



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

### List of issues in relation to the fifth periodic report of Iraq\*

#### A. General information

1. Please provide information on measures taken by the State party to strengthen the judiciary and incorporate the provisions of the Covenant in its domestic legal order. Please explain how the measures presented in the State party report<sup>1</sup> have effectively strengthened the independence of the judiciary. Please present in detail the efforts undertaken to raise awareness, particularly among judges, lawyers and prosecutors, about the economic, social and cultural rights enshrined in the Covenant and their justiciability.<sup>2</sup> Please provide examples of cases in which the provisions of the Covenant have been invoked before the State party's domestic courts.

2. Please provide information on measures taken by the State party to incorporate economic, social and cultural rights in its post-conflict recovery and reconstruction efforts, across the State party, including in the Kurdistan Region. Please cite specific measures taken to identify and address the detrimental impact of armed conflict and terrorism on the State party's discharge of its Covenant obligations, paying attention to the economic, social and cultural rights of women, children, persons with disabilities, and ethnic and religious minorities.

3. Please provide information on and examples of the activities of the Iraqi High Commission for Human Rights pertaining to the promotion and protection of economic, social and cultural rights, in view of its accreditation with "A" status by the accreditation committee of the Global Alliance of National Human Rights Institutions. Please inform the Committee about measures taken to ensure a transparent selection process for the appointment of a commissioner. Please also provide information on the steps taken by the State party to ensure the protection of the independent work of civil society organizations and human rights defenders. In particular, please explain how they were consulted for the elaboration of the State party report and how civil society organizations and human rights defenders, and different sectors of society, are consulted in legislative processes and are able to participate in policymaking processes that concern issues related to economic, social and cultural rights, including in the context of the social movements and public protests against corruption, unemployment, and inequalities in accessing public services.

4. Please provide information on measures taken to ensure that the development projects across the State party respect economic, social and cultural rights, and that they are conducted on the basis of the principles of participation, accountability and non-discrimination. In particular, please explain any efforts undertaken to ensure the effective participation of civil society, social partners, rural communities, urban dwellers, women, persons with disabilities,

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\* Adopted by the pre-sessional working group at its seventieth session (7–11 March 2022).

<sup>1</sup> E/C.12/IRQ/5, paras. 9–12.

<sup>2</sup> Ibid., para. 8.



and ethnic and religious minorities in the planning, implementation and monitoring of development projects.

5. Please provide information on the progress made so far towards meeting its nationally determined contributions under the Paris Agreement or its targets for reduction in greenhouse gas emissions, also considering the role of oil extraction in the State party's economy. Please also describe efforts undertaken to address the harmful environmental impacts of armed conflict, including as a result of chemical pollution and explosive remnants, on the enjoyment of economic, social and cultural rights.

6. Please provide information on the efficacy of international assistance provided by the State party's development partners. Please provide information on the existing regulatory framework to ensure that public and private business entities under the State party's jurisdiction exercise human rights due diligence throughout their operations and are held accountable for violations of the rights under the Covenant. Please also provide data on cases brought by persons affected by such business operations and on the remedies available to them.

## **B. Issues relating to the general provisions of the Covenant (arts. 1–5)**

### **Maximum available resources (art. 2 (1))**

7. Please provide information on the evolution over the past 10 years of:

(a) The proportion of the population living below the nationally defined poverty line;

(b) The levels of inequality, defined both as the ratio between the total income accruing to the richest decile of the population and the total income of the poorest 40 per cent; and as the ratio between the assets owned by the richest decile of the population and the assets owned by the poorest 50 per cent;

(c) The proportion of public revenue that is generated through taxes;

(d) Tax rates levied on corporate profits and on personal income, the value added tax rate (exclusive of value added tax on certain items, including luxury items), and the percentage of total revenue that is generated from personal income tax collected from the richest 10 per cent of the population;

(e) Public expenditure as a percentage of gross domestic product and, within total public expenditure, the proportion of the public budget that is allocated to military spending and to social spending, including social security, food, water and sanitation, housing, health and education;

(f) Disaggregated data on the quantum of official development assistance received and spent in the social sector, including on education, health care, and infrastructure, that directly benefits the population, in particular disadvantaged and marginalized groups;

(g) The mechanisms to ensure that a substantial portion of oil revenues are used for guaranteeing the enjoyment of economic, social and cultural rights, especially of the most disadvantaged and marginalized groups;

(h) Any fiscal policy adopted to respond to the coronavirus disease (COVID-19) pandemic.

