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**Committee on Economic, Social and Cultural Rights****Fifty-sixth session****Summary record of the 62nd meeting**

Held at the Palais des Nations, Geneva, on Tuesday, 29 September 2015, at 3 p.m.

*Chairperson:* Mr. Sadi

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*The meeting was called to order at 3 p.m.*

**Consideration of reports**

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

*Fourth periodic report of Iraq (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. **The Chairperson** said that he was pleased that Iraq was able to participate in the constructive dialogue despite the difficulties and challenges that the country was facing. The Committee would take account of those circumstances and of the fact that, due to the ongoing internal conflict, the Government was not in full control of all its national territory. Respect for the rights under the Covenant, and of human rights in general, should be the basis for a solution to the current problems.

3. **Mr. Janabi** (Iraq) said that he appreciated the Committee's understanding of the current situation in Iraq. Despite the difficulties it was facing, the Government was keen to fulfil its commitments under the Covenant. The periodic report was the country's fourth, but it was the first since 2003, when the dictatorship had given way to a system of governance based on the peaceful alternation of power. Iraq had ratified the Covenant in 1971, at which time it had been at the forefront of developing nations. Indeed, in the years following ratification, the country had created conditions which were conducive to the full enjoyment of economic, social and cultural rights. Infrastructure had been built and progress had been made in the fields of health care and education, with the almost complete eradication of illiteracy being just one of the country's achievements during that period.

4. Conditions had changed for the worse with the advent of the dictatorial regime, which had sapped the life force of society, suppressed rights, eradicated pluralism and drawn Iraq into an endless series of internal and external conflicts. Many of the international commitments which Iraq had made during those years had not been genuine but had instead been used for propaganda purposes or as a pretext for inflicting greater repression upon society. Among its other crimes, the former regime had been responsible for draining the Mesopotamian marshes, which, as well as being an area of immense historical and cultural significance, had also been the site of a large part of the country's agricultural production. The policies pursued by the dictatorship had led to the imposition of economic sanctions which had lasted for 13 years until the fall of Saddam Hussein in 2003. After the regime's demise, many institutions of Iraqi society, including the army, security forces and police, had ceased to exist, and the country had experienced an economic collapse. Before the invasion of 2003, one Iraqi dinar had been equivalent to US\$ 3.30; afterwards, US\$ 1 had been worth 3,500 dinars.

5. Terrorism had become widespread in Iraq after 2003. Iraq had been an occupied country until regaining its sovereignty in 2011, but even after the withdrawal of foreign troops, terrorist activity had continued. It, along with the destruction of infrastructure, had been a constant and severe hindrance to the country's economic and social development. In June 2014, the city of Mosul had fallen to the terrorist group known as ISIL, which had then gone on to occupy large areas of the country. The group targeted minorities and women and was responsible for crimes of mass destruction and genocide. As a result of the fight against terrorism, there were currently 3 million displaced persons in Iraq.

6. Nonetheless, free and fair general elections had been held in 2005, 2010 and 2014, and a number of independent bodies had been created. One of those bodies was the High Commission for Human Rights, which monitored the effective exercise of economic, social, cultural, political and other rights and had submitted a report to the Committee. The Government had also created the Ministry of Human Rights, which had operated for more than 10 years. Although, unfortunately, that body no longer possessed executive powers, it did continue to monitor the human rights situation in the country.

7. Under the new Constitution, which had been approved by a large majority of Iraqi citizens in a referendum in 2005, Iraq had also changed over from a highly centralized government structure to a federal system, and that shift had opened up many new opportunities for investment, ownership and democratic development for all members of Iraqi society. Before 2003 there had been no freedom of opinion in Iraq. Currently the country had hundreds of newspapers and magazines and scores of television stations, all of which operated without any interference from the State. Intellectuals were free to express their views, and vehicles of expression such as theatre and cinema, which had been closed down, were undergoing a revival. Many of the country's antiquities and heritage sites had been ransacked and destroyed, including the Baghdad Museum and, more recently, museums and archaeological sites in and around Mosul. The Government had embarked on an effort, in conjunction with international partners, to track the smuggling of antiquities and to secure their return.

