various measures to effectively implement the provisions of the Covenant, it would take a considerable amount of time to change prevailing societal attitudes and mentalities. In reply to Mr. Pillay's question, he could say that there was no State policy to expropriate the homes of Christians. It was well known that minority communities in several countries in the Middle East, and not only in Iraq, were subject to pressure and attacks by ISIL, as a result of which they were forced to leave their homes. Families had been dispersed throughout different regions and States. It was a problem that must be dealt with at the international and national levels.

38. The Government could not guarantee internally displaced persons all the basic services they required in the areas of health care, education and employment in a short period of time. Such persons had access to education, but it was difficult to provide tuition in minority languages. The Government's aim was therefore to return displaced persons to their place of origin, where they would have better access to such services.

39. As to the independence of the judiciary, Iraq aspired to be a democratic State and to guarantee appropriate judicial procedures, but was hampered by the current situation. Thus although the three branches of government should be independent from one another, there was some overlapping. Moreover, since 2014, the Government had been under severe strain, as 25 per cent of the national budget was being diverted to fighting ISIL, instead of dealing with poverty and other problems.

40. **Ms. Shin** said that she wished to know how the State party dealt with the perpetrators of domestic violence. Were acts of domestic violence punishable under the law or else condoned by society? Any hotline for victims of domestic violence must be free of charge and operate around the clock all year. She recognized that it was difficult to change societal attitudes quickly but stressed the importance of taking proactive measures all the same.

41. **The Chairperson** said that the Committee did not subscribe to the notion that if society condoned an act constituting a human rights violation a government should simply live with it. For example, in his country, Jordan, where honour crimes had at one time been tolerated, legislation criminalizing such crimes had been enacted and enforced, which had helped to change attitudes. It was important to start the process of changing attitudes somehow.

42. **Mr. Abdel-Moneim** said that civil war and religious wars had always occurred, particularly in societies prone to violence, which covered everything from domestic violence to the use of lethal weapons. It was essential to encourage the view that the more economic, social and cultural rights were fulfilled, the less likely society would be to resort to violence and its extreme forms such as terrorism.

43. **Mr. Janabi** (Iraq) said that the delegation had done its utmost to give detailed answers to all the Committee's questions in a frank and open manner. Although the delegation had not been involved in drafting the periodic report, it considered that it had covered a good many of the questions and concerns raised. He reminded the

Committee that Iraq was under constant attack and in a situation of war and that even States parties which were not in a similar situation were still not in a position to comply fully with their obligations under the Covenant.

44. He was unable to provide information on the ratification of ILO Convention No. 87; perhaps more time was needed for ratification procedures. Although there had been some cases of honour crimes in Iraq, such crimes were not a widespread problem and were certainly not tolerated. Referring to the comments on violence and terrorism, he pointed out that Iraq was surrounded by parties who traded in and supplied arms. The 30,000 foreign combatants in Iraq had arms, credit cards and other resources and were attacking communities who had been living in the country for millennia. He urged the Committee to take all those factors into consideration when assessing the State party's situation. He was not speaking under instructions from his Government but openly as a free citizen.

45. **The Chairperson** said that the Committee appreciated the delegation's efforts to participate in the dialogue, as well as the fact that Iraq was at war and that not all of its territory was under State control.

46. **Ms. Bras Gomes** said that the Committee was grateful for the information furnished by the delegation, although not all the questions raised had been answered with the degree of detail desired. The Committee understood that the State Party had resumed its reporting obligations after a long break, but having now taken part in the dialogue, it must surely recognize the need for the participation of experts from line ministries.

47. **Mr. Janabi** (Iraq) said that the participation of such experts would indeed have been desirable, but had not been possible, despite the efforts made, owing to financial constraints.

48. **Ms. Bras Gomes** said that from the dialogue it was clear that the State party had not always had full and effective control over its territory. However, human rights obligations were continuous, and States parties were obliged to take measures to protect the human rights of all persons on their territory, in particular the most disadvantaged. Dreams and aspirations were indeed different from reality, but they were fundamental to and had to be tangible for ordinary people, especially those who felt marginalized. They all wished to participate in society and it was in that spirit that the Committee had drafted its concluding observations. It hoped that the State party would accept them and implement them in the same spirit. The Committee wished the State party every success in the daunting task of building a society inclusive of all minorities and stood ready to provide any support possible.

49. **Mr. Janabi** (Iraq) expressed gratitude to the Committee members for their guidance and appreciation for the Country Rapporteur's statement. He emphasized that his comments about the desirability of experts participating had been sincere. In addition to financial constraints, some government bodies in Iraq had been disbanded. If the Committee would indicate which questions had not been answered satisfactorily, he would ensure that more comprehensive replies were submitted in due course.

50. **The Chairperson** said the Committee recognized that experts from Baghdad had not been represented on the delegation for financial and other reasons, that Iraq was at war and that part of its territory was occupied by terrorists. Moreover, there were foreign terrorists arriving in Iraq with resources, wreaking havoc and undermining the human rights of the local population. It was a complex situation that was difficult to resolve. Nonetheless, even under those difficult conditions, the State party must strive to meet its obligations under the Covenant and, by so doing, it might well start to heal some wounds.

51. The delegation had made a valiant effort to answer most of the questions raised. Since the State party had not sent a delegation for many years, the current dialogue was part of a learning process. Iraq was undergoing a period of transition and, hopefully, the time would come when it would regain its past stature. The Committee hoped that the State party would accept its concluding observations in the interests of fulfilling its obligations under the Covenant and looked forward to further dialogues with it in the future.

The meeting rose at 12.35 p.m.