8. Taking note of the information provided by the State party on legislative and institutional measures taken to combat corruption, as well as their implementation,<sup>3</sup> please provide updated information on the number of cases of corruption prosecuted in the past five years, including information on cases of high-level corruption and on the sanctions imposed on the perpetrators. Please provide information on any cases of corruption that have come to light in projects undertaken with external funding, in particular from international financial institutions. Please also indicate any legislative or other measures that have been put in place

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<sup>3</sup> Ibid., paras. 20–25.

to protect whistle-blowers and to ensure the protection of and remedies for victims of corruption.

#### **Non-discrimination (art. 2 (2))**

9. Please provide information on steps taken to enact comprehensive anti-discrimination legislation to prohibit direct, indirect, multiple and intersecting forms of discrimination in the exercise of economic, social and cultural rights, on all prohibited grounds and in both the public and the private spheres. Please also provide information, including statistical data, on the progress made in tackling de facto discrimination against disadvantaged and marginalized groups whose access to economic, social and cultural rights has been hindered, paying attention to the situations of women, ethnic and religious minorities, refugees, internally displaced persons, persons with disabilities, and lesbian, gay, bisexual, transgender and intersex persons.

#### **Equal rights of men and women (art. 3)**

10. Please provide updated information on the progress made by the State party in conducting a review of its legislation with a view to repealing all the remaining provisions that discriminate against women.<sup>4</sup> Please provide information on the measures taken by the State party to identify and address the root causes of gender inequality that hinder women's equal access to economic, social and cultural rights, taking into account the multiple and intersecting discrimination faced by women victims of armed conflict and terrorism, women belonging to ethnic and religious minorities, women living in rural areas and women with disabilities. Please indicate the progress made by the State party in overcoming persistent gender stereotypes relating to the roles of men and women, which perpetuate gender inequality. Please provide information about measures taken to promote women's participation in political affairs and public administration, as well as high-level decision-making positions. Please also provide information on how the State party envisages addressing women's insufficient access to ownership of property, assets, land and other productive resources.

### **C. Issues relating to the specific provisions of the Covenant (arts. 6–15)**

#### **Right to work (art. 6)**

11. Please provide updated comprehensive data on the realization of the right to work, including on labour force participation, employment, unemployment, and underemployment, disaggregated by factors related to the most disadvantaged and marginalized groups, such as age, disability, sex, and regional and national origin, as well as by the sectors of the economy. Please indicate the progress made in increasing the employment rate, especially among the groups particularly affected by unemployment and underemployment, including but not limited to internally displaced persons, women, youth, persons with disabilities, Roma and persons of African descent. Please also provide information on any measures taken to progressively transition the informal sector of the economy into the formal sector. Please describe measures taken to address the various challenges to the realization of the right to work, taking into account the impact of armed conflict and of the COVID-19 pandemic.

#### **Right to just and favourable conditions of work (art. 7)**

12. Please provide information on measures taken to ensure the effective implementation of a minimum wage for all workers, including migrant workers, and in all sectors. Please explain how the State party undertakes periodic reviews of the minimum wage in order to index it to the cost of living.<sup>5</sup>

13. Please clarify whether the legal provisions within Law No. 104 of 1981 and the Penal Code entailing an obligation to work as part of imprisonment sentences for particular

<sup>4</sup> Ibid., para. 28.

<sup>5</sup> Ibid., para. 34.

offences have been repealed.<sup>6</sup> Please provide information on measures taken to prevent and combat the economic exploitation of children and the worst forms of child labour, including forced begging, commercial sexual exploitation, and recruitment of children by armed groups.

14. Please provide information on measures taken by the State party to strengthen its labour inspections mechanisms for occupational health and safety, in all sectors of the economy, paying particular attention to the construction and extraction sectors. Please provide statistical information on the occupational injuries and deaths that have taken place in the last 10 years, disaggregated by age group, disability, sex, region, national origin, occupation, and cause of occupational injury or death.