8. The parliament which had emerged from the general elections of 2014 reflected the changes in Iraqi society; 25 per cent of the seats were occupied by women, and the new Government enjoyed not only national popularity but also international support in its war against ISIL. However, it was facing great economic difficulties, particularly due to the drop in oil prices and increased military expenditure, and the financing of many development projects around the country had had to be suspended. The priority of the current Government was to maintain the territorial integrity of the nation, guarantee basic services, lay the foundations for a democratic society and enable citizens to enjoy their rights in a manner consistent with the country's international commitments.

9. Iraq upheld the principles of gender equality and non-discrimination in the exercise of economic, social and cultural rights. Under recent legislation, and for the first time in the country's history, Iraqi women married to foreign men could pass on their nationality to their children. Measures had been taken to facilitate the establishment of civil society organizations. The law also protected freedom of worship and promoted education in minority languages such as Syriac and Mandaic.

10. **The Chairperson** said that it would be enlightening to explore the ties between the denial of rights under the Covenant and the rise of terrorism and extremism, particularly in the light of a recent United Nations study that linked those phenomena to poverty and unemployment.

11. **Ms. Bras Gomes** (Country Rapporteur) said that she first wished to assure the delegation that the Committee was fully aware of the grave difficulties faced by the State party, which had long been the scene of armed conflict. While the report contained ample information on legislative measures, public policies and programmes, there was very little mention of the results of those initiatives. She would therefore like to know which measures had actually been implemented and to obtain up-to-date disaggregated statistics that would enable the Committee to assess their outcomes. In particular, she would like to know whether it would be possible to obtain data on the impact of the emergency social protection network that had been established by the Ministry of Labour and Social Affairs in cooperation with the World Bank. In view of the increase in gender-based violence resulting from, among other things, the activities

of militias, she wondered what plans the Government had to institute a strong policy framework for the protection of women in line with the Covenant and what was being done to ensure that refugees and internally displaced persons in the State party could exercise all their economic, social and cultural rights, without discrimination. She would also like to know whether the projected strategic plan for displaced persons was informed by a human-rights-based approach, whether it included measures to protect those persons and returnees and whether it contained proposals for durable solutions. Lastly, she would be interested to learn whether the State party had any plans to ratify the Convention relating to the Status of Refugees, the Protocol thereto and the Convention relating to the Status of Stateless Persons.

12. **Mr. Ribeiro Leão** said that he would welcome up-to-date information on the incorporation of the Covenant into the national legal order and, in particular, on whether it could be invoked directly before the courts. He would also appreciate an assessment of the effectiveness of the international economic and technical assistance projects referred to in paragraphs 41 to 45 of the report, in particular in terms of their impact since 2011 in the areas of infrastructure, health and education. Lastly, he asked what strategies and public policies had been adopted to strengthen the protection of women's rights in view of the threat posed by the presence of ISIL in the territory of the State party.

13. **Mr. Uprimny** said that he would like to know what safeguards were in place to ensure the independence and impartiality of the judiciary. In view of the fact that, according to a World Bank report, poverty rates had fallen by only 4 per cent during the period of rapid economic growth from 2007 to 2012, he wished to know what steps the Government had taken and was planning to take to ensure the effective use of available resources to strengthen the enjoyment of economic, social and cultural rights. In that connection and in the light of reports of widespread corruption, he would be interested to learn what was being done to block illicit capital outflows, which had reportedly amounted to some US\$ 89 billion from 2005 to 2012 alone. Information would also be welcome on any action that was being taken to include sexual orientation as one of the prohibited grounds of discrimination in national legislation and to conduct investigations into attacks against lesbian, gay, bisexual and transgender (LGBT) persons. Lastly, he wished to know what the authorities were doing to increase the labour force participation rate of women.

14. **Mr. Kedzia** said that he would appreciate it if the delegation could clarify whether the High Commission for Human Rights was authorized to receive complaints from victims of human rights violations and, if so, whether it had an established procedure for dealing with such complaints. He would like to know whether reports that the Ministry of Human Rights and the Ministry of State for Women's Affairs had been dissolved were correct and, if so, why that decision had been taken. Was the Government considering ratifying the Optional Protocol to the Covenant?

15. **Mr. Abdel-Moneim** said that he first wished to recall that Iraq had been among the first States to ratify and implement the Covenant and that, in so doing, it had set an example for other States in the Arab region. Noting that the new Constitution contained a provision that recognized the Islamic sharia as the basic source of law, he asked what impact that had on the way in which the Government sought to fulfil its obligations under the Covenant.