15. Please explain measures taken to ensure that workers have access to effective remedies, including through liability actions against their employers, and that they have accessible mechanisms that they can use to file complaints without intimidation by their employers. Please inform the Committee about measures taken to ensure that their complaints about working conditions are duly investigated, and that, where appropriate, penalties are applied against employers. Please provide examples of such cases in the last five years, including statistical data on investigations conducted, penalties imposed and remedies provided.

#### **Trade union rights (art. 8)**

16. Please provide information on the extent to which workers in different sectors of the economy can freely form and join the trade union of their choice and can participate in trade union activities (E/C.12/IRQ/CO/4, paras. 35–36). Please provide information on the State party's legal framework with regard to conditions and restrictions in relation to the exercise of trade union rights, including the right to strike.

#### **Right to social security (art. 9)**

17. Please provide updated information on the State party's legal framework in relation to social security,<sup>7</sup> and on measures taken to enforce its implementation across the country, including in the Kurdistan Region. Please provide statistical data to inform the Committee about social security coverage and access in the State party, disaggregated by age group, disability, sex, region, national origin, employment status and socioeconomic status. Please describe measures taken to ensure that social security benefits are sufficient to provide the recipients with an adequate standard of living.

#### **Protection of the family and children (art. 10)**

18. Please provide information on any legislative measures taken or planned in order to provide parental leave for mothers and fathers during a period before and after childbirth, explaining the impact of any existing legislation on the protection of the family and children. Please also provide information on measures taken to tackle barriers to accessing civil documentation, the lack of which prevents birth registration as well as access to education and health-care services. While noting the information provided by the State party in relation to the legislative developments in the Kurdistan Region,<sup>8</sup> the Committee requests the State party to provide additional information with regard to the national legal framework – particularly on the status of the draft law on protection from domestic violence and of the draft law on protection of the rights of the child, as well as on the State party's commitment to repeal discriminatory or harmful provisions, such as articles 128, 130, 131, 398 and 409 of the Penal Code, in order to ensure zero tolerance for gender-based violence.<sup>9</sup>

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<sup>6</sup> E/C.12/IRQ/CO/4, para. 33; and E/C.12/1/Add.17, para. 15.

<sup>7</sup> E/C.12/IRQ/CO/4, para. 38.

<sup>8</sup> E/C.12/IRQ/5, para. 157.

<sup>9</sup> E/C.12/IRQ/CO/4, para. 40 (c) and (d).

**Right to an adequate standard of living (art. 11)**

19. Please provide information on the impact of the anti-poverty measures described in the State party report,<sup>10</sup> including the poverty reduction strategy (running from 2018 to 2022), and on reducing the reportedly very high rates of poverty and extreme poverty. Please specify any targeted measures taken to reduce poverty among disadvantaged and marginalized populations, including victims of armed conflict and terrorism, refugees, internally displaced persons, people living in rural and deprived urban areas, women and girls, persons with disabilities, and ethnic and religious minorities. Please also explain measures taken to improve food security and nutrition, and provide updated disaggregated statistical data on the prevalence of undernutrition and malnutrition in the State party, including on wasting, stunting, overweight, and obesity.<sup>11</sup>

20. Please provide information on the progress made by the State party in meeting the housing needs of its population and addressing homelessness. Please include the results achieved under the State party's various housing-related plans and programmes, including its targets under the national development plan (of 2018–2022) with regard to the construction of 700,000 housing units.<sup>12</sup> Please provide information on measures taken to facilitate for forcibly displaced persons, including members of ethnic and religious minorities, access to effective recourse that allows for property restitution or return to their land, and appropriate compensation. Please also provide information on the progress made in improving the housing conditions of refugees and internally displaced persons and in ensuring their access to adequate housing with access to safe drinking water, sanitation, energy, and waste disposal services. Please also describe the efforts undertaken to address the energy shortage and the consequent electricity outages in the State party.

21. Please provide information on the efforts undertaken by the State party to improve its population's access to safe drinking water and adequate sanitation facilities, including in rural and deprived urban areas. Please include further information on measures taken by the State party to address its water crisis, taking into account the impact of climate change. In particular, please provide information on any measures taken to develop a human rights-based strategy on drought preparedness, to engage with neighbouring countries to ensure the fair and equitable use of the river courses within its territory, and to build the resilience of relevant sectors of its economy to water scarcity and environmental shocks.