16. **Ms. Shin** said that she found it regrettable that the State party's report devoted only one paragraph to article 3 of the Covenant on the equal rights of men and women. She hoped that the next report would provide considerably more information in that regard. The State party was to be congratulated on the amendment to the Nationality Act under which women now had the same right as men did to transmit their nationality to their children. In view of the reported abolition of the Ministry of State

for Women's Affairs, she wished to know which body was now responsible for dealing with gender equality issues. She would appreciate information on the status of the draft Jaafari personal status bill, which, if passed, would set the minimum age for marriage for girls at 9 years. Had any steps been taken to amend legislation that had a discriminatory impact on women with a view to bringing it into line with the Covenant? Lastly, she would like to know what was being done to protect women against violence and, in particular, to provide shelters for women victims of violence.

17. **Mr. De Schutter**, referring to paragraph 35 of the State party's report concerning efforts to mitigate the impact of the critical drought, said that it was important to develop strategies for disaster risk reduction in line with the Sendai Framework for Disaster Risk Reduction 2015-2030. The Framework outlined a people-centred preventive approach to risk reduction and highlighted the need for mechanisms that would make it possible to mount a swift, coordinated response to developing crisis situations. He would therefore like to know whether the Government was taking any action to ensure that the populations affected by repeated droughts were provided with relief and with support in order to enhance their resilience in the face of such crises.

18. **The Chairperson** asked whether human rights education was part of the school curriculum and, if so, whether it was based on international standards. He also enquired whether policymakers were familiar with the principles enshrined in the Covenant.

19. **Mr. Ribeiro Leão** said that he wished to know what steps had been taken to reverse the recent rise in unemployment. He would also like to know how the authorities went about implementing the legal minimum wage and whether it had been raised. He would appreciate up-to-date statistical information on workplace health and hygiene.

20. **Mr. Martynov** said that he would welcome statistics on youth and long-term unemployment and asked what measures were being adopted by the Government to address those problems, how large the informal economy was and what proportion of the Iraqi workforce was employed in it. Clarification would be appreciated as to whether discrimination in the workplace on grounds of disability was prohibited. How many persons with disabilities lived in the country and what government programmes were in place to promote their employment? Lastly, he would like to know whether Iraq was party to the International Labour Organization (ILO) Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) and, if not, whether the government intended to accede to it.

21. **Mr. Kedzia** asked whether the provision under which compulsory labour had been allowed and the restrictions on trade union activity and the right to strike that had been present in earlier legislation had been excised from the new labour law.

22. **Ms. Bras Gomes** said that more information on the provisions of the new labour law regarding equal pay for work of equal value and sexual harassment in the workplace would be useful. She asked whether the social security system provided assistance for all persons with disabilities and whether the Government envisaged establishing a social protection floor. Noting that pensions in Iraq did not provide an adequate standard of living, she wished to know whether the retirement ages for men and women would be aligned and whether there was a plan for alleviating the strain on the country's resources that was being exerted by the need to make social security payments to increasing numbers of persons wounded in terrorist attacks.

23. **The Chairperson** said that he would welcome information on child labour.

*The meeting was suspended at 4.30 p.m. and resumed at 4.55 p.m.*

24. **Mr. Janabi** (Iraq) said that, although poverty was one of the main drivers of radicalization, given the instability experienced by the country since its regime change in 2003, a clear link between poverty and terrorism could not be established. Terrorism was a global phenomenon, as was attested to by the large number of Westerners — who were not poor — travelling to Iraq to join the so-called Islamic State. However, it was true that if the entire population could share in the fruits of development, the country would be likely to witness a decrease in terrorism and extremism.

25. After years of dictatorship, wars and occupation, corruption was endemic in the country. A breakdown in law enforcement had fuelled corruption in some institutions, and terrorists had demanded protection money in some cities. However, the country was nonetheless moving towards a pluralistic, parliamentary system, and numerous reforms were being introduced. In some cases, those reforms had included the elimination of some ministries. It should be noted, however, that the Ministry of State for Women's Affairs and the Ministry of Human Rights had not been dismantled for any reason having to do with corruption, but rather because of budgetary constraints, and their functions had been assumed by other institutions, notably, in the latter case, the Independent High Commission for Human Rights.

26. The future effects of climate change would be magnified by the fact that neighbouring countries had constructed large dams along the Euphrates and Tigris rivers, which provided the majority of the country's water supply. Those dams could be used to restrict the flow of water into Iraq, leading to droughts, the destruction of biodiversity and increases in poverty in rural areas. Many of the environmental problems facing Iraq were regional or global in nature and needed to be addressed at the regional or global level. As for the effectiveness of the international cooperation projects referred to in paragraphs 41 to 45 of the report, it could be said that projects in the areas of development and the environment had helped to bring about a number of advances, but, unfortunately, the same could not be said for cooperation in the areas of education and health.

27. **Mr. Al-Jburi** (Iraq) said that delays in the promulgation of a number of bills were due to the fact that much of the legislation adopted before 2003 needed to be amended. Additionally, the fact that new legislation had to pass through a number of different legislative bodies before it could be enacted and that the financial implications of all bills must be carefully examined before they were voted on increased the delay. The Constitution provided for the separation of the judicial, executive and legislative branches of government and guaranteed the independence of the judiciary. Penalties for interference with the judiciary had been imposed in several cases involving members of local parliaments.

28. While the moral values of Iraqi society were founded in Islam, the official State religion, there was no discrimination against lesbian, gay, bisexual or transgender persons. While there were relatively few such persons in Iraq, they enjoyed full rights as citizens and could report any attacks to the authorities.

29. **Mr. Hlail** (Iraq) said that the Constitution contained provisions that afforded protection for all the rights set forth in the Covenant, and all Iraqi legislation and court rulings were in line with the Constitution. The Constitution stated that the Independent High Commission for Human Rights was subject to the supervision of parliament. Act No. 53 of 2008 governed the work of the Commission and guaranteed its financial and administrative independence in line with the Paris Principles. The Commission had been awarded category B status by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) and was competent to receive and investigate complaints. The Government had established a committee to address the situation of displaced persons. Approximately US\$ 500

million had been allocated for the construction of camps and assistance for such persons, and there was a plan for their eventual return to their homes.

30. **Ms. Al-Humary** (Iraq) said that recent conflicts had interfered with Iraqi women's enjoyment of their rights. However, the Constitution guaranteed the right to equality of opportunity for all Iraqis and provided that the State should adopt all necessary measures to that end. It also upheld the principle of non-discrimination on grounds of gender and the principle of equality for all Iraqis before the law. The reservation of Iraq to article 9 of the Convention on the Elimination of All Forms of Discrimination against Women regarding nationality had been withdrawn because women now enjoyed the same rights as men in that regard under Iraqi law. There were a series of laws that provided for the protection and promotion of women's rights and for their increased representation in decision-making positions.

31. Provisions and measures designed to assist the State party in fulfilling its international human rights obligations were in place in Iraqi legislation and in a number of different strategies, and government agencies' performance was subject to regular supervision. Commitments assumed under international instruments were incorporated into statutes that were then published in the Official Gazette and were thus part of Iraqi legislation, and legal studies aiming to harmonize domestic law with the Convention on the Elimination of All Forms of Discrimination against Women were under way. The bill that would have lowered the age of marriage to 9 years had been rejected by parliament; the minimum age was 18, with the approval of the judge who conducted the marriage. A national strategy for eradicating violence against women had been adopted in 2013.

32. **Mr. Dawood** (Iraq) said that, pursuant to the revised Labour Code and to Act No. 18 of 2015, which would enter into force 90 days after its publication in the Official Gazette, all citizens had the right to form and join trade unions. The Code also contained provisions on the minimum wage, which, in 2013, had been raised to 150,000 Iraqi dinars per month for private-sector workers.

33. **Mr. Tahseen** (Iraq) said that there were 13 ethnic groups in Iraq and that respect for the rights of ethnic minorities had increased significantly following the deposition of Saddam Hussein in 2003. Article 125 of the Constitution provided that all ethnic groups were equal before the law. Nevertheless, Iraq was struggling to cope with the challenges posed by multi-ethnicity and required support from the international community in that connection.