**Right to physical and mental health (art. 12)**

22. Please provide information on measures taken to improve access to primary and secondary health care and services across the State party, including in rural and deprived urban areas, as well as in areas that have been affected by armed conflict and terrorism. Please also inform the Committee about measures taken to address the shortage of health facilities, medical doctors and skilled health professionals, medicines, and medical supplies.<sup>13</sup>

23. Please inform the Committee about the measures in place to contain the spread of COVID-19, the tools and methods used to monitor the prevalence of COVID-19, and the services rendered to patients and affected communities. Please describe the progress made by the State party in ensuring access to safe and affordable vaccination of its population against COVID-19, providing statistical data disaggregated by age group, disability, sex, region and national origin. Please describe efforts undertaken to ensure that COVID-19-related health care and services are accessible for women, refugees, internally displaced persons, and persons deprived of their liberty.

24. Please inform the Committee about measures taken by the State party to improve access to sexual and reproductive health care and services and information, as well as to mandatory, age-appropriate education on sexual and reproductive health and rights. Please provide information on measures taken to ensure that sexual and reproductive health care and services and information are available and accessible to all throughout the country.

<sup>10</sup> E/C.12/IRQ/5, paras. 210–215.

<sup>11</sup> E/C.12/IRQ/CO/4, para. 50.

<sup>12</sup> E/C.12/IRQ/5, para. 218.

<sup>13</sup> E/C.12/IRQ/CO/4, para. 54.

25. Please provide information on measures taken by the State party to bring its mental health-related laws and policies into line with international standards. Please provide information on measures taken to develop a wide range of community-based mental health care and services. Please also inform the Committee about safeguards put in place to ensure that the provision of mental health care and services is based on the free and informed consent of the individual concerned, noting the recommendations made to the State party by the Committee on the Rights of Persons with Disabilities.<sup>14</sup> Please specify any measures taken to ensure access to mental health care and services for populations that have been affected by armed conflict and terrorism, including any targeted measures for women, children, persons with disabilities, and ethnic and religious minorities.

**Right to education (arts. 13–14)**

26. Please provide information on measures taken by the State party to strengthen its public education sector and enhance the availability, accessibility, affordability and quality of primary and secondary education across the State party on a non-discriminatory basis. Taking into account the information provided in the State party report with regard to access to education,<sup>15</sup> please provide updated statistical data on the school enrolment, dropout and irregular attendance rates in primary, secondary and higher education and vocational training, as well as on educational achievement and results, disaggregated by age group, disability, sex, region (including the Kurdistan Region), ethnicity, national origin and socioeconomic status. Please also indicate measures taken to analyse and address the challenges faced by disadvantaged and marginalized children with regard to having access to inclusive education, paying particular attention to children affected by armed conflict and terrorism, girls, refugee children, internally displaced children, children from low-income families, children with disabilities, children from ethnic and religious minorities, and children living in rural and deprived urban areas.

**Cultural rights (art. 15)**

27. Please provide information on measures taken by the State party to promote and raise awareness of the cultural diversity and rich composition of Iraqi society, paying particular attention to cultures of ethnic and religious minorities. Please explain the progress made towards protecting and restoring sites and objects with cultural heritage significance, which were damaged, looted or destroyed during armed conflict, including by the terrorist group Da'esh. Please describe measures put in place to seek technical cooperation and international assistance, and to facilitate consultations with the communities affected, with regard to the protection and restoration of such sites and objects.

28. Please describe the measures taken or planned in order to increase research and development expenditure in the fields of applied sciences and their medical, industrial or agricultural applications, as well as in the social sciences and humanities. Please also inform the Committee about measures taken to ensure the equitable distribution of such expenditure across all sectors and regions to guarantee equitable access to the benefits of scientific progress and its applications, including for disadvantaged and marginalized groups. Please also provide information on measures taken to enhance access to information and communications technology across the State party, including measures to expand access to the Internet and digital technologies in rural and deprived urban areas.

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<sup>14</sup> CRPD/C/IRQ/CO/1, para. 28 (a).

<sup>15</sup> E/C.12/IRQ/4, paras. 245–251.