34. **Ms. Ravenberg**, noting that access to health care in Iraq was problematic for many vulnerable groups, said that she wished to draw the delegation's attention to the Committee's general comment No. 14 on the right to the highest attainable standard of health, which stipulated that health facilities, goods and services had to be made accessible without discrimination to everyone within a State party's jurisdiction. With that in mind, she asked what measures were being taken to make health care accessible and affordable for everyone and to ensure the availability of life-saving emergency services, medical supplies, reproductive health services and mental health care, particularly for women victims of gender-based violence.

35. **Mr. Pillay** said that he would appreciate receiving statistics on poverty and information on the results of poverty reduction efforts in the State party. He wished to know, in particular, what was being done to combat poverty in rural areas and among children, the Roma population and members of minority groups who had been deprived of their possessions by ISIL. He asked what corrective measures had been adopted in response to the acute housing shortage in Iraq, what factors accounted for the rise in homelessness, including among children, and whether any solutions for the problem had been found. He also wished to know what was being done to curb the

increase in the number of irregular settlements, how many forced evictions had been carried out and whether the State party had adopted a law on forced evictions that was in line with international standards and with the guidelines set out in the Committee's general comment No. 7 on the right to adequate housing. He would appreciate it if the delegation could describe any steps taken to address the deplorable living conditions of internally displaced persons, many of whom lacked basic supplies and lived in camps where they were exposed to harsh weather conditions. Did the Government plan to cut through the red tape associated with the return of internally displaced persons, the restitution of missing documents and the handling of compensation claims?

36. **Mr. Ribeiro Leão** asked whether, in view of the information contained in paragraphs 152 to 182 of the periodic report, the Government intended to draw up a cross-cutting plan to reduce poverty.

37. **Mr. Uprimny** said that he would like to invite the delegation to comment on reports that Iraq bore at least some responsibility for the breakdown of negotiations with Turkey over transboundary river flows, that problems with access to health care arose not because resources were scarce but because they were managed inefficiently, and that the cholera outbreak of September 2008 had been caused by the use of expired chlorine to treat the water supply. The information provided in the State party's replies to the list of issues regarding poverty reduction efforts and measures for promoting the establishment of small and medium-sized enterprises was lacking in details, and he therefore wished to know exactly what policies had been developed to reduce poverty, particularly in those regions where it was most extreme. Lastly, he wished to urge the State party to repeal or amend article 409 of the Criminal Code, which discriminated against women and provided for reduced sentences in cases involving so-called "honour" crimes.

38. **Mr. Mancisidor de la Fuente** said that he would be interested to hear the delegation's comments on reports that up to 40 per cent of health-care facilities in Iraq lacked trained staff and that, over the last 10 to 12 years, almost half of the health professionals in the country had emigrated and between 600 and 2,000 had been killed. He asked whether the demand for health workers had been evaluated and whether programmes were in place to train workers, retain those based in Iraq and facilitate the return of those who had left. Would the delegation also please explain why infant and maternal mortality rates, even in non-conflict areas, were so high and outline the steps being taken to lower them?

39. **Mr. Kerdoun** asked whether Iraq and Turkey had reached an agreement regarding the waters of the Euphrates and Tigris rivers and what results had been achieved by programmes designed to improve the drinking water supply.

40. **Ms. Bras Gomes** said that it would be helpful to receive information on the National Strategy to Combat Violence against Women for 2013-2017 and that, while the Committee welcomed information about the provisions of article 125 of the Constitution, it was more interested in learning about their implementation and the related difficulties.

41. She would appreciate it if the delegation could comment on reports that children born of illegal marriages were not entitled to birth certificates and that, outside the Kurdistan Region, non-governmental organizations were prevented from running shelters for women victims of violence. In reference to paragraph 130 of the periodic report, which concerned State hostels for minors suffering from the effects of family disintegration or the loss of one or both parents, she wished to know what was done to help to reintegrate those persons into society once they reached the age of 18.



42. **Mr. De Schutter** said that no information about the right to food had been provided in either the periodic report or the replies to the list of issues. Details on that subject would be welcome. He asked whether a strategy was in place to combat malnutrition and, if so, what it involved.

43. **The Chairperson**, speaking as a member of the Committee, asked whether any campaigns had been launched to combat obesity and heart disease.

*The meeting rose at 6 p.m